

## DEVELOPMENT AGREEMENT

This Development Agreement (the Agreement) is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF FRESNO, a municipal corporation, (the City) and Fagundes Bros. Dairy, a \_\_\_\_\_ (Developer). City and Developer are hereinafter sometimes collectively referred to as the "Parties" and each may be referred to as a "Party".

### RECITALS

A. Pursuant to Sections 65864 through 65869.5 of the California Government Code (the Development Agreement Laws), the City is authorized to enter into binding development agreements with Persons (as hereinafter defined) having legal or equitable interest in real property for the development of such real property. As a Charter City, the City may not be limited to the Development Agreement Laws to enter into development agreements. Nevertheless, the City has elected to enter this Agreement under the Development Agreement Laws and in accordance with Fresno Municipal Code Sections 15-6001 et seq..

B. The following applications were filed with the City in connection with the planning of a 133.72± acre area in the City, which is bounded generally by West Whitesbridge Avenue on the north, West Madison Avenue on the south and is bisected by South Valentine Avenue, whose legal description is attached hereto as Exhibit "A" (the Oasis Master Plan Area):

B(1) An application for this Development Agreement (the DA Application).

B(2) Applications for Vesting Tentative Tract Maps for the Oasis Master Plan Area (the Tract Map Applications) pursuant to Section 15-3401 and Section 15-3501 et seq. of the Fresno Municipal Code, which include: Revised Phased Vesting Tentative Subdivision Map for Tract No. 5456, establishing 210 single family residential lots (Tract Map 5456); Revised Phased Vesting Tentative Subdivision Map for Tract No. 5463, establishing 305 single family residential lots (Tract Map 5463); Phased Vesting Tentative Subdivision Map for Tract No. 6183, establishing 66 single family residential lots (Tract Map 6183); and Vesting Tentative Subdivision Map for Tract No. 6184, establishing 18 single family residential lots (Tract Map 6184) (collectively, the Current Tract Maps, and singularly, a Current Tract Map). The Current Tract Maps provide for the subdivision of the Oasis Master Plan Master Plan Area into 599 separate single family residential lots (the Permitted Parcels). The Current Tract Maps are depicted on attached Exhibits "B-1" through "B-4". The location and adjacencies of the Current Tract Maps is further depicted on attached Exhibit "D".

B(3) The DA Application together with the Current Tract Maps are hereinafter sometimes collectively referred to as the Oasis Master Plan Project Applications.

C. Subsequent to the filing of the Oasis Master Plan Applications, an Initial Study and a Notice of Intent to Adopt a Mitigated Negative Declaration (MND), dated June 26, 2020

was prepared and the MND was circulated pursuant to the requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.) and the Guidelines thereunder (14 California Code of Regulations Section 15000, et seq.) (collectively, CEQA).

D. On [DATE], at a duly noticed public meeting and after due review and consideration of (i) the report of City staff on the Oasis Master Plan Development Agreement, (ii) all other evidence heard and submitted at the public hearing, and (iii) all other appropriate documentation and circumstances, the Planning Commission of the City adopted resolutions recommending the City Council: (1) reaffirm adopt a Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15070; (2) approve the Initial Oasis Master Plan Applications, subject to the express conditions of approval set forth therein (collectively, the Conditions of Approval); and (3) approve this Agreement.

E. All required fees and costs have been paid for the filing, and the City's processing of, the Oasis Master Plan Applications.

F. Developer filed the DA Application for approval of this Agreement in order to: (1) vest the land use and zoning policies established in the Existing City Requirements (as hereinafter defined) as of the Adoption Date (as hereinafter defined) of this Agreement for the duration of the Term (as hereinafter defined) with respect to the Oasis Master Plan Area; and, (2) memorialize certain other agreements made between the City and Developer with respect to the Oasis Master Plan Area. The City and Developer acknowledge the development and construction of the Oasis Master Plan is a large-scale undertaking involving major investments by Developer, with development occurring over a period of years. Certainty that the Oasis Master Plan can be developed and used in accordance with the Existing City Requirements as of the Adoption Date of this Agreement will benefit the City and Developer and will provide the Parties certainty with respect to implementation of the policies set forth in the Fresno General Plan and the Existing City Requirements.

G. The City has determined this Agreement furthers the public health, safety, and general welfare, the provisions of this Agreement are consistent with the goals and policies of the Fresno General Plan. For the reasons recited herein, the City and Developer have determined the Oasis Master Plan is a development for which this Agreement is appropriate. This Agreement will eliminate uncertainty regarding Oasis Master Plan and certain subsequent development approvals, thereby encouraging planning for, investment in and commitment to use and develop the Oasis Master Plan Area. Continued use and development of the Oasis Master Plan Area is anticipated to, in turn, provide the following substantial benefits and contribute to the provision of needed infrastructure for area growth, thereby achieving the goals and purposes for which the Development Agreement Laws were enacted: (1) Provide for the development of unused land; (2) Provide increased tax revenues for the City; (3) Provide for jobs and economic development in the City; (4) Provide infrastructure improvements; and, (5) Meet the goals of the Fresno General Plan to create "Complete Neighborhoods" that will reduce vehicle trips and serve all segments of the City. It is based upon these benefits to the City that

the City is agreeable to proceeding with the approval of the Oasis Master Plan Applications and Subsequent Maps to facilitate the Oasis Master Plan.

H. The City has further determined it is appropriate to enter into this Agreement to: (1) provide certainty to encourage investment in the comprehensive development and planning of the Oasis Master Plan; (2) secure orderly development and progressive fiscal benefits for public services, improvements and facilities planning for the Oasis Master Plan Area and neighboring areas; and, (3) fulfill and implement adopted City plans, goals, policies and objectives.

I. This Agreement will survive beyond the term or terms of the present City Council.

J. On \_\_\_\_\_, at a duly noticed public meeting and after due review and consideration of (i) the report of City staff on the Oasis Master Plan Development Agreement, (ii) the recommendations of the Planning Commission, (iii) all other evidence heard and submitted at the duly noticed public hearing conducted and closed on \_\_\_\_\_, and (iv) all other appropriate documentation and circumstances, the City Council adopted resolutions to: (a) Reaffirm the MND pursuant to CEQA Guidelines Section 15070; (b) introduce and adopt ordinances to approve this Agreement; and (c) authorize the City Manager to finalize and execute this Agreement on behalf of the City (collectively, the City Council Resolutions and Ordinances) consistent with Council action.

K. On October 7, 2020, the Planning Commission of the City approved of the Tract Map 6183 and Tract 6184 Applications, subject to the express conditions of approval set forth therein and subject to the applicable appeal periods for each of the approvals. On September 28, 2020, the City of Fresno City Manager approved the minor revisions and issued revised conditions for Tract Map 5456 and Tract Map 5463 subject to the express conditions of approval set forth in revised condition of approval dated September 28, 2020.

L. The Oasis Master Plan Applications, in the form as approved in the manner described in Recital Paragraphs J through K, are referred to herein as the Oasis Master Plan Approvals.

NOW, THEREFORE, with reference to the above Recitals, and in consideration of the mutual covenants and agreements contained in this Agreement, the City and the Developer agree as follows:

## AGREEMENT

### ARTICLE 1. INTERESTS OF DEVELOPER

Section 1.1 Definitions. For purposes of this Agreement, the following terms shall have the meanings set forth below:

"Tract 5456" means certain unimproved real property consisting of approximately +/- 48.56 acres (gross)/46.60 acres(net), which is delineated on Exhibit "B-1".

"Tract 5463" means certain unimproved real property, consisting of approximately +/- 60.14 acres(gross) 56.91 acres(net), which is delineated on Exhibit "B-2".

"Tract 6183" means certain unimproved real property, consisting of approximately +/- 20.09 acres(gross) 17.76 acres(net), which is delineated on Exhibit "B-3".

"Tract 6184" means certain unimproved real property, consisting of approximately +/- 4.28 acres(gross) 3.77 acres(net), which is delineated on Exhibit "B-4".

Section 1.2 Recordation of Agreement. Within ten business days following mutual execution of this Agreement by the City and Developer, the City shall cause this Agreement to be recorded in the official records of Fresno County, California (the Official Records) with respect to the Oasis Master Plan Area. Following the recordation of this Agreement in the Official Records, the City shall deliver to Developer a conformed copy of this Agreement evidencing the recording information.

Section 1.3 Binding Covenants. The Developer represents it has a legal or equitable interest in the Oasis Master Plan Area and all other persons holding legal title in the Oasis Master Plan Area are bound by this Agreement. It is intended and determined that the provisions of this Agreement shall constitute covenants which shall run with the Oasis Master Plan Area property, and the burdens and benefits hereof shall bind an inure to all successors in interest to the Parties.

## ARTICLE 2. TERM OF AGREEMENT

Section 2.1 Definitions. For purposes of this Agreement, the following shall have the meanings set forth below:

"Adoption Date" means the date on which the City Council adopted the ordinance approving this Agreement and authorizing the City Manager to execute this Agreement on behalf of the City.

"Effective Date" means the later of: (a) thirty days after the Adoption Date; or, (b) if a referendum petition is timely and duly circulated and filed with respect to this Agreement, the date the election results on the ballot measure by City voters approving this Agreement are certified by the City Council in the manner provided in the Elections Code.

"Laws" means the Constitution and laws of the State, the Constitution of the United States, and any codes, statutes, regulations, or executive mandates thereunder, and any court decision, State or federal, thereunder.

"State" means the State of California.

"Terminate" means the expiration of the Term of this Agreement, whether by the passage of time or by any earlier occurrence pursuant to any provision of this Agreement. The term "Terminate" includes any grammatical variant thereof, including "Termination" or "Terminated".

Section 2.2 Term. The term of this Agreement (the Term) shall commence on the Effective Date and shall continue for a period of ten (10) years following the Effective Date with two (2) optional two (2)-year extensions and the discretion of the City; provided that such period shall be extended for any events of Force Majeure pursuant to Section 12.1 and during the pendency of any legal action challenging: (a) approval of any of the Oasis Master Plan Applications (including adoption of this Agreement); (b) the reaffirmation by the City Council of the MND; or, (c) the approval of any Subsequent Maps. Any extension based upon an event described in this Section 2.2 shall be granted pursuant to the procedures set forth Section 12.2.

Section 2.3 Effect of Termination. Termination of this Agreement shall not: (a) alter, impair or otherwise affect any City Permits or earned credits for the Oasis Master Plan that were issued by the City prior to the date of Termination; or, (b) prevent, impair or delay Developer from (i) commencing, performing or completing the construction of any buildings or improvements in the Oasis Master Plan or (ii) obtaining any certificates of occupancy or similar approvals from the City for the use and occupancy of completed buildings or improvements in the Oasis Master Plan, that were authorized pursuant to City Permits for such construction issued by the City prior to the date of Termination. Nothing herein shall preclude the City, in its discretion, from taking any action authorized by Laws or Existing City Requirements to prevent, stop or correct any violation of Laws or Existing City Requirements occurring before, during or after construction of the buildings and improvements in the Oasis Master Plan by Developer.

### ARTICLE 3. DEVELOPMENT OF THE PROJECT

Section 3.1 For purposes of this Agreement, the following shall have the meanings set forth below:

"Applicable Rules" collectively means: (a) the terms and conditions of the approved Oasis Master Plan Applications; (b) the terms and conditions of this Agreement; and (c) the Existing City Requirements. In addition, the Applicable Rules include construction of the Neighborhood Park Amenities (defined below) In addition, with respect to the Current Tract Maps and all Subsequent Maps, such maps shall comply with all applicable requirements of Government Code Section 66473.7.

"City Agency" means any office, board, commission, department, division or agency of the City.

"City Permits" collectively means any and all permits or approvals that are required under the City Requirements in order to develop, use and operate the Oasis

Master Plan, other than: (a) the Oasis Master Plan Approvals; (b) Subsequent Maps; and, (c) Future Discretionary Approvals (as hereinafter defined) that the Developer may elect to obtain from the City pursuant to Section 3.4. "City Permits" specifically include, without limitation, building permits and Technical City Permits.

"City Requirements" collectively means all of the following that are in effect from time to time: (a) the Charter of the City of Fresno; (b) the Fresno Municipal Code; and (c) all rules, regulations and official plans and policies, including the Fresno General Plan of the City governing development, subdivision and zoning. The City Requirements include, without limitation, requirements governing building height, maximum floor area, permitted and conditionally permitted uses, floor area ratios, maximum lot coverage, building setbacks and stepbacks, parking, signage, landscaping, Exactions (as hereinafter defined) and dedications, growth management, environmental consideration, grading, and construction.

"Developer Approved Changes" means those amendments, revisions or additions to the City Requirements adopted or enacted after the Adoption Date that: (a) Developer elects, in its sole discretion, to have applied to the development and occupancy of the Oasis Master Plan and the Oasis Master Plan Area during the Term of this Agreement; and (b) the Planning Director approves such application, which approval shall not be unreasonably withheld.

"Existing City Requirements" means the City Requirements that are in effect as of the Adoption Date of this Agreement.

"Permitted Rules Revisions" collectively means the following: (a) any Minor Changes to this Agreement that are proposed by Developer and approved by the City in accordance with Section 3.3; (b) any Future Discretionary Approvals applied for by Developer and approved by the City pursuant to Section 3.4; (c) any Authorized Code Revisions under Section 3.5 that are uniformly applied on a City-wide basis; and (d) written amendments to this Agreement mutually executed by City and Developer pursuant to Section 15.2. Notwithstanding the foregoing, Permitted Rules Revisions shall not include any new construction plans or specifications for the Neighborhood Parks (defined below) beyond those set forth in the Neighborhood Park Specifications defined below, unless such change in specification is the result of a change in state or federal law concerning improvements associated with public health and safety or unless such change proposes minor revisions to the Subdivision Maps to facilitate the aggregation of the two pocket parks within Tracts T-5456 and 5463 into one 2-acre neighborhood park within the boundary of T-5463 and/or park. No specific drawings or cost estimates for the proposed park are included in this agreement.

"Planning Director" means the Director of the Planning and Development Department of the City of Fresno.

"Subdivision Maps" means Vesting Tentative Subdivision Maps, Tentative Subdivision Maps, and Final Subdivision Maps, as those terms are defined in the Subdivision Map Act (Government Code Section 66410 et seq).

"Technical City Permits" collectively means any of the following technical permits issued by the City or any City Agency in connection with any building or improvement in the Oasis Master Plan: (a) demolition, excavation and grading permits; (b) foundation permits; (c) permits for the installation of underground lines and facilities for utilities, including without limitation, water, sewer, storm drain and dry utilities (electrical, gas, phone and cable); (d) any encroachment permits; and (e) any street improvement permits, including without limitation, permits for street lighting and traffic signals. "Technical City Permits" specifically excludes building permits from the City or any City Agency for the construction of particular buildings or improvements in the Oasis Master Plan.

### Section 3.2 Applicable Rules.

(a) Except for the Permitted Rules Revisions and any Developer Approved Changes, Developer shall have the right to develop and occupy the Oasis Master Plan (including the filing and attainment of approval of further Subdivision Maps) during the Term in accordance with the Applicable Rules. In the event of any conflict between the provisions in this Agreement, the Oasis Master Plan Approvals and the Existing City Requirements, such conflict shall be resolved in the following order of priority: (a) first, this Agreement; (b) then, the Oasis Master Plan Approvals; and, (c) finally, the Existing City Requirements.

(b) Except for the Permitted Rules Revisions and any Developer Approved Changes, no amendment to, revision of, or addition to any of the City Requirements that is adopted or enacted after the Adoption Date shall: (i) be effective or enforceable by the City with respect to the Oasis Master Plan or the Oasis Master Plan Area; or, (ii) modify or impair the rights of Developer under this Agreement during the Term without the Developer's written approval, whether such amendment, revision or addition is adopted or approved by: (a) the City Council; (b) any City Agency; or (c) by the people of the City through charter amendment, referendum or initiative measure.

### Section 3.3 Minor Changes.

(a) The Parties acknowledge further planning and development of the Oasis Master Plan may demonstrate refinements and changes are appropriate with respect to the details and performance of the Parties under this Agreement. The Parties desire that Developer retain a certain degree of flexibility with respect to the details of the development of the Oasis Master Plan and with respect to those items covered in general terms under this Agreement, pursuant to the authorities established by Fresno Municipal Code Section 15-6009-B. Therefore, if and when Developer finds that Minor Changes (as hereinafter defined) are necessary or appropriate, then, upon written request by Developer, the Parties shall, unless otherwise required by Laws, effectuate such changes or adjustments through administrative amendments executed by the Developer and the

City Manager or his or her designee, which, after execution, shall be attached hereto as addenda and become a part hereof; and may be further changed and amended from time to time as necessary, with approval by the City Manager and the Developer.

(b) The term "Minor Changes" collectively means: (a) minor deviations to the Oasis Master Plan Approvals that are permitted under the Existing City Requirements and are reasonably approved by the Planning Director; (b) changes or modifications to the Current Tract Maps that are implemented by Developer prior to recordation of a Final Map in the Official Records with respect to the area covered by a Current Tract Map, provided that (i) changes are implemented for purposes of effectuating the Neighborhood Park referenced within this agreement (ii) the total number of Permitted Parcels established by a Current Tract Map does not exceed the density permitted by the zoning on such lands under the Applicable Rules and (iii) the changes and modifications are approved by the Planning Director, which approval shall not be unreasonably withheld or denied.

(c) In effecting any Minor Changes, the City shall cooperate with the Developer, provided the aggregate total density and intensity of the Oasis Master Plan is not increased, the permitted uses are not modified from those in the Oasis Master Plan Approvals and any changes are in accordance with the Existing City Requirements. Minor Changes shall not be deemed an amendment to this Agreement under California Government Code Section 65868 but are ministerial clarifications and adjustments, and unless otherwise required by law, no such administrative amendments shall require prior notice or hearing by the Planning Commission and City Council. All changes not considered Minor Changes will be considered Major Changes and shall require Council approval. Any amendment or change requiring a subsequent or supplemental environmental impact report pursuant to CEQA shall not be considered a Minor Change but shall be considered substantive amendment which shall be reviewed and approved by the Planning Commission or the City Council as determined by the applicable provisions of the Fresno Municipal Code relating to the hearing and approval procedures for the specific Oasis Master Plan Approval.

Section 3.4 Future Discretionary Approvals. Nothing in this Agreement is intended, should be construed or shall operate to preclude or otherwise impair the rights of Developer from applying to the City during the Term of this Agreement for any of the following new approvals with respect to any proposed buildings and improvements in the Oasis Master Plan Project (collectively, the Future Discretionary Approvals): (a) any new variance, Development Permit, or Conditional Use Permit that is required under the Existing City Requirements; and, (b) any other approval (i) which is not otherwise addressed or set forth in this Agreement and (ii) which the Existing City Requirements mandate must be reviewed and approved by the Planning Commission or City Council. The City shall process, review and approve or disapprove any application for a Future Discretionary Approval filed by Developer in accordance with the City Requirements then in effect. The approval by the City of an application by Developer for a Future Discretionary Approval shall not require an amendment of this Agreement.

Section 3.5 Authorized Code Revisions. This Agreement shall not prevent the City from applying to the Oasis Master Plan Project the following rules, regulations and policies adopted or enacted after the Adoption Date, if uniformly applied on a City-wide basis (collectively, the Authorized Code Revisions):

(a) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure, provided that such changes in procedural regulations do not have the effect of materially interfering with the substantive benefits conferred to Developer by this Agreement.

(b) Regulations which are not in conflict with this Agreement and which would not, alone or in the aggregate, cause development of the Oasis Master Plan Project to be materially different, more burdensome, time consuming or expensive.

(c) Regulations which are necessary to avoid serious threats to the public health and safety, provided that, to the maximum extent possible, such regulations shall be construed and applied in a manner to preserve the substantive benefits conferred to Developer by this Agreement.

(d) Mandatory regulations of the State and the United States of America applicable to the Oasis Master Plan Project, provided that, to the maximum extent possible, such regulations shall be construed and applied in a manner to preserve to the Developer the substantive benefits conferred to Developer by this Agreement.

(e) City Requirements imposing life safety, fire protection, mechanical, electrical and/or building integrity requirements with respect to the design and construction of buildings and improvements, including the then current applicable building codes.

Section 3.6 No Obligation to Develop. Nothing in this Agreement is intended, should be construed nor shall require Developer to proceed with the construction of any improvements in the Oasis Master Plan Area. The decision to proceed or to forbear or delay in proceeding with the implementation or construction of the Oasis Master Plan or any buildings or improvements on the Oasis Master Plan Area shall be in the sole discretion of Developer and the failure of Developer to proceed with construction of the Oasis Master Plan or any such buildings or improvements on the Oasis Master Plan Area shall not: (a) give rise to any rights of the City to terminate this Agreement; or, (b) constitute an Event of Default (as hereinafter defined) or give rise to any liability, claim for damages or cause of action against Developer.

Section 3.7 Hold on Certificate of Occupancy. Except as otherwise provided in Section 5.2(c), the City reserves the right to place a hold on the issuance of a Certificate of Occupancy for a building in the Oasis Master Plan in the event the Existing City Requirements or Conditions of Approval with respect to that building have not been

substantially completed by Developer or in the interest of preserving health and safety as reasonably determined by the Director.

Section 3.8 Final Map. Pursuant to the requirements of the Subdivision Map Act and the City's Parcel Map Ordinance, if at the time the Developer requests the City approve and record a Final Map for all or some of the parcels delineated in the approved Current Tract Maps or subsequent Subdivision Maps that conform to the uses and densities detailed in Exhibits "C", Developer has not complied with the applicable conditions of approval for a Final Map, as reasonably determined by the City Engineer, Developer shall execute a Subdivision Agreement with respect to such Final Map, provided that the Subdivision Agreement shall not impose City Development Fees or Exactions beyond those provided for in Section 5.2 and Section 5.3 below.

#### Section 3.9 Timing of Improvements.

Neighborhood Park must be developed and operational by the time of issuance of the 200<sup>th</sup> certificate of occupancy of Tract 5463. In order to ensure the Neighborhood Park is developed, Developer(s) shall pay all Park Facility Impact fees and be reimbursed upon the park being developed and operational. If multiple Developers construct maps within the Oasis Master Plan Area, reimbursement of the Park Facility Impact Fee shall be paid to the Developer constructing the park..

All other improvements shall be installed as outlined in the conditions of approval attached as Exhibit F-1, F-2, F-3 and F-4.

### ARTICLE 4. CITY PERMITS AND SUBDIVISION MAPS

Section 4.1 Review and Processing of City Permits. Except as otherwise expressly provided in this Agreement, all City Permits required for the construction and development of the Oasis Master Plan Project and any buildings and improvements therein which comply with the requirements of the Applicable Rules: (a) shall be issued over-the-counter by the Planning Director or the director of the other applicable City Agency having responsibility for the issuance of such City Permits; (b) shall not require the approval of the Planning Commission, City Council or any other City board or commission; and, shall not require a public hearing. A Public Hearing for annexation into a Community Service District is anticipated. Notwithstanding the foregoing, the City shall not impose new construction plans or specifications, or amenities for the Neighborhood Park Amenities beyond those set forth in the Neighborhood Park Development and Dedication (Section 5.2(c)) defined below, unless such change is imposed based upon a circumstance that would otherwise satisfy the standards for an Authorized Code Revision.

Section 4.2 Review and Processing of City Permits for Off-Site Improvements. City Permits required for Off-Site Improvements (as hereinafter defined), including, but not limited to, construction plans for the streets, sidewalks, street lighting, median landscaping, sewer lines, water lines, reclaimed water mains and system and traffic signals, must comply with the requirements of the Applicable Rules; provided the City may impose policies, ordinances and standards in effect at the time the applications for City Permits for the Off-Site Improvements are submitted to the City, if and only if, all of the following conditions are met: (i) such policies, ordinances and standards shall not impose any new City Development Fees (as hereinafter defined) or increase the amount

of any City Development Fees on the Oasis Master Plan over and above the Required Development Fees (as hereinafter defined); (ii) such policies, ordinances and standards shall not impose any Exaction on the Oasis Master Plan Project other than the Required Exactions (as hereinafter defined); and, (iii) in the reasonable determination of the City Engineer, such policies, ordinances and standards shall not substantially increase the costs to Developer of the construction of the Off-Site Improvements or substantially increase the time required by Developer for the construction of the Off-Site Improvements.

Section 4.3 Review and Processing of Subsequent Maps. Except as otherwise expressly provided in this Agreement, for all Subsequent Maps for the Oasis Master Plan which comply with the Vested Uses and the requirements of the Applicable Rules, the City shall endeavor to process and schedule final approval of such applications within the following time frames: where the CEQA compliances are based on: (a) the approved MND or an addendum thereto, ninety (90) days; (b) a subsequent MND or Negative Declaration, one hundred twenty (120) days; and, (c) an EIR, one hundred eighty (180) days.

Section 4.4 Duration of City Permits and Oasis Master Plan Approvals. Notwithstanding any provisions in the Oasis Master Plan Approvals, Subsequent Maps, the City Permits, the Existing City Requirements and the Permitted Rules Revisions that may establish earlier expiration dates for the Oasis Master Plan Approvals, Subsequent Maps, or the City Permits, the Parties mutually acknowledge and agree, pursuant to the provisions of California Government Code Sections 66452.6(a) and 65863.9, the Oasis Master Plan Approvals (including the Current Tract Maps), Subsequent Maps, and any City Permits for the Oasis Master Plan shall remain valid and effective for the longer of: (a) of the Term of this Agreement; or, (b) the term of such Current Tract Map or Subsequent Map as otherwise established for such Map by the Subdivision Map Act.

## ARTICLE 5. EXACTIONS AND CITY DEVELOPMENT FEES

Section 5.1 Definitions. For purposes of this Agreement, the following terms shall have the meanings set forth below:

"City Application Fees" means fees levied or assessed by the City and any City Agency to review and process applications for City Permits and Subsequent Maps.

"City Development Impact Fees" means any and all fees and assessments, other than City Application Fees, charged or required by the City or any City Agency as a condition of, or in connection with, the Oasis Master Plan Approvals or any City Permits or Subsequent Maps: (a) to defray, offset or otherwise cover the cost of public services, improvements or facilities; or (b) that are imposed for a public purpose.

"Neighborhood Park Neighborhood Park" means a 2-acre parcel resultant from a Minor Revision to Outlot D of Tract Map 5463 as depicted on Exhibit "E" (the Tract 5463 Park).

"Neighborhood Park Amenities" means the improvements to be developed as part of the Neighborhood Park, as detailed in Section 5.2(c) below.

"Exaction" means any exactions or mitigation measures, other than the payment of City Development Fees and City Application Fees imposed by the City or any City Agency, as a condition of, or in connection with, the Oasis Master Plan Approvals or Subsequent Maps. "Exactions" includes, without limitation: (a) a requirement for the dedication of any portion of the Oasis Master Plan Area to the City or any City Agency; (b) an obligation for the construction of any on-site or off-site improvements, including any Off-Site Improvements; (c) an obligation to provide services; or (d) the requirement to dedicate any easements, rights or privileges with respect to the Oasis Master Plan or any portion thereof to the City or any City Agency.

"Open Space Standards" means the Minimum On-Site Open Space standards established in Section 12-4.705 ~~15-1104~~ of the Fresno Municipal Code, or any subsequent ordinance or State statute addressing comparable standards or requirements.

#### Section 5.2 Exactions (Including Off-Site Improvements).

(a) Oasis Master Plan Tract Map Exactions. All of the Exactions that Developer shall be required to perform or caused to be performed in connection with the development, construction, use and occupancy of the portion of the Oasis Master Plan that comprises the Current Tract Maps, during the term of the Agreement (collectively, the Required Tract Map Exactions), and the timing requirements for the performance of such Required Tract Map Exactions, are set forth in the Conditions of Approval for the Current Tract Maps included as Exhibits "F-1" (Tract 5456), "F-2" (tract 5463), "F-3" (Tract 6183), and "F-4" (Tract 6184) to this Agreement, which include the development and dedication of the Neighborhood Park and related amenities more particularly detailed in Section 5.2(c) below. The Required Tract Map Exactions include, without limitation, all Conditions of Approval imposed by the City, to fully mitigate adverse impacts resulting from, and reasonably related to, the development of the improvements associated with the Current Tract Maps.

(b) Other Exactions. No Off-Site Improvements or Exactions not listed in the Conditions of Approval shall be imposed by the City in connection with the development, construction, use and occupancy of the portion of the Oasis Master Plan Project except pursuant to the application of the Applicable Rules on Subsequent Maps (the "Required Other Exactions"). Notwithstanding any provision in this Agreement to the contrary, if any Future Discretionary Approval provides for uses, densities, or development patterns not contemplated by this Agreement or the Oasis Master Plan, which will generate the need for additional exactions related to transportation

infrastructure or the installation of utilities, such additional exactions shall be imposed consistent with the Existing City Requirements in place at the time of application.

(c) Neighborhood Park Development and Dedication.

(i) Neighborhood Park Tract 5463. As an element of the Tract 5463 Map development, Developer shall develop the Neighborhood Park Amenities on Outlot D of the Tract 5463 Map, which shall include, at minimum, a shaded play structure, a dog park, and a half- or full-court basketball play area. City's final approval of the completion of construction of such Neighborhood Park Amenities (which final approval shall not be unreasonably withheld or conditioned), the Developer shall dedicate the Tract 5463 Park to the City.

(d) Off-Site Acquisition. City acknowledges and agrees in the event the performance by Developer of any off-site improvements listed as a Required Tract Map Exaction or a Required Other Exaction (collectively, the Off-Site Improvements) requires construction or installation on land in which neither the City or Developer has sufficient legal title or interest to allow such construction or installation to be performed, then: (a) City shall acquire the necessary Required ROW (as hereinafter defined) in accordance with the provisions of this Subsection of this Agreement at the sole cost of Developer and, upon such acquisition, the City shall make such Required ROW available to Developer for the construction and installation of such Off-Site Improvements; and, (b) provided that Developer performs its obligations under this Subsection, Developer shall not be required to construct or install such Off-Site Improvements until (i) City acquires title or interest in such Required ROW sufficient to allow such construction or installation to be performed, and (ii) City promptly makes such Required ROW available to Developer for the construction and improvement of such Off-Site Improvements. The City shall neither postpone nor refuse approval of the Final Map for the Current Tract Maps or a Final Subsequent Map (a Final Map), nor of any City Permits, because Developer has failed to construct or install any or all of the Off-Site Improvements if neither Developer nor City has sufficient title or interest in the Required ROW to permit such Off-Site Improvements to be constructed or installed so long as Developer has provided the improvement security required by the Subdivision Agreement for the such Final Map or, with regard to other City permits has otherwise provided appropriate improvement Security, as determined by the City Engineer, to ensure improvements are constructed once the right-of-way is acquired. Developer shall deposit cash for the appraised value of the off-site land acquisition. This deposit shall also include funds adequate to pay for City staff time, escrow costs, and any other costs associated with the land acquisition. The term "Required ROW" means all land located outside of the Oasis Master Plan Area that (i) is not owned by the City, any City Agency or Developer as of the Adoption Date of this Agreement, and (ii) is necessary for the construction or installation of any Off-Site Improvements pursuant to this Agreement. Required ROW may take the form of easement areas, rights-of-way and other land interests. The Parties acknowledge and agree that the Neighborhood Park Amenities shall not be construed as an Off-Site Improvement.

(e) Construction Standards. All Off-Site Improvements shall be designed and constructed in accordance with the City of Fresno Standard Plans and Specifications (subject to any Permitted Rules Revisions). Engineered improvement plans for street improvements, signing, striping, traffic signals, storm drains, sewer and water facilities shall be prepared by a Registered Civil Engineer. Street lighting and traffic signal plans may alternatively be prepared by a Registered Electrical Engineer. Landscaping, planting and irrigation plans for areas within the public right-of-way shall be prepared by a Registered Civil Engineer or Licensed Landscape Architect. Plans shall be submitted for Department of Public Works and Department of Public Utilities review and approval. The Developer shall pay all plan check and inspection fees in accordance with the City of Fresno Master Fee Schedule at the time of plan submittal.

(f) Prevailing Wages. Developer shall: (a) be required to pay, and shall cause its contractor and subcontractors to pay, prevailing wages for the construction of (i) the Neighborhood Park Amenities, and (ii) those Off-Site Improvements that are "public works" under California Labor Code Section 1720(a) (unless exempted pursuant to California Labor Code Section 1720(c)) (collectively, the "PW Improvements"); and, (b) comply with the other applicable provisions of Labor Code Sections 1720 et seq. and implementing regulations of the Department of Industrial Relations. Developer shall or shall cause its contractor and subcontractors to keep and retain such records as are necessary to determine that prevailing wages have been paid as required by law. During the construction of the PW Improvements, Developer shall, or shall cause its contractor to, post at the Oasis Master Plan Area the applicable prevailing rates of per diem wages. Developer shall indemnify, hold harmless and defend (with counsel reasonably acceptable to the City) the City against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including Developer, its contractors and subcontractors) to pay prevailing wages as required by law or to comply with the other applicable provisions of Labor Code Sections 1720 et seq. and the implementing regulations of the Department of Industrial Relations in connection with construction of the PW Improvements. Developer shall also indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City against any claim brought pursuant to California Labor Code Section 1781 for work related to the Developer's property under this Agreement. The Parties acknowledge and agree that the City is making no representation that development of Developer's Property is not a public work subject to prevailing wage and that no City employee or representative is authorized to make such representation.

(g) Transfer of Off-Site Improvements. Upon completion by Developer of any Off-Site Improvements and upon City's acceptance of the work performed, the Off-Site Improvements shall be conveyed and transferred by Developer to the City, and the City shall accept the Off-Site Improvements and thereafter assume responsibility for the ownership, operation, repair and maintenance thereof.

Section 5.3 Satisfaction of Open Space Standards. In consideration of the development and dedication of the Tract 5463 Map Neighborhood Park and related amenities, City shall waive the application of any Open Space Standards upon the development of the Oasis Master Plan.

#### Section 5.4 City Development Fees.

(a) In General. All of the City Development Fees that Developer shall be required to pay to the City and all City Agencies in connection with the development, construction, use and occupancy of the Oasis Master Plan Project (collectively, the Required Development Fees), and the timing requirements for the payment of such Required Development Fees, are determined as set forth below and pursuant to Section 5.4(b):

(i) With respect to development of the Current Tract Maps, during the Term of this Agreement (or the term of such Maps, if longer than the Term of this Agreement) the amount of each of the Required Developer Impact Fees that Developer shall be required to pay shall be the lesser of: (i) the Required Development Impact Fees then charged when the applications for the Current Tract Maps were approved (for purposes of Tract Maps 6183 and 6184) or revisions approved (for purposes of Tract Maps 5456 and 5463) (Attached as Exhibit G); or, (ii) the amount then charged by the City or the applicable City Agency for the Required Development Impact Fee at the time that the Required Development Fee for the relevant Current Tract Map is required to be paid by Developer. With respect to Tract Map 5456, the Parties agree the minor Revisions were approved on September 28, 2020. With respect to Tract Map 5463, the Parties agree the minor revisions were approved on September 28, 2020. With respect to Tract Maps 6183 and 6184, the maps were approved on October 7, 2020. All maps will pay the current Water Capacity Fee. Development Impact Fees will be adjusted on July 1<sup>st</sup> of each year based on the 20-City Construction Cost Index as reported in Engineering News Record for the 12-month period ending in May of the year of the adjustment. Developer shall pay any Development Impact Fees that are increased due to an Emergency Ordinance for immediate preservation of the public health, peace, property and safety.

(ii) For convenience of reference, the Required Development Fees determined pursuant to this Subsection are listed on Exhibits "G" to this Agreement.

(b) For the duration of the vesting periods specified in Subsection (a) above, except for the Required Development Fees listed on Exhibit "G" to this Agreement, no City Development Fees shall be imposed by the City or any City Agency during the Term of this Agreement in connection with: (a) the development, construction, use or occupancy of the Oasis Master Plan Project; or (b) any application filed for any City Permit for the development, construction, use or occupancy of the Oasis Master Plan Project. In addition, in consideration of the requirement to develop the Neighborhood Park Amenities, payment of Quimby Act in-lieu fees or Park Facility Impact Fees shall be subject to the application of the Park Fee Credits described in Section 5.5 below. In addition, no further dedication of lands for park or recreation purposes shall be imposed upon the development, construction, use or occupancy of the Oasis Master Plan Project.

(c) Non-City Fees. Notwithstanding the provisions of Section 5.4(a), Developer shall be responsible for paying: (a) any fees Developer is obligated to directly pay to any Federal, State, County or local agency (other than any City Agency) under applicable Federal, State, County or local law; and, (b) any fees the City is legally required to collect for other State or Federal agencies pursuant to (i) State or Federal law or (ii) any City agreement or City ordinance the City is legally mandated or required to adopt or enter into to comply with State or Federal law or a judgment of a court of law, but only to the extent necessary to satisfy such compliance.

#### Section 5.5 Park Fee Credits.

(a) Quimby Fee Credits. Tract Maps 6183 and 6184 were filed after Fresno City Council adopted a change in the Municipal Code Section 14-4.705 which required new developments to dedicate and improve 0.001884 acres of open space per residential unit without credits or other compensation. Tract 6184 is under 50 units and not subject to this code section, but Tract 6183 includes 66 residential parcels and is required to dedicate 0.124 acres of open space. Tract 5463 is dedicating two acres. However, compensation will be for 1.876 acres after adjusting for the Municipal Code Section 12-4.705 obligation of 0.124 acres ( $2 - 0.124 = 1.876$ ). In consideration of the dedication of 1.876 acres of the Tract 5463 Neighborhood Park, Developer shall be provided a credit against future payment of Quimby Parkland Dedication Fees in the amount of two hundred and fifty-one thousand, five-hundred and twenty-six dollars (\$251,526). The foregoing credits are based on a valuation of such lands at one hundred thirty-four thousand and seventy-six dollars (\$134,076) per acre.

(b) Park Facility Impact Fee Credit. In consideration of the development of the Neighborhood Park Amenities on the Tract 5456 Park, Developer shall be provided a credit against future payment of Park Facility Impacts in the amount of the Costs of Construction of such Neighborhood Park Amenities, determined pursuant to Section 5.5(e) below. In consideration of the development of the Neighborhood Park Amenities on the Tract 5463 Park, Developer shall be provided a credit against future payment of Park Facility Impacts in the amount of the Costs of Construction of such Neighborhood Park Amenities. However, the Park Facility Fee Credit shall not exceed fifty percent (50%) of the total Park Facility Impact Fees due for all of the Oasis Master Plan Project. The Municipal Code Section 12-4.705 obligation of 0.124 acres shall be landscaped without any Impact Fee Credit. No fee credit will be provided for street right-of-way, street improvements, streetlights, or sidewalks that surround the Park. The Park Amenities shall include a shaded play structure, a dog park, and a half- or full-court basketball play area.

(c) Availability of Credits. The Quimby Fee Credits and shall be made available to Developer concurrent with the City's acceptance of the dedication of such Park property pursuant to Section 5.2(c). Park Facility Impact Fee Credits will be provided upon completion and acceptance of Neighborhood Park or when securities have been posted to guarantee that the park amenities are constructed.

(d) Application of Fee Credits. All The Quimby Fee Credits and Park Facility Impact Fee Credits shall be applied to future development of the Oasis Master Plan Area, provided, however, that any Transferee (as defined below) of any rights under this Agreement shall only be entitled to the benefit of applicable Quimby Fee Credits and/or Park Facility Impact Fee Credits for the portion of the Oasis Master Plan Project Area developed by such Transferee if the Assumption Agreement described in Section 11.2(b) makes a specific assignment of an allocation of Quimby Fee Credits and/or Park Facility Impact Fee Credits to such Transferee.

(e) Cost of Construction of the Neighborhood Park Amenities. The Cost of Construction of the Neighborhood Park Amenities to be constructed on Tract 5463 Park shall be separately determined, in accordance with the following procedures. Within ninety (90) days of acceptance by the City of the relevant Neighborhood Park Amenities, Developer shall submit to the City in electronic or hard copy format the permanent reproducible as-built or record plans of the accepted Neighborhood Park Amenities, along with the project accounting reflecting final construction costs paid for such improvements. Such construction costs may also include the following soft costs; design, engineering, landscape architect, not to exceed six percent (6%), plan check, not to exceed two percent (2%), and Inspection not to exceed (4.1 %). The maximum Park Facility Fee credit that will be provided is fifty percent of the total Park Facility Fees due for Oasis Master Plan.

Section 5.6 City Application Fees. Developer shall pay to the City the City Application Fees chargeable in accordance with the City's Master Fee Schedule that is in effect at the time the relevant application for a City Permit is made; provided such City Application Fees are uniformly imposed by the City and any City Agency at similar stages of project development on all similar applications for development in the City.

Section 5.7 City Preparation Costs. Developer has paid the City the sum of \$26,530.00 which amount the City has determined to be the reasonable costs to be incurred by the City to negotiate, prepare and execute this Agreement (collectively, the City Preparation Costs). The Developer's liability for the city Preparation Costs is capped at the sum of \$26,530.00, and the City shall reimburse Developer for any unused portion of the previously paid City preparation Costs (which such unused portion based upon actual consumed staff time and City Attorney time, based upon employee hourly rates plus overhead costs).

Section 5.8 Community Facilities District for Funding Services. Developer covenants and agrees that, as a condition to the issuance of a Final Map for the development of any and all portions of the Developer's Property, Developer shall have coordinated to assure shall be annexed into Community Facilities Districts No. 11 ("CFD Annexations"). The CFD Annexations shall be for the continued maintenance of the Park Amenities and may be utilized for additional landscape maintenance on public property within the Developer's Property, maintenance of curbs, gutters, sidewalks, streetlights, and other public improvements within the development.

ARTICLE 6.  
ACTIONS BY CITY

Section 6.1 Other Governmental Permits. The City agrees to cooperate with Developer in Developer's endeavors to obtain permits and approvals as may be required from other governmental or quasi-governmental agencies having jurisdiction over the Oasis Master Plan Area or portions thereof (such as, for example, but not by way of limitation, public utilities or utility districts and agencies having jurisdiction over transportation facilities and air quality issues) so long as the cooperation by the City will not require the City to incur any cost, liability or expense without adequate indemnity against or right of reimbursement therefore from Developer.

Section 6.2 Cooperation in Dealing with Legal Challenge. If any action or other proceeding is instituted by a third party or parties, other governmental entity or official challenging the validity of any provision of this Agreement (collectively, a Third Party Action), the Parties shall cooperate in the defense of the Third Party Action to the maximum extent reasonably possible under the circumstances. The City shall timely take all actions which are necessary or required to uphold the validity and enforceability of this Agreement. The City shall not enter into any settlement with respect to a Third Party Action without the prior written consent of Developer.

Section 6.3 Indemnification.

(a) Third Party Actions. To the furthest extent allowed by law, Developer shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties or (ii) a governmental body, agency or official other than the City or a City Agency, that: (a) challenges or contests any or all of this Agreement, the Oasis Master Plan Approvals or Subsequent Maps; or (b) claims or alleges a violation of CEQA or another law in connection with the MND finding or the grant, issuance or approval by the City of any or all of this Agreement and the Oasis Master Plan Approvals or Subsequent Maps. Developer's obligations under this Section 6.3(a) shall apply regardless of whether City or any of its officers, officials, employees, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this Section 6.3(a) shall survive the termination of this Agreement.

(b) Damage Claims. The nature and extent of Developer's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in Section 6.3(a) shall be governed by this Section 6.3(b). To the furthest extent allowed by law, Developer shall indemnify, hold harmless and defend City 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 City, Developer 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 out of performance of this Agreement or the performance of any or all work to be done by Developer or its contractors, agents, successors and assigns pursuant to this Agreement (including, but not limited to design, construction and/or ongoing operation and maintenance of Off-Site Improvements unless and until such Off-Site Improvements are dedicated to and officially accepted by the City). Developer's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees or 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 City or any of its officers, officials, employees, agents or volunteers.

(c) If Developer should subcontract all or any portion of the services to be performed under this Agreement, Developer shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph. The Developer further agrees that the use for any purpose and by any person of any and all of the streets and improvements required under this Agreement, shall be at the sole and exclusive risk of the Developer, at all times prior to final acceptance by the City of the completed street and other improvements, unless any loss, liability, fines, penalties, forfeitures, costs or damages arising from said use were caused by the active or sole negligence or the willful misconduct, of the City or any of its officers, officials, employees, agents or volunteers.

(d) Notwithstanding the preceding paragraph, to the extent that Subcontractor is a "design professional" as defined in Section 2782.8 of the California Civil Code and performing work hereunder as a "design professional" shall, in lieu of the preceding paragraph, be required to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers to the furthest extent allowed by law, from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in Agreement, tort or strict liability, including but not limited to personal injury, death at any time and property damage), and from any and all claims, demands and actions in law or equity (including reasonable attorney's fees and litigation expenses) that arise out of; pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, its principals, officers, employees, agents or volunteers in the performance of this Agreement.

(e) This Section 6.3 shall survive termination or expiration of this Agreement.

Section 6.4 Insurance. From the date that a building permit is pulled for the construction of the Neighborhood Park Amenities on each of the Tract 5456 Park and the Tract 5463 Park, or any Off-Site Improvements

to be constructed pursuant to the terms of this Agreement until the date of City's final formal acceptance of the such improvements (the Insurance Period), Developer shall pay for and maintain in full force and effect all policies of insurance described in this section with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide, or (ii) authorized by City's Risk Manager. The following policies of insurance are required:

(a) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and shall include insurance for bodily injury, property damage and personal injury with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, contractual liability (including indemnity obligations under this Agreement), with limits of liability of not less than \$1,000,000 per occurrence for bodily injury and property damage, \$1,000,000 per occurrence for personal injury, \$2,000,000 general aggregate and \$2,000,000 aggregate for products and completed operations and 25,000,000 general aggregate.

(b) COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Business Auto Coverage Form CA 00 01 and shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 B Any Auto), with combined single limits of liability of not less than \$1,000,000 per accident for bodily injury and property damage.

(c) WORKERS' COMPENSATION insurance as required under the California Labor Code.

(d) EMPLOYERS' LIABILITY with minimum limits of liability of not less than \$1,000,000 each accident, \$1,000,000 policy limit and \$1,000,000 for each employee.

(e) In the event Developer purchases an Umbrella or Excess insurance policy(ies) to meet the "Minimum Limits of Insurance," this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

(f) Developer shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Developer shall also be responsible for payment of any self-insured retentions.

(g) The above-described policies of insurance shall be endorsed to provide an unrestricted thirty-calendar day written notice in favor of City of policy cancellation of coverage, except for the Workers' Compensation policy, which shall provide a ten-calendar day written notice of such cancellation of coverage. In the event any policies are due to expire during the term of this Agreement, Developer shall provide

a new certificate evidencing renewal of such policy not less than fifteen calendar days prior to the expiration date of the expiring policy(ies). Upon issuance by the insurer, broker, or agent of a notice of cancellation in coverage, Developer shall file with City a new certificate and all applicable endorsements for such policy(ies).

(h) The General Liability and Automobile Liability insurance policies shall be written on an occurrence form and shall name City, its officers, officials, agents, employees and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Developer's insurance shall be primary, and no contribution shall be required of City. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, agents, employees and volunteers. Developer shall have furnished City with the certificate(s) and applicable endorsements for all required insurance prior to start of construction of any phase of development. Developer shall furnish City with copies of the actual policies upon the request of City's Risk Manager at any time during the life of the Agreement or any extension, and this requirement shall survive termination or expiration of this Agreement.

(i) If at any time during the Insurance Period, Developer fails to maintain the required insurance in full force and effect, the Director of Public Works, or his/her designee, may order that the Developer, or its contractors or subcontractors, immediately discontinue any further work under this Agreement and take all necessary actions to secure the work site to ensure that public health and safety is protected. All payments due or that become due to Developer shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. The insurance requirements set forth in this Section 6.4 are material terms of this Agreement.

(j) If Developer should hire a general contractor to provide all or any portion of the services or work to be performed under this Agreement, Developer shall require the general contractor to provide insurance protection in favor of City, its officers, officials, employees, volunteers and agents in accordance with the terms of each of the preceding paragraphs, except that the general contractor's certificates and endorsements shall be on file with Developer and City prior to the commencement of any work by the general contractor.

(k) If the general contractor should subcontract all or a portion of the services or work to be performed under this Agreement to one or more subcontractors, Developer shall require the general contractor to require each subcontractor to provide insurance protection in favor of City, its officers, officials, employees, volunteers and agents in accordance with the terms of each of the preceding paragraphs, except that each subcontractor shall be required to pay for and maintain Commercial General Liability insurance with limits of liability of not less than \$1,000,000 per occurrence for bodily injury and property damage, \$1,000,000 per occurrence for personal injury, \$2,000,000 aggregate for products and completed operations and \$2,000,000 general aggregate and Commercial Automobile Liability insurance with limits of liability of not less than less than \$1,000,000 per accident for bodily injury and property damage. Subcontractors' certificates and endorsements shall be on file with the general contractor, Developer and

City prior to the commencement of any work by the subcontractor. Developer's failure to comply with these requirements shall constitute an "Event of Default" as that term is defined in Section 9.1.

(l) City Manager or designee reserves the right to impose higher insurance limits on elements of the development of the Oasis Master Plan Project in conjunction with conditions established in Subdivision Improvement Agreements adopted by the City for such development, provided such insurance requirements are not more burdensome than those then applied by the City for similar subdivision development.

## ARTICLE 7. BENEFITS

Section 7.1 Benefits to the City. The City has extensively reviewed the terms and conditions of this Agreement and, in particular, has specifically considered and approved the impact and benefits of the Oasis Master Plan upon the regional welfare. The terms and conditions of this Agreement have been found by the City to be fair, just and reasonable, and to provide appropriate benefits to the City. This Agreement and the development of the Oasis Master Plan will serve the best interests, and the public health, safety, and welfare of the residents and invitees, of the City and the general public. This Agreement will help provide effective and efficient development of Off-Site Improvements and other Required Tract Map Exactions or Required Other Exactions in the vicinity of the Oasis Master Plan Area; help maximize effective utilization of resources within the City; increase City tax revenues; and provide other substantial public benefits to the City and its residents by achieving the goals and purposes of the Development Agreement Laws, the Charter of the City of Fresno, the Fresno Municipal Code and the Fresno General Plan. Without limiting the generality of the foregoing, this Agreement helps assure the timely construction and dedication of the Neighborhood Park, which is an important amenity in achieving the General Plan goals of a Complete Neighborhood development with respect to the Oasis Master Plan.

Section 7.2 Benefits to the Developer. The Developer has expended and will continue to expend substantial amounts of time and money on the planning and development of the Oasis Master Plan. In addition, the Developer will expend substantial amounts of time and money for the construction of the Off-Site Improvements and other Required Exactions and for the payment of the Required Development Fees in connection with the Oasis Master Plan, including the Neighborhood Park development. The Developer would not make such expenditures except in reliance upon this Agreement. The benefit to the Developer under this Agreement consists of the assurance the City will preserve the rights of Developer to develop the Oasis Master Plan Area as Plan and as set forth in the Oasis Master Plan Approvals and this Agreement, and the right to obtain credit for certain costs of the Neighborhood Park development against subsequent Required Development Fees and Required Exactions associated with park development.

ARTICLE 8.  
ANNUAL REVIEW OF COMPLIANCE

Section 8.1 Annual Review. City and Developer shall annually review this Agreement, and all actions taken pursuant to the terms of this Agreement with respect to the Oasis Master Plan in accordance with the provisions of California Government Code Section 65865.1, Fresno Municipal Code Section 15-6008, and this ARTICLE 8. The Parties recognize this Agreement and the Oasis Master Plan Approvals and City Permits referenced herein contain extensive requirements (i.e., construction standards, landscape standards, etc.) and that evidence of each and every requirement would be a wasteful exercise of the Parties' resources. Accordingly, Developer shall be deemed to have satisfied its duty of demonstration if it presents evidence satisfactory to the City of its good faith compliance, as that term is used in Government Code, Section 65865.1, with the material provisions of this Agreement.

Section 8.2 Developer Report. Not later than the first anniversary date of the Effective Date, and not later than each anniversary date of the Effective Date thereafter during the Term, Developer shall apply for annual review of this Agreement. Developer shall submit with such application a report to the Planning Director describing Developer's good faith compliance with the terms of this Agreement during the preceding year (the Developer Report). The Developer Report shall include a statement that the report is submitted to City pursuant to the requirements of California Government Code Section 65865.1.

Section 8.3 Finding of Compliance. Within thirty days after Developer submits the Developer Report under Section 8.2, the Planning Director shall review Developer's submission to ascertain whether Developer has demonstrated good faith compliance with the material terms of this Agreement. If the Planning Director finds and determines that Developer has in good faith complied with the material terms of this Agreement or does not determine otherwise within thirty days after delivery of the Developer Report, the annual review shall be deemed concluded. If the Planning Director initially determines that the Developer Report is inadequate in any respect, he or she shall provide written notice to that effect to Developer, and Developer may supply such additional information or evidence as may be necessary to demonstrate good faith compliance with the material terms of this Agreement. If the Planning Director concludes that Developer has not demonstrated good faith compliance with the material terms of this Agreement, he or she shall so notify Developer prior to the expiration of the thirty-day period herein specified and prepare a staff report to the City Council with respect to the conclusions of the Planning Director and the contentions of Developer with respect thereto (the Staff Report).

Section 8.4 Hearing Before City Council to Determine Compliance. After submission of the Staff Report of the Planning Director, the City Council shall conduct a noticed public hearing to determine the good faith compliance by Developer with the material terms of this Agreement. At least sixty (60) days prior to such hearing, the Planning Director shall provide to the City Council, Developer, and to all other interested Persons requesting the same, copies of the Staff Report and other information concerning

Developer's good faith compliance with the material terms of this Agreement and the conclusions and recommendations of the Planning Director. At such public hearing, Developer and any other interested Person shall be entitled to submit evidence, orally or in writing, and address all the issues raised in the Staff Report on, or with respect or germane to, the issue of Developer's good faith compliance with the material terms of this Agreement. If, after receipt of any written or oral response of Developer, and after considering all of the evidence at such public hearing, the City Council finds and determines, on the basis of substantial evidence, that Developer has not complied in good faith with the material terms of this Agreement, then the City Council shall specify to Developer the respects in which Developer has failed to comply, and shall also specify a reasonable time for Developer to meet the terms of compliance, which time shall be not less than thirty (30) days after the date of the City Council's determination, and shall be reasonably related to the time adequate to bring Developer's performance into good faith compliance with the material terms of this Agreement. If the areas of noncompliance specified by the City Council are not corrected within the time limits prescribed by the City Council hereunder, subject to Force Majeure pursuant to Section 12.1, then the City Council may by subsequent noticed public hearing extend the time for compliance for such period as the City Council may determine (with conditions, if the City Council deems appropriate), Terminate or modify this Agreement, or take such other actions as may be specified in the Development Agreement Laws. Any notice to Developer of a determination of noncompliance by Developer hereunder, or of a failure by Developer to perfect the areas of noncompliance hereunder, shall specify in reasonable detail the grounds therefor and all facts demonstrating such noncompliance or failure, so that Developer may address the issues raised in the notice of noncompliance or failure on a point-by-point basis in any hearing held by the City Council hereunder.

Section 8.5 Meet and Confer Process. If either the Planning Director or the City Council makes a determination that Developer has not demonstrated good faith substantial compliance with the material terms of this Agreement, the Planning Director and or designated City Council representatives may initiate a meet and confer process with Developer pursuant to which the Parties shall meet and confer in order to determine a resolution acceptable to both Parties of the bases upon which the Planning Director or City Council has determined that Developer has not demonstrated good faith substantial compliance with the material terms of this Agreement. If, as a result of such meet and confer process, the Parties agree on a resolution of the bases related to the determination that Developer has not demonstrated good faith substantial compliance with the material terms of this Agreement, the results and recommendations of the meet and confer process shall be presented to the City Council for review and consideration at its next regularly scheduled public meeting, including consideration of such amendments to this Agreement as may be necessary or appropriate to effectuate the resolution achieved through such meet and confer process. Developer shall be deemed to be in good faith substantial compliance with the material terms of this Agreement, only upon City Council acceptance of the results and recommendations of the meet and confer process.

Section 8.6 Certificate of Compliance. If the Planning Director (or the City Council, if applicable) finds good faith substantial compliance by Developer with the material terms of this Agreement, the Planning Director shall issue a certificate of

compliance within ten days thereafter, certifying Developer's good faith compliance with the material terms of this Agreement through the period of the applicable annual review. Such certificate of compliance shall be in recordable form and shall contain such information as may be necessary in order to impart constructive record notice of the finding of good faith compliance hereunder. Developer shall have the right to record the certificate of compliance in the Official Records.

Section 8.7 Effect of City Council Finding of Noncompliance; Rights of Developer. If the City Council determines that Developer has not substantially complied in good faith with the material terms of this Agreement pursuant to Section 8.4 and takes any of the actions specified in ARTICLE 9 with respect to such determination of noncompliance, Developer shall have the right to contest any such determination of noncompliance by the City Council pursuant to a legal action filed in accordance with Section 15.5.

Section 8.8 City Costs. In the event that the Planning Director concludes in its Staff Report pursuant to Section 8.3 of this Agreement, that Developer is not in good faith compliance with the material terms of this Agreement, then Developer shall reimburse the City for all of the City's reasonable costs, (including but not limited to, staff time, attorney's fees, and administrative costs) incurred in connection with Section 8.4 and Section 8.5 of this Agreement. Pursuant to this section, Developer shall remit payment to the City within thirty days of receiving an invoice from the City for its costs. Notwithstanding the foregoing, Developer shall have the right to contest any determination by the Planning Director (pursuant to Section 8.4) or the City Council (pursuant to Section 8.7) that Developer is not in good faith compliance with the material terms of this Agreement, and if Developer prevails in such contest: (a) Developer shall have no reimbursement obligation under this Section 8.8; and, (b) any monies previously reimbursed by Developer to the City pursuant to this Section 8.8 shall be returned to Developer by the City within thirty days after the conclusion of the contest.

## ARTICLE 9. EVENTS OF DEFAULT; REMEDIES; ESTOPPEL CERTIFICATES

### Section 9.1 Events of Default.

(a) The failure by a Party to perform any material term or provision of this Agreement (including but not limited to the failure of a Party to approve a matter or take an action within the applicable time periods governing such performance under this Agreement) shall, subject to the provisions of this Agreement, constitute an "Event of Default", if: (a) such defaulting Party does not cure such failure within thirty days following delivery of a Notice (as hereinafter defined) of default from the other Party (Notice of Default), where such failure is of a nature that can be cured within such thirty day period; or (b) where such failure is not of a nature which can be cured within such thirty day period, the defaulting Party does not within such thirty day period commence substantial efforts to cure such failure, or thereafter does not within a reasonable time prosecute to completion with diligence and continuity the curing of such failure. Any Notice of Default given hereunder shall specify in reasonable detail the nature of the failures in

performance by the defaulting Party and the manner in which such failures of performance may be satisfactorily cured in accordance with the terms and conditions of this Agreement.

(b) Any Notice of Default to the defaulting Party pursuant to Section 9.1(a) shall satisfy the requirements of ARTICLE 14 of this Agreement and shall include a provision in at least fourteen face bold type as follows: "YOU HAVE FAILED TIMELY TO PERFORM OR RENDER AN APPROVAL OR TAKE AN ACTION REQUIRED UNDER THE DEVELOPMENT AGREEMENT: [SPECIFY IN DETAIL]. YOUR FAILURE TO COMMENCE TIMELY PERFORMANCE AND COMPLETE SUCH PERFORMANCE AS REQUIRED UNDER THE AGREEMENT OR RENDER SUCH APPROVAL TO TAKE SUCH ACTION WITHIN THIRTY (30) DAYS AFTER THE DATE OF THIS NOTICE SHALL ENTITLE THE UNDERSIGNED TO TAKE ANY ACTION OR EXERCISE ANY RIGHT OR REMEDY TO WHICH IT IS ENTITLED UNDER THE AGREEMENT AS A RESULT OF THE FOREGOING CIRCUMSTANCES."

Section 9.2 Remedies. Upon the occurrence of an Event of Default, each Party shall have the right, in addition to all other rights and remedies available under this Agreement, to: (a) bring any proceeding in the nature of specific performance, injunctive relief or mandamus; and/or, (b) bring any action at law or in equity as may be permitted by laws of the State of California or this Agreement.

Section 9.3 Waiver- Remedies Cumulative. Failure by a Party to insist upon the strict or timely performance of any of the provisions of this Agreement by the other Party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such Party's right to demand strict compliance by such other Party in the future. No waiver by a Party of any failure of performance, including an Event of Default, shall be effective or binding upon such Party unless made in writing by such Party, and no such waiver shall be implied from any omission by a Party to take any action with respect to such failure. No express written waiver shall affect any other action or inaction, or cover any other period of time, other than any action or inaction and/or period of time specified in such express waiver. One or more written waivers under any provision of this Agreement shall not be deemed to be a waiver of any subsequent action or inaction. Nothing in this Agreement shall limit or waive any other right or remedy available to a Party to seek injunctive relief or other expedited judicial and/or administrative relief to prevent irreparable harm.

Section 9.4 Estoppel Certificate. Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such other Party to certify in writing: (a) that this Agreement is in full force and effect and a binding obligation of the Parties; (b) that this Agreement has not been amended or modified either orally or in writing, and if so amended, identifying the amendments; (c) to the knowledge of such other Party, neither Party has committed an Event of Default under this Agreement, or if an Event of Default has to such other Party's knowledge occurred, to describe the nature of any such Event of Default; and, (d) such other certifications that may be reasonably requested by the other Party or a Mortgagee (as hereinafter defined). A Party receiving a request hereunder shall execute and return such certificate within twenty days following

the receipt thereof; and if a Party fails so to do within such twenty-day period, the information in the requesting Party's notice shall conclusively be deemed true and correct in all respects. The City Manager, as to the City, shall execute certificates requested by Developer hereunder. Each Party acknowledges a certificate hereunder may be relied upon by Transferees (as hereinafter defined) and Mortgagees (as hereinafter defined). No Party shall, however, be liable to the requesting Party, or other Person requesting or receiving a certificate hereunder, on account of any information therein contained, notwithstanding the omission for any reason to disclose correct and/or relevant information, but such Party shall be estopped with respect to the requesting Party, or such third Person, from asserting any right or obligation, or utilizing any defense, which contravenes or is contrary to any such information.

## ARTICLE 10. MORTGAGEE PROTECTION

Section 10.1 Definitions. For purposes of this Agreement, the following terms shall have the meanings set forth below:

"Mortgage" means: (a) a mortgage or deed of trust, or other transaction, in which Developer conveys or pledges as security its interest in the Oasis Master Plan or the Oasis Master Plan Area, or a portion thereof, or interest therein, or any buildings or improvements thereon for the purpose of (i) financing the acquisition of the Oasis Master Plan Area or the development of the Oasis Master Plan , or any portion thereof; (ii) refinancing any of the foregoing, or (iii) obtaining financing proceeds by encumbering the Oasis Master Plan or the Oasis Master Plan Area or a portion thereof; and, (b) a sale and leaseback arrangement, in which Developer sells and leases back concurrently therewith its interest in the Oasis Master Plan, or a portion thereof, or interest therein, or improvements thereon for the purpose of (i) financing the acquisition of the Oasis Master Plan Area, or the development of the Oasis Master Plan, or any portion thereof; (ii) refinancing any of the foregoing, or (iii) obtaining financing proceeds by encumbering the Oasis Master Plan or the Oasis Master Plan Area or a portion thereof

"Mortgagee" means: (a) the holder of the beneficial interest under a Mortgage; (b) the lessor under a sale and leaseback Mortgage; and (c) any successors, assigns and designees of the foregoing.

Section 10.2 Mortgagee Protection. This Agreement and any covenants entered into between the Developer and City required for the approval of any Oasis Master Plan Approvals shall be superior and senior to the conveyance of any Mortgage encumbering any interest in the Oasis Master Plan or the Oasis Master Plan Area. No Event of Default shall defeat, render invalid, diminish or impair the conveyance of any Mortgage made for value, but, subject to the provisions of Section 10.3, all of the terms and conditions contained in this Agreement shall be binding upon and effective against any Person (including any Mortgagee) who acquires title to the Oasis Master Plan, the Oasis Master Plan Area or any portion thereof or interest therein or improvement thereon, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

Section 10.3 Mortgagee Not Obligated; Mortgagee as Transferee. No Mortgagee shall have any obligation or duty under this Agreement whatsoever, except that nothing contained in this Agreement shall be deemed to permit or authorize any Mortgagee to undertake any new construction or improvement in the Oasis Master Plan Area, or to otherwise have the benefit of any rights of Developer, or to enforce any obligation of the City, under this Agreement, unless and until such Mortgagee elects to become a Transferee in the manner specified in Section 11.4. Any Mortgagee that affirmatively elects to become a Transferee shall be later released from all obligations and liabilities under this Agreement upon the subsequent Transfer by the Mortgagee of its interest as a Transferee to another Person.

Section 10.4 Notice of Default to Mortgagee; Right of Mortgagee to Cure. If the City receives notice from a Mortgagee requesting a copy of any Notice of Default given Developer hereunder and specifying the address for service thereof (a Notice Request), then the City shall deliver to such Mortgagee, concurrently with service thereon to Developer, any Notice of Default thereafter given to Developer. From and after the delivery of a Notice Request to the City by a Mortgagee, no Notice of Default delivered to the Developer shall be effective unless and until a copy of such Notice of Default is also delivered to the Mortgagee. Such Mortgagee shall have the right (but not the obligation) to cure or remedy, or to commence to cure or remedy, the Event of Default claimed within the applicable time periods for cure specified in this Agreement. If, however, the Event of Default or such noncompliance is of a nature which can only be remedied or cured by such Mortgagee upon obtaining possession of the Project, or portion thereof, such Mortgagee shall seek to obtain possession with diligence and continuity (but in no event later than 180 days after a copy of the Notice of Default is given to Mortgagee) through a receiver or otherwise, and shall thereafter remedy or cure such Event of Default or noncompliance promptly and with diligence and dispatch after obtaining possession. Other than an Event of Default or noncompliance (i) for failure to pay money or (ii) that is reasonably susceptible of remedy or cure prior to a Mortgagee obtaining possession, so long as such Mortgagee is pursuing cure of the Event of Default or noncompliance in conformance with the requirements of this Section 10.4, the City shall not exercise any right or remedy under this Agreement on account of such Event of Default or noncompliance. When and if a Mortgagee acquires the interest of Developer encumbered by such Mortgagee's Mortgage and such Mortgagee becomes a Transferee pursuant to Section 11.4, then such Mortgagee shall promptly cure all monetary or other Events of Default or noncompliance then reasonably susceptible of being cured by such Mortgagee to the extent such that such Events of Default or noncompliance are not cured prior to such Mortgagee becoming a Transferee pursuant to Section 11.4.

Section 10.5 Priority of Mortgages. For purposes of exercising any remedy of a Mortgagee pursuant to this ARTICLE 10 or for becoming a Transferee in the manner specified in Section 11.4, the applicable laws of the State of California shall govern the rights, remedies and priorities of each Mortgagee, absent a written agreement between Mortgagees otherwise providing.

Section 10.6 Collateral Assignment. As additional security to a Mortgagee under a Mortgage on the Oasis Master Plan, the Oasis Master Plan Area or any portion

thereof, Developer shall have the right, without the consent of the City, to execute a collateral assignment of Developer's rights, benefits and remedies under this Agreement in favor of the Mortgagee (a Collateral Assignment) on the standard form provided by the Mortgagee.

Section 10.7 Interpretations and Modifications. The City acknowledges that prospective Mortgagees may request certain interpretations and modifications of this Agreement during the Term, and agrees upon request, from time to time, to meet with Developer and representatives of such Mortgagees to discuss in good faith any such request for interpretation or modification. The City shall not unreasonably withhold its consent to any such requested interpretation or modification which the City reasonably determines is consistent with the intent and purposes of this Agreement.

## ARTICLE 11. TRANSFERS

Section 11.1 Definitions. For purposes of this Agreement, the following terms shall have the meanings set forth below:

"Affiliate" means any Person directly or indirectly Controlling, Controlled by or under Common Control with Owner.

"Control" means the ownership (direct or indirect) by one Person of an interest in the profits and capital and the right to manage and control the day-to-day affairs of another Person. The term "Control" includes any grammatical variation thereof, including "Controlled" and "Controlling".

"Common Control" means that two Persons are both controlled by the same other Person.

"Person" means an individual, partnership, firm, association, corporation, trust, governmental agency, administrative tribunal or other form of business or legal entity.

"Transfer" means the sale, assignment, or other transfer by Developer of this Agreement, or any right, duty or obligation of Developer under this Agreement, including by foreclosure, trustee sale, or deed in lieu of foreclosure, under a Mortgage, but excluding: (a) a dedication of any portion of the Oasis Master Plan Area to the City or another governmental agency; (b) a Mortgage; (c) ground leases, leases, subleases, licenses and operating agreements entered into by Developer with tenants or occupants of the Oasis Master Plan for occupancy of space in any buildings or improvements (together with any appurtenant tenant rights and controls customarily included in such leases or subleases) in the Oasis Master Plan, and any assignment or transfer of any such ground lease, lease, sublease, license or operating agreement by either party thereto; (d) any sale of a building pad and surrounding area in the Oasis Master Plan Area to a future retail or restaurant occupant (or its affiliated entity) for the intended purpose of the

development and occupancy of a building or improvement thereon; and, (e) any Collateral Assignment of this Agreement to a Mortgagee.

"Transferee" means the Person to whom a Transfer is affected.

Section 11.2 Conditions Precedent to Developer Right to Transfer. Except as otherwise provided in this ARTICLE 11, Developer shall only have the right to affect a Transfer subject to and upon fulfillment of the following conditions precedent:

(a) No Event of Default by Developer shall be outstanding and uncured as of the effective date of the proposed Transfer, unless the City Council has received adequate assurances satisfactory to the City Council that such Event of Default shall be cured in a timely manner either by Developer or the Transferee under the Transfer.

(b) Prior to the effective date of the proposed Transfer, Developer or the proposed Transferee has delivered to the City an executed and acknowledged assignment and assumption agreement (the Assumption Agreement) in recordable form. Such Assumption Agreement shall include provisions regarding: (a) the rights and interest proposed to be Transferred to the proposed Transferee (including, the extent, of any rights to the use of Quimby Parkland Dedication Fee Credits and/or Park Facility Impact Fee Credits assigned to such Transferee, if any); (b) the obligations of Developer under this Agreement that the proposed Transferee will assume; and (c) the proposed Transferee's acknowledgment that such Transferee has reviewed and agrees to be bound by this Agreement. The Assumption Agreement shall also include the name, form of entity, and address of the proposed Transferee, and shall provide that the Transferee assumes the obligations of Developer to be assumed by the Transferee in connection with the proposed Transfer. The Assumption Agreement shall be recorded in the Official Records concurrently with the consummation of the Transfer.

(c) Prior to the effective date of the proposed Transfer, City consents in writing to the Transfer. City's consent shall not be unreasonably withheld. Factors the City may consider in determining whether to consent to the transfer include the financial capacity of the proposed Transferee to comply with all of the terms of the Agreement and the history, if any, of compliance of Transferee, its principals, officers or owners with the provisions of federal or state law, the Fresno Municipal Code or agreements with the City relating to development projects within the City of Fresno.

Section 11.3 Transfer to Affiliate. Notwithstanding the provisions of Section 11.2, Developer shall have the right to Transfer all of its rights, duties and obligations under this Agreement to an Affiliate of Developer. Such Affiliate shall become a Transferee upon: (a) the acquisition by such Affiliate of the affected interest of Developer under this Agreement; (b) delivery to the City of an Assumption Agreement executed by the Affiliate pursuant to which the Affiliate assumes, from and after the date such Affiliate so acquires its interest, the applicable rights, duties and obligations of Developer under this Agreement; and, (c) delivery to the City of documents and other evidence establishing, to the reasonable satisfaction of the City, the Affiliate's financial capacity to meet all of its duties and obligations under this Agreement. By virtue of its demonstrated

status as an Affiliate of Developer and recognizing that Transfers to Affiliates will facilitate Developer's ability to develop the Oasis Master Plan consistent with this Agreement, the City hereby consents to any Transfer to an Affiliate in accordance with this Section 11.3 and no further consent of the City shall be required for any Transfer by Developer to an Affiliate.

Section 11.4 Mortgagee as Transferee. No Mortgage (including the execution and delivery thereof to the Mortgagee) shall constitute a Transfer. A Mortgagee shall be a Transferee only upon: (a) the acquisition by such Mortgagee of the affected interest of Developer encumbered by such Mortgagee's Mortgage; and, (b) delivery to the City of an Assumption Agreement executed by the Mortgagee pursuant to which the Mortgagee assumes assuming, from and after the date such Mortgagee so acquires its interest, the applicable rights, duties and obligations of Developer under this Agreement. No further consent of the City shall be required for any such Transfer to a Mortgagee.

Section 11.5 Effect of Transfer. A Transferee shall become a Party to this Agreement only with respect to the interest transferred to it under the Transfer and then only to the extent set forth in the Assumption Agreement delivered under Section 11.2(b) or Section 11.3. When and if Developer Transfers all of its rights, duties and obligations under this Agreement in accordance with Section 11.2(b) or Section 11.3, Developer shall be released from any and all obligations accruing after the date of the Transfer under this Agreement. If Developer effectuates a Transfer as to only some but not all of its rights, duties and obligations under this Agreement, Developer shall be released only from its obligations accruing after the date of the Transfer which the Transferee assumes in the Assumption Agreement.

ARTICLE 12.  
ENFORCED DELAY; EXTENSION OF TIME OF PERFORMANCE;  
EXCUSED PERFORMANCE

Section 12.1 Force Majeure. In addition to specific provisions of this Agreement, performance by any Party hereunder shall not be deemed to be in default where delays or failures to perform are due to war, insurrection, strikes, walk-outs, riots, floods, earthquakes, the discovery and remediation of hazardous waste or significant geologic, hydrologic, archaeologic or paleontologic problems on the Oasis Master Plan Area, fires, casualties, acts of God, shortages of labor or material, governmental restrictions imposed or mandated by governmental entities other than the City, enactment of conflicting state or federal statutes or regulations, judicial decisions, litigation not commenced by a Party to this Agreement claiming the enforced delay, or any other basis for excused performance which is not within the reasonable control of the Party to be excused. Causes for delay as set forth above are collectively referred to as "Force Majeure."

Section 12.2 Notice. If Notice (as hereinafter defined) of such delay or impossibility of performance is provided to a Party within thirty days after the commencement of such delay or condition of impossibility, an extension of time for such cause shall not be unreasonably denied by such Party. The extension shall be for the

period of the enforced delay, or longer as may be mutually agreed upon by the applicable Parties in writing. Any performance rendered impossible shall be excused in writing by the Party so notified.

ARTICLE 13.  
PROJECT APPROVALS INDEPENDENT

Section 13.1 Except to the extent otherwise recognized by CEQA, all City Permits which may be granted pursuant to this Agreement, and all Oasis Master Plan Approvals which have been issued or granted by the City with respect to the Oasis Master Plan Area and the Oasis Master Plan, constitute independent actions and approvals by the City. If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid or unenforceable, or if this Agreement is Terminated for any reason, then such invalidity, unenforceability or Termination of this Agreement, or any part hereof, shall not affect the validity or effectiveness of any such City Permits or Oasis Master Plan Approvals or approved Subsequent Maps. In such cases, such City Permits Oasis Master Plan Approvals and Subsequent Maps will remain in effect pursuant to their own terms, provisions, and conditions of approval. As such, the City may place conditions of approval on all City Permits which may be granted pursuant to this Agreement, Oasis Master Plan Approvals and Subsequent Maps which have been issued or granted by the City with respect to the Oasis Master Plan Area and the Oasis Master Plan, so long as such conditions are consistent with the terms of this Agreement.

ARTICLE 14.  
NOTICES

Section 14.1 Form of Notices; Addresses. All notices and other communications (the Notices) required or permitted to be given by any Party to another Party pursuant to this Agreement shall be properly given only if the Notice is: (a) made in writing (whether or not so stated elsewhere in this Agreement); (b) given by one of the methods prescribed in Section 14.2; and (c) sent to the Party (to which it is addressed at the address set forth below (with a copy to the appropriate entity as indicated below) or at such other address as such Party (or the addressee required to be sent a copy) may hereafter specify by at least five calendar days' prior written notice:

If to City:                   City of Fresno  
                                  City Hall  
                                  2600 Fresno Street  
                                  Fresno, CA 93721-3600  
                                  Attention: Thomas Esqueda, City Manager  
                                  Facsimile: (559) 621-7776

And to:                      City Attorney  
                                  City of Fresno  
                                  City Hall  
                                  2600 Fresno Street

Fresno, CA 93721-3600  
Attention: Doug Sloan, City Attorney  
Facsimile: (559) 488-1084

If to Developer: Fagundes Bros. Dairy  
Attention: Mr. Fred Fagundes  
6569 N Riverside DR #102 PMB 503  
Fresno, CA 93722

Section 14.2 Methods of Delivery. Notices may be either: (a) delivered by hand; delivered by a nationally recognized overnight courier that maintains evidence of receipt; or sent by facsimile transmission with a confirmation copy delivered the following day by a nationally recognized overnight courier which maintains evidence of receipt. Notices shall be effective on the date of receipt.

## ARTICLE 15. GENERAL PROVISIONS

Section 15.1 City's Reservation of Authority. The Parties acknowledge and agree the intent of this Agreement is to protect the vested rights granted to Developer herein to the maximum extent allowed by law. Except for the limitations on the exercise by the City of its police power which are provided in this Agreement or which are construed in accordance with the immediately preceding sentence, the Parties further acknowledge and agree that: (a) the City reserves all of its police power and or statutory or other legal powers or responsibilities; and, (b) this Agreement shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit the discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws, and entitlement of use which require the exercise of discretion by the City or any of its officers or officials. This Agreement shall not be construed to limit the obligations of the City to comply with CEQA or any other federal or state law.

Section 15.2 Amendment or Cancellation. Subject to meeting the notice and hearing requirements of Section 65867 of the California Government Code (and compliance with the procedures set forth in Fresno Municipal Code Section 15-6009(B), this Agreement may be amended from time to time, or canceled in whole or in part, by mutual written consent of the City and Developer, or their respective successors in interest in accordance with the provisions of Section 65868 of the California Government Code.

Section 15.3 Waiver. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the Party against whom enforcement of a waiver is sought and referring expressly to this Section. No waiver of any right or remedy in

respect of any occurrence or event shall be deemed a waiver of any right or remedy in respect of any other occurrence or event.

Section 15.4            Successor and Assigns. The provisions of this Agreement shall be binding upon and inure to the benefit of the Parties, and any subsequent owners of all or any portion of the Oasis Master Plan Area and their respective successors and assigns. Any successors in interest to the City shall be subject to the provisions set forth in Sections 65865.4 and 65868.5 of the California Government Code.

Section 15.5            Interpretation and Governing State Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objective and purposes of the Parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting Party shall not be employed in interpreting this Agreement, both Parties having been represented by counsel in the negotiation and preparation hereof. All legal actions brought to enforce the terms of this Agreement shall be brought and heard in the Superior Court of the State of California, County of Fresno.

Section 15.6            No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their successors and assigns. No other Person shall have any right of action based upon any provision of this Agreement.

Section 15.7            Attorneys' Fees. If either Party commences any action for the interpretation, enforcement, termination, cancellation, or rescission hereof, or for specific performance of the breach hereof, the prevailing Party shall be entitled to its reasonable attorneys' fees and litigation expenses and costs, and any judgment, order or decree rendered in such action, suit or proceeding shall include an award thereof. Attorneys' fees under this Section shall include attorneys' fees on any appeal and any post-judgment proceedings to collect or enforce the judgment. This provision is separate and several and shall survive the merger of this Agreement into any judgment on this Agreement.

Section 15.8            Limitation of Legal Acts. Except as provided in Section 15.7, in no event shall the City, or its officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed the Developer's sole legal remedy for a breach or violation of this Agreement by the City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.

Section 15.9 Validation. If so, requested in writing by the Developer, the City agrees to initiate appropriate procedure under California Code of Civil Procedure Section 860 et seq., in order to validate this Agreement, and the obligations thereunder. Any validation undertaken at the request of the Developer shall be at the sole cost of the Developer.

Section 15.10 Successor Statutes Incorporated. All references to a statute or ordinance, shall incorporate any, or all, successor statute or ordinance enacted to govern the activity now governed by the statute or ordinance, noted herein to the extent, however, that incorporation of such successor statute or ordinance does not adversely affect the benefits and protections granted to the Developer under this Agreement.

Section 15.11 Incorporation of Attachments. All recitals and attachments to this Agreement, including all Exhibits referenced herein, and all subparts thereto, are incorporated herein by this reference.

Section 15.12 Negation of Partnership. The Parties specifically acknowledge the Oasis Master Plan is a private development, that neither Party is acting as the agent of the other in any respect hereunder, and each Party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in the businesses of Developer, the affairs of the City, or otherwise, or cause them to be considered joint venturers or members of any joint enterprise. This Agreement is not intended and shall not be construed to create any third-party beneficiary rights in any Person who is not a Party or a Transferee; and nothing in this Agreement shall limit or waive any rights Developer may have or acquire against any third Person with respect to the terms, covenants or conditions of this Agreement.

Section 15.13 Not A Public Dedication. Except for Required Exactions specifically set forth in this Agreement and then only when made to the extent so required, nothing herein contained shall be deemed to be a gift or dedication of the Oasis Master Plan Area or any buildings or improvements constructed in the Project, to the general public, for the general public, or for any public use or purpose whatsoever, it being the intention and understanding of the Parties that this Agreement be strictly limited to and for the purposes herein expressed for the development of the Oasis Master Plan Area as private property.

Section 15.14 Severability. Invalidation of any of the provisions contained in this Agreement, or of the application thereof to any Person, by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other Person or circumstance and the same shall remain in full force and effect, unless enforcement of this Agreement as so invalidated would be unreasonable or grossly inequitable

under all the circumstances or would frustrate the purposes of this Agreement.

Section 15.15 Counterparts. This Agreement may be executed in two or more identical counterparts, each of which shall be deemed to be an original and each of which shall be deemed to be one and the same instrument when each Party signs each such counterpart.

Section 15.16 Signature Pages. For convenience, the signatures of the Parties to this Agreement may be executed and acknowledged on separate pages which, when attached to this Agreement, shall constitute this as one complete Agreement.

Section 15.17 Days. Unless otherwise specified in this Agreement, the term "days" means calendar days.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement.

CITY

CITY OF FRESNO,  
a municipal corporation

By: \_\_\_\_\_  
Thomas Esqueda, City Manager

Dated: \_\_\_\_\_

ATTEST:  
YVONNE SPENCE, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
DEPUTY

Dated: \_\_\_\_\_

DEVELOPER

Fagundes Bros Dairy, a \_\_\_\_\_

By: \_\_\_\_\_  
Fred Fagundes, Its \_\_\_\_\_

Dated: \_\_\_\_\_

Exhibit "A"  
Legal Description of  
Oasis Master Plan Area

**Parcel 1: (APN: 326-100-36)**

The south half of the southeast quarter of the northwest quarter of section 12, township 14 south, range 19 east, mount diablo base and meridian, Fresno county records.

**Parcel 1a:**

An easement over the north edge and the west edge of the north half of the southeast quarter of the northwest quarter of section 12, township 14 south, range 19 east to convey water thru an open ditch or pipe as disclosed by an agreement recorded February 15, 1937 as document no. 4486.

**Parcel 2: (APN: 326-100-55)**

The west half of the southeast quarter of the northeast quarter of section 12, township 14 south, range 19 east, mount diablo base and meridian, according to the official plat thereof. Excepting therefrom the south 417.42 feet thereof.

**Parcel 3: (APN: 326-100-67)**

All that portion of the northeast quarter of section 12, township 14 south, range 19 east, mount diablo base and meridian, according to the official plat thereof, more particularly described as follows:

The south 420 feet of the west half of the southwest quarter of said northeast quarter of said section 12. Excepting therefrom one acre in the southwest corner of said northeast quarter of said section 12, said acre being square in shape. also excepting therefrom, the south 30.00 feet and the west 20.00 feet thereof for roads. The above-described parcel of land being shown as parcel in a lot line adjustment no. 2006-31 filed by the city of Fresno development department, building & safety division and recorded on October 3, 2006, as document no. 2006-0210713, Fresno County Records.

**Parcel 4: (APN: 326-100-69)**

All that portion of the northeast quarter of section 12, township 14 south, range 19 east, mount diablo base and meridian, according to the official plat thereof, more particularly described as follows:

The southwest quarter of the northeast quarter of said section 12. Excepting therefrom the south 420 feet of the west half of said southwest quarter of said northeast quarter of said section 12. Also excepting therefrom, the south 30.00 feet for roads.

The above-described parcel of land being shown as parcel B of Lot Line Adjustment No.2006-31 filed by the City of Fresno Development Department, Building & Safety Services Division and recorded on October 3, 2006, as Document No. 2006-0210713, Fresno County Records.

**Parcel 5: (APN: 326-100-76)**

That portion of the Northeast quarter of the Northwest quarter of Section 12, Township 14 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

Beginning at the North quarter corner of said Section 12; thence South 00° 35' 02" West, along the East line of the Northwest quarter of said Section 12, a distance of 511.57 feet; thence North 89° 24' 58" West, a distance of 43.46 feet; thence South 44° 39' 57" West, a distance of 20.31 feet; thence North 89° 24' 58" West, a distance of 85.83 feet; thence North 45° 20' 03" West, a distance of 21.02 feet; thence North 89° 24' 58" West, a distance of 50.03 feet; thence South 01° 15' 09" East, a distance of 48.29 feet to a point being 207.00 feet West of the East line of the Northwest quarter of said Section 12; thence South 00° 35' 02" West, parallel with and 207.00 feet West of the East line of the Northwest quarter of said Section 12, a distance of 93.23 feet; thence South 45° 13' 35" West, a distance of 20.78 feet to a point being 665.00 feet South of the North line of the Northwest quarter of said Section 12; thence South 89° 52' 08" West, parallel with and 665.00 feet South of the North line of the Northwest quarter of said Section 12, a distance of 935.01 feet; thence North 44° 43' 04" West, a distance of 20.50 feet to a point being 150.00 feet East of the West line of the Northeast quarter of the Northwest quarter of said Section 12; thence North 00° 41' 44" East, parallel with and 150.00 feet East of the West line of the Northeast quarter of the Northwest quarter of said Section 12, a distance of 12.54 feet; thence South 87° 08' 29" West, a distance of 150.29 feet to a point on the West line of the Northeast quarter of the Northwest quarter of said Section 12; thence North 00° 41' 44" East, along the West line of the Northeast quarter of the Northwest quarter of said Section 12, a distance of 645.08 feet to the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 12; thence North 89° 52' 08" East, along the North line of the Northeast quarter of the Northwest quarter of said Section 12, a distance of 1319.95 feet to the true point of beginning.

This legal description is pursuant to that certain Certificate of Compliance PLA 06-42(A), recorded December 5, 2007, as Instrument No. 2007-0216712 of Official Records.

**Parcel 6: (APN: 326-100-77)**

That portion of the Northeast quarter of the Northwest quarter of Section 12 Township 14 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows: Commencing at the North quarter corner of said Section 12; thence South 00° 35' 02" West, along the East line of the Northwest quarter

of said Section 12, a distance of 511.57 feet to the true point of beginning; thence continue South 00° 35' 02" West, along the East line of the Northwest quarter of said Section 12, a distance of 514.98 feet; thence North 89° 24' 58" West, a distance of 42.00 feet; thence South 45° 35' 02" West, a distance of 20.65 feet; thence North 89° 24' 58" West, a distance of 85.80 feet; thence North 44° 24' 58" West, a distance of 20.65 feet; thence North 89° 24' 58" West, a distance of 50.00 feet to a point being 207.00 feet West of the East line of the Northwest quarter of said Section 12; thence South 00° 35' 02" West, parallel with and 207.00 feet West of the East line of the Northwest quarter of said Section 12, a distance of 126.52 feet; thence South 45° 13' 35" West, a distance of 20.78 feet to a point being 221.60 feet West of the East line of the Northwest quarter of said Section 12; thence South 00° 35' 02" West, parallel with and 221.60 feet West of the East line of the Northwest quarter of said Section 12, a distance of 50.00 feet; thence South 44° 46' 25" East, a distance of 20.52 feet to a point being 207.00 feet West of the East line of the Northwest quarter of said Section 12; thence South 00° 35' 02" West, parallel with and 207.00 feet West of the East line of the Northwest quarter of said Section 12, a distance of 85.41 feet to a point being 1315.00 feet South of the North line of the Northwest quarter of said Section 12; thence South 89° 52' 08" West, parallel with and 1315.00 feet South of the North line of the Northwest quarter of said Section 12, a distance of 1115.49 feet to a point on the West line of the Northeast quarter of the Northwest quarter of said Section 12; thence North 00° 41' 44" East, along the West line of the Northeast quarter of the Northwest quarter of said Section 12, a distance of 670.05 feet; thence North 87° 08' 29" East, a distance of 150.29 feet to a point being 150.00 feet East of the West line of the Northeast quarter of the Northwest quarter of said Section 12; thence South 00° 41' 44" West parallel with and 150.00 feet East of the West line of the Northeast quarter of the Northwest quarter of said Section 12, a distance of 12.54 feet; thence South 44° 43' 04" East, a distance of 20.50 feet to a point being 665.00 feet South of the North line of the Northwest quarter of said Section 12; thence North 89° 52' 08" East, parallel with and 665.00 feet South of the North line of the Northwest quarter of said Section 12, a distance of 935.01 feet; thence North 45° 13' 35" East, a distance of 20.78 feet to a point being 207.00 feet West of the East line of the Northwest quarter of said Section 12; thence North 00° 35' 02" East, parallel with and 207.00 feet West of the East line of the Northwest quarter of said Section 12, a distance of 93.23 feet; thence North 01° 15' 09" West, a distance of 48.29 feet; thence South 89° 24' 58" East, a distance of 50.03 feet; thence South 45° 20' 03" East, a distance of 21.02 feet; thence South 89° 24' 58" East, a distance of 85.83 feet; thence North 44° 39' 57" East, a distance of 20.31 feet; thence South 89° 24' 58" East, a distance of 43.46 feet to the true point of beginning.

This legal description is pursuant to that certain Certificate of Compliance PLA 06-42(B), recorded December 5, 2007, as Instrument No. 2007-0216713 of Official Records.

**Parcel 7: (APN: 326-100-78)**

That portion of the Northwest quarter of Section 12 Township 14 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

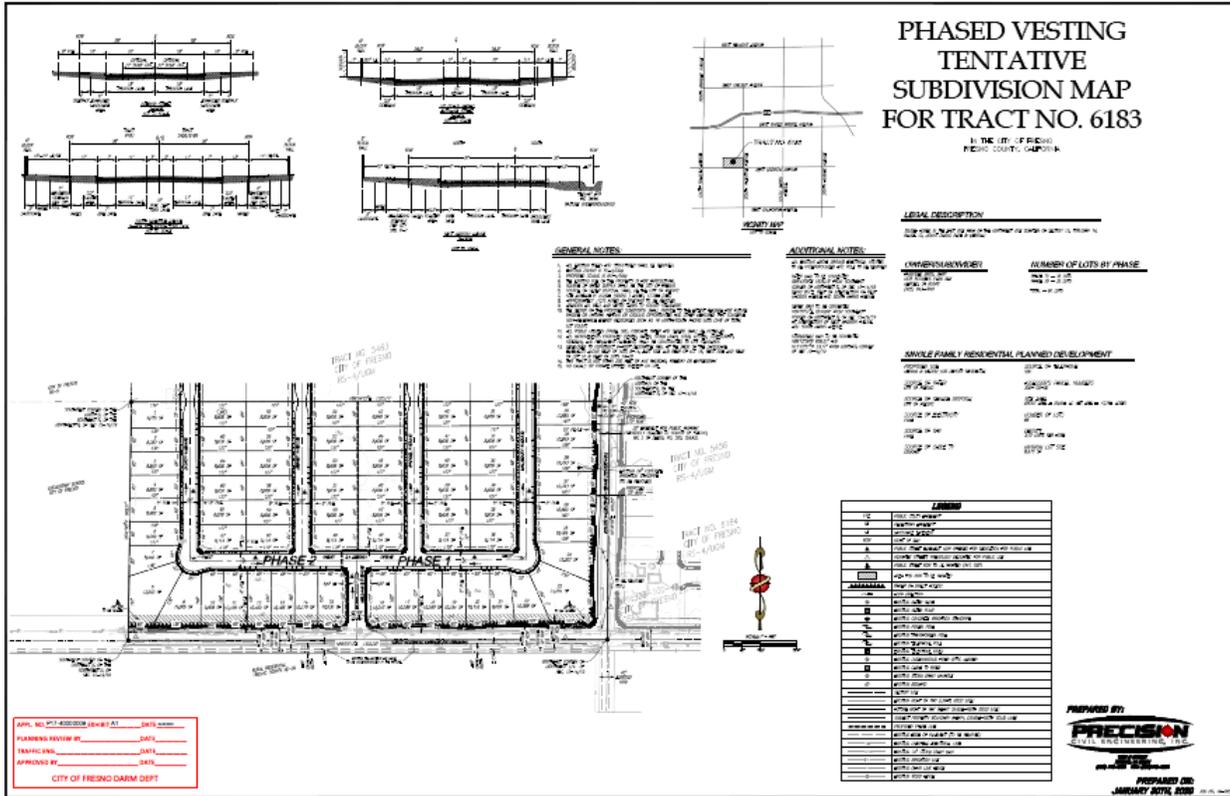
Commencing at the North quarter corner of said Section 12; thence South 00° 35' 02" West, along the East line of the Northwest quarter of said Section 12, a distance of 1026.55 feet to the true point of beginning; thence North 89° 24' 58" West, a distance of 42.00 feet; thence South 45° 35' 02" West, a distance of 20.65 feet; thence North 89° 24' 58" West, a distance of 85.80 feet; thence North 44° 24' 58" West, a distance of 20.65 feet; thence North 89° 24' 58" West, a distance of 50.00 feet to a point being 207.00 feet West of the East line of the Northwest quarter of said Section 12; thence South 00° 35' 02" West, parallel with and 207.00 feet West of the East line of the Northwest quarter of said Section 12, a distance of 126.52 feet; thence South 45° 13' 35" West, a distance of 20.78 feet to a point being 221.60 feet West of the East line of the Northwest quarter of said Section 12; thence South 00° 35' 02" West, parallel with and 221.60 feet West of the East line of the Northwest quarter of said Section 12, a distance of 50.00 feet; thence South 44° 46' 25" East, a distance of 20.52 feet to a point being 207.00 feet West of the East line of the Northwest quarter of said Section 12; thence South 00° 35' 02" West, parallel with and 207.00 feet West of the East line of the Northwest quarter of said Section 12, a distance of 85.41 feet to a point being 1315.00 feet South of the North line of the Northwest quarter of said Section 12; thence South 89° 52' 08" West, parallel with and 1315.00 feet South of the North line of the Northwest quarter of said Section 12, a distance of 1115.49 feet to a point on the West line of the Northeast quarter of the Northwest quarter of said Section 12; thence South 00° 41' 44" West, along the West line of the East half of the Northwest quarter of said Section 12, a distance of 666.71 feet to the Southwest corner of the North half of the Southeast quarter of the Northwest quarter of said Section 12; thence North 89° 54' 24" East, along the South line of the North half of the Southeast quarter of the Northwest quarter of said Section 12, a distance of 1323.80 feet to the Southeast corner of the North half of the Southeast quarter of the Northwest quarter of said Section 12; thence North 00° 35' 02" East along the East line of the Northwest quarter of said Section 12, a distance of 956.11 feet to the true point of beginning. This legal description is pursuant to that certain Certificate of Compliance PLA 06-42(C), recorded December 5, 2007, as Instrument No. 2007-0216714 of Official Records.





# Exhibit "B-3"

## Oasis Master Plan TRACT Maps (Tract 6183)



# Exhibit "B-4"

## Oasis Master Plan TRACT Maps (Tract 6184)

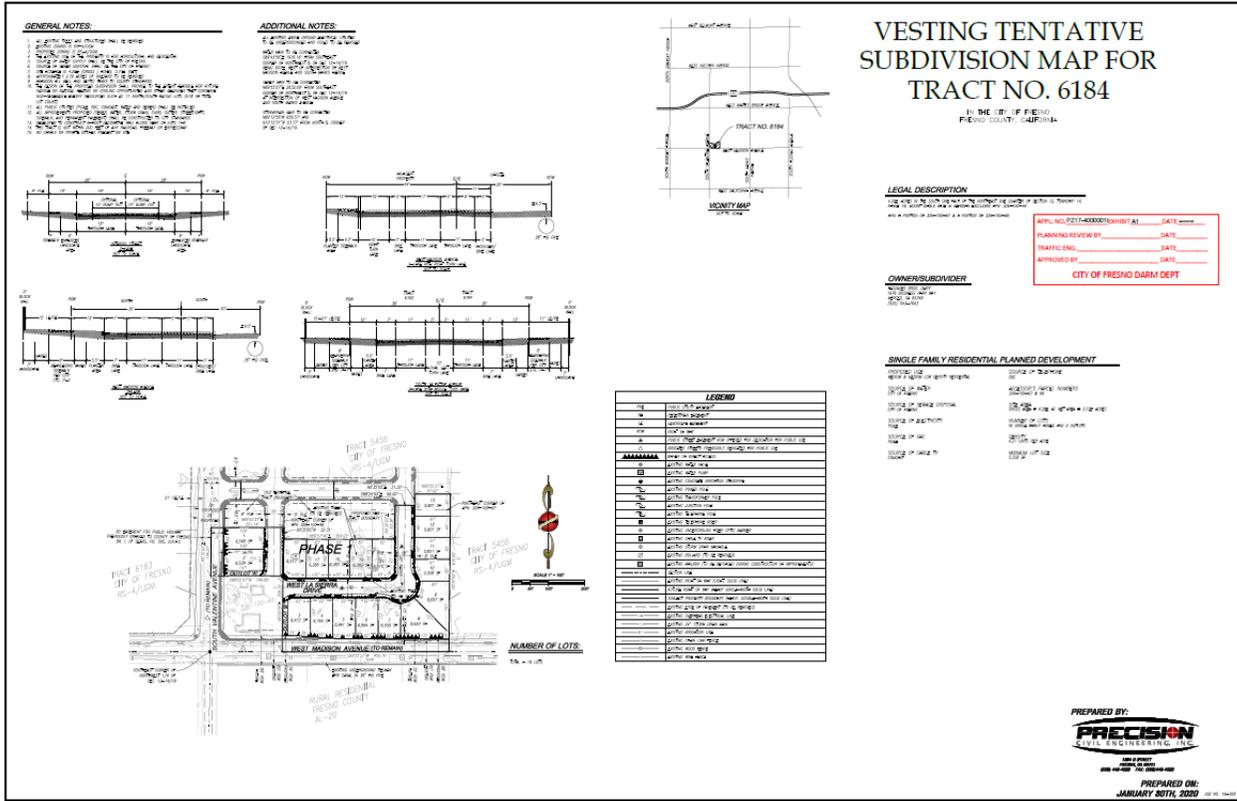


Exhibit "C"

Listing of TRACTS IN OASIS MASTER PLAN DEVELOPMENT

|   |  |
|---|--|
| TRACT 5456 of Oasis Master Plan DEVELOPMENT | 210 units of Residential Use in an RS-4/UGM. |
| TRACT 5463 of Oasis Master Plan DEVELOPMENT | 305 units of Residential Use in an R-1/UGM.  |
| TRACT 6183 of Oasis Master Plan DEVELOPMENT | 66 units of Residential Use in an RS-4.      |
| TRACT 6184 OF Oasis Master Plan DEVELOPMENT | 18 units of Residential Use in an RS-4/UGM.  |



**Exhibit "E"**  
**Proposed Park Revisions (removed from 5456 and enlarged on 5463)**

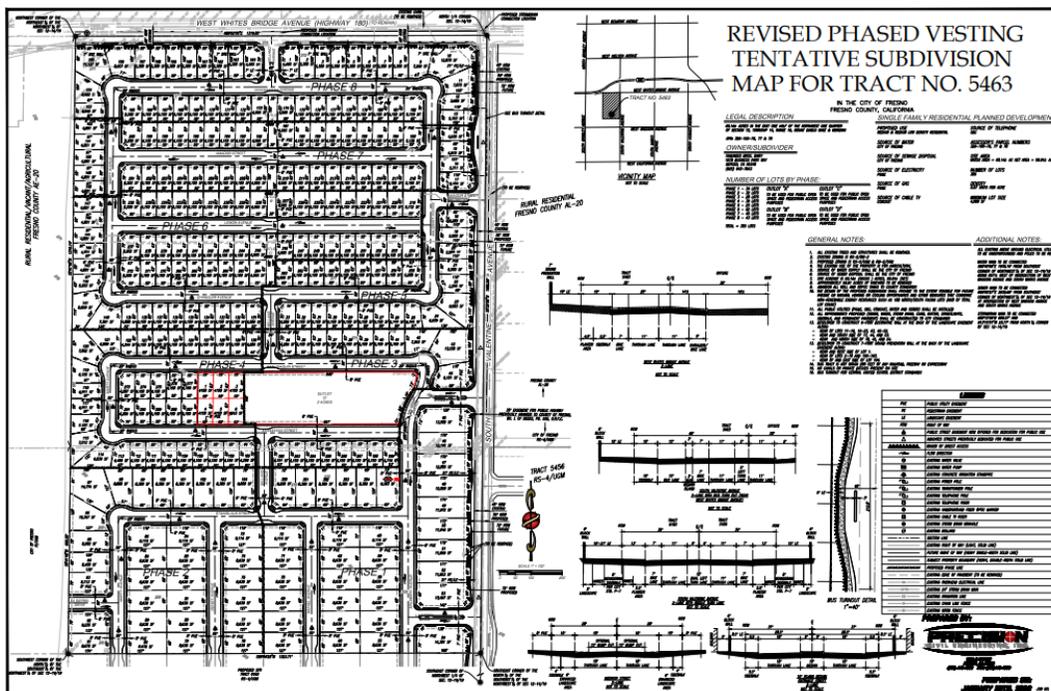
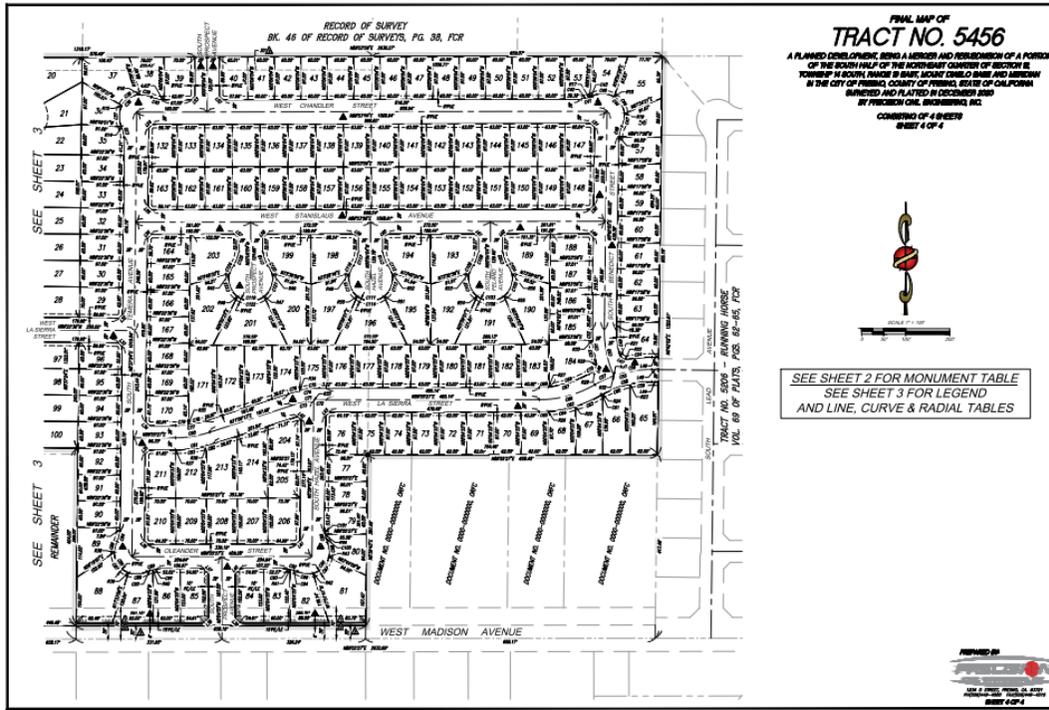


Exhibit "F-1" (Tract 5456)  
Required Tract Map Exactions

**CITY OF FRESNO  
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

**Approved by Planning Commission on November 16, 2005, but Appealed to City Council  
(REVISED BY THE CITY COUNCIL ON JANUARY 10, 2006)**

**Revised September 18, 2020**

**Revised September 23, 2021**

**VESTING TENTATIVE TRACT MAP NO. 5456/UGM**

**North of West Madison Avenue between South Marks and South Valentine Avenues**

All tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code, City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative map. The Urban Growth Management (UGM) Service Delivery Plan requirements are included in the following conditions of approval and are designated by the caption "Urban Growth Management Requirements."

**NOTICE TO PROJECT APPLICANT**

**In accordance with the provisions of Government Code § 66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.**

**GENERAL CONDITIONS**

1. Upon conditional approval of Revised Vesting Tentative Tract Map No. 5456/UGM ~~entitled Exhibit A, dated January 10, 2006,~~ the subdivider may prepare a Final Map in accordance with the approved tentative tract map and related Rezone Application No. R-05-43.
2. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
3. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.
4. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.

5. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
6. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, ~~Article 10,~~ Chapter 15, Part IV, ~~Subdivision of Real Property~~ Land Divisions; and Resolution No. 68-187, City Policy with Respect to Subdivisions; and City of Fresno Standard Specifications, 2002 Edition, and amendments thereto.
7. The developer/owner shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water service, sewerage, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
8. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
9. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title, or interest and the nature of their interest per State law.
10. Relinquish access rights to West Madison and South Marks Avenues from all residential lots which abut these streets and from the east property line of lot 48 and west property line of 60; also relinquish access rights from the south property line of lot 142 and the north property line of lot 133. Ref. Section 12-1011-f-3 of the Fresno Municipal Code.
11. Prior to final map approval, the owner of the subject property shall execute a ~~A~~Right to Farm~~@~~ covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the County of Fresno and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The ~~A~~Right to Farm~~@~~ covenant shall be recorded prior to or concurrent with the recording of the Final Map of Tentative Tract No. 5456/UGM.

Landscaping and Walls

- ~~12. Pursuant to 2025 Fresno General Plan Exhibit 9 and Policies E-15-a, E-15-b, E-15-h, E-15-i and E-15-x and in accordance with Policies 3.2.1 and 3.2.2 and 3.2.3 of the 1990 Master Multi-Purpose Trails Manual, within the limits of the tract, the developer/owner shall construct appropriate improvements. (Previously deleted).~~
13. Provide a 10-foot landscaped easement (and irrigation system) along the side or rear property lines of all lots which side-onto or back-onto South Valentine Avenue and a 15-foot landscape easement (and irrigation system) as proposed by the developer along the rear property line of lots which back onto West Madison Avenue. Ref. Section 12-1011-f-3 of the Fresno Municipal Code. Also provide 10-foot landscaped easement (and irrigation system) along the east frontage of lot 48 85, west frontage of lot 60 84, the south frontage of lot 442 1, the north frontage of lots 133 11 & 106. ~~and the corner cut-off areas at the intersections of South Prospect and West Madison Avenues, and South Prospect and West Oleander Avenues; the north side of the intersection of West Tuolumne and South Valentine Avenues, and West Tuolumne and South Charles Avenues (Lot 142) and on the south side of West Chandler and South Valentine Avenues, and West Chandler and South Charles Avenue (Lot 133) in accordance with Section 12-306 H 3-d of the Fresno Municipal Code. Corner cut offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection. At the intersections of streets, this distance is 30 feet.~~

The proposed landscape and pedestrian easements along the major street frontages (Valentine & Madison Avenues) and entryways of the subdivision shall be identified as Outlots to be dedicated to the City of Fresno, in fee, for public landscape, pedestrian and utility purposes on the Final Map.

- a) Walls shall be constructed at the rear of the required landscaped areas in accordance with the respective conditions contained herein above.

Provide a corner cut-off and visibility triangle area at all intersections, driveways and alleys where walls or fences and/or landscaping are proposed and/or required, in accordance with Section 15-2018 of the FMC.

- a) Street Intersections. Vegetation and/or structures, flagpoles, signs, fences or walls may not exceed a height of three feet within the triangular sight-distance area.
- i) Trees that are located within the sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.
- b) Driveways and Alleys. Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street trees shall be pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.

The corner cut-off areas shall be landscaped (including an irrigation system) with a 10-foot landscaped easement, and may be included within the City's Community Facilities District.

When the grading plan establishes a top of slope beyond the required landscape easement noted and the construction of the required wall is to be established coincident with the top of slope then the required minimum easement width shall be expanded to include the full landscaped area up to the wall location.

14. Maintenance of the required landscape easements along South Valentine and West Madison Avenues may be the responsibility of the City's Community Facilities District. Contact the Public Works Department, Engineering Services Division, for information regarding the City's District and comply with the requirements noted in the memorandum from the Public Works Department, Engineering Services Division, dated ~~September 8, 2005~~ October 29, 2019. The property owner shall petition the City for annexation to the City's District prior to Final Map approval.
15. If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. **The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.**
16. Should the City Council not approve the annexation of such landscape areas into a Community Facilities District, the property owner/developer shall create a homeowner's association for the maintenance of the landscape areas. The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review two weeks prior to Final Map approval. Said documents shall be recorded with the Final Map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the owner's association for landscaping and other provisions as stated in the Development Department Guidelines for preparation of CC&Rs dated January 11, 1985.
17. Improvement plans for all required landscaping and irrigation systems shall be submitted to the Planning and Development Department for review prior to Final Map approval.
18. Construct a 6-foot high solid masonry wall along the rear or side property lines of all lots which back onto or side onto South Valentine and West Madison Avenues, the west frontage of Lot ~~60~~ 84, the east frontage of Lot ~~48~~ 85, the south frontage of Lot ~~142~~ 1, and the north frontages of Lots ~~133~~ 11 & 106 (solid wall to meet the requirements of Section 12-306-H, Fresno Municipal Code).

#### Building Setbacks

19. Building setbacks shall be in accordance with the ~~R-1/UGM~~ RS-4 zone district and the provisions of Article 9, Chapter 15 of the Fresno Municipal Code. ~~Section 12-207.5-E-1-c as shown on Exhibit A-A of revised Tentative Tract Map No. 5456/UGM dated January 10, 2006.~~

Conditions of Approval

Revised Vesting Tentative Tract Map No. 5456/UGM

January 10, 2006 ~~September 18, 2020~~ September 23, 2021

Page 5

~~19A. Proposed lots 11, 19, 21, 22, 52, 54, 67, 159, on Vesting Tract Map No. 5456/UGM dated January 10, 2006 are considered key lots. Provide a 10-foot side yard along the side yard which abuts an adjacent rear yard.~~

Information

20. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the Central Unified School District in accordance with the school district's adopted schedule of fees.
21. The proposed tentative tract map shall be annexed to the City of Fresno concurrent with, or prior to, final tract map approval, pursuant to all required fees and policies of the Fresno County Local Agency Formation Commission and the City of Fresno including any cost incurred to the City of Fresno by the detachment of the property from the North Central Fire Protection District.
22. Contact the United States Postal Service, Fresno Office, for the location and type of mailboxes to be installed in this subdivision.
23. Pursuant to Section 66456.1 of the Subdivision Map Act, which states the right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps and any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12 15, ~~Article 10~~ Part IV, ~~Subdivision of Real Property~~ Land Divisions.
24. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
25. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
26. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: 559-268-0109; after hours the contact phone number is 559-488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number 916-653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number: 805-644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation measures.
27. If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted

to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.

28. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

- a. A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b. A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c. Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.

The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

29. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
30. The subdivider shall obtain any and all permits required for the removal or demolition of any building or structure located within the subdivision boundaries. The developer shall also obtain any and all permits required for the closure of any septic tank, cesspool, or water well. All permits shall be obtained prior to commencement of such work in accordance with Chapter 13 of the Fresno Municipal Code.
31. Solid waste disposal for the subdivision shall be provided by the City of Fresno. The method of collection to be utilized in this tract shall be subject to approval of the Solid Waste Manager.

#### PARK SERVICE

32. Contact the Parks Department for requirements.

*Urban Growth Management Requirements*

33. The subdivider shall be required to pay the appropriate UGM Park Capital Fee at the time of final map approval. Fee payment may be deferred until time of building permit issuance in accordance with the requirements of Section 12-4.509-C-3 of the Fresno Municipal Code.

#### FIRE SERVICE

- ~~34. All structures shall be fire sprinklered as subdivision is located over three miles from closest fire station. Provide residential fire hydrants and fire flows per Public Works Standards with two sources of water.~~

The Subdivider shall comply with all of the requirements included within the attached letter from the Fresno Fire Department dated November 12, 2019.

- ~~35. Access is acceptable as shown. There shall be at least two points of access to the subdivision during construction.~~

#### *Urban Growth Management Requirements*

36. The subdivider shall be required to pay the appropriate Fire Station Capital Fee at the time of final map approval. Fee payment may be deferred until time of building permit issuance in accordance with the requirements of Section 12-4.509-C-3 of the Fresno Municipal Code.

#### SOLID WASTE SERVICE

37. The owners, lessees or other tenants of the residential dwellings on service day, before 6:00 a.m., shall place their solid waste containers at the edge of the curb approximately four feet apart and shall not block any vehicle accesses in accordance with the City of Fresno's Solid Waste Management Division Standards.
38. Per Section 9-404 of the FMC, Solid Waste Disposal Regulations, no solid waste container or residential rubbish shall be allowed to remain at the curb line after 8:00 p.m. on the collection day.
39. Property owners will receive three containers to be used as follows: one gray container for solid waste, one green container for green waste, and one blue container for recyclable material.
40. Project phasing: All streets shall connect to one another or a temporary turnaround shall be provided. The turnaround shall be large enough to accommodate a solid waste truck that is 35' long and has a turning radius of 44 feet. Turnaround shall be kept clear of vehicles by 6:00 a.m. on the solid waste service day.
41. **Covenant requirement:** There shall be no parking allowed in the cul-de-sacs on solid waste day. The following lots shall be clear of all vehicles by 6:00 a.m.: lots 164, 165, 166, 167, and 168; lots 169, 170, 171, 172, and 173; lots 174, 175, 176, 177, 178 185-199.

#### STREETS AND RIGHTS-OF-WAY

42. The subdivider shall furnish to the city acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal

Code and the State Subdivision Map Act.

43. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (i.e., fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement.
44. All the required street improvements shall be constructed and/or installed in accordance with the City of Fresno Standard Specifications (2002 Edition).
45. The subdivider shall install all existing and proposed utility systems underground in accordance with Fresno Municipal Code Section 42-4044 15-4114, 8-801 and Resolution No. 78-522/88-229.
46. The subdivider shall construct an underground street lighting system per Public Works Standards E-1 and E-2 within the limits of the tract. Spacing and design shall conform to Public Works Standards for local streets. Height, type, spacing, etc., of standards and luminaires shall be in accordance with Resolutions No. 68-187, 78-522, 81-219 and 88-229 or any modification thereto approved by the City Traffic Engineer prior to Final Map approval. Upon completion of the work by the subdivider and acceptance of the work by the City, the street lighting system shall be dedicated to the City. Submit engineered construction plans to the Public Works Department for approval.
47. All dead-end streets created by this subdivision shall be properly barricaded in accordance with City standards within seven days from the time the streets are surfaced or as directed by the Engineer.
48. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
49. All required signing and striping shall be done and paid for by the developer/owner. The signing and striping plans shall be done per the current Caltrans standards and shall be submitted along with the street construction, traffic signal and streetlight plans for this tentative map to the Public Works Department.
50. The Subdivider shall comply with all requirements included within the attached memorandum from the Public Works Department, Traffic Operations and Planning Division dated August 19, 2020.

#### Specific Mitigation Measures

~~Based on 2025 future conditions, South Valentine Avenue north of West Whitesbridge Avenue will be cul-d-sac tangent to the right of way of Caltrans Highway 180. In addition, West Whitesbridge Avenue west of Valentine Avenue will be cul-d-sac tangent to the right of way of Caltrans Highway 180. Therefore, the intersection of West Whitesbridge at South Valentine Avenue the Synchro report~~

~~shall be revised to show one northbound through lane and one southbound through lane. The trips shall be distributed for future 2025 conditions and the LOS update. As a mitigation measure, this project shall:~~

~~50. Pay its 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. The fee amount is \$414.69 per unit.~~

~~51. Dedicate and construct (2) 17" center section travel lanes along Madison Avenue with 250' left turn lanes at all major intersections from South Valentine Avenue to South Marks Avenue. An additional 6' of paving shall be required adjacent to the 250' left turn lanes. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on 55 MPH design speeds.~~

**Major Streets:**

Madison Avenue: Collector

~~52. Dedicate 47'-55' of property, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno's Collector Standards.~~

~~53. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The sidewalk pattern shall be constructed to a 10' residential pattern.~~

~~54. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.~~

~~55. 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.~~

~~56. Relinquish direct vehicular access rights to Madison Avenue from all lots within this subdivision.~~

Valentine Avenue: 3-lane Collector

~~57. Dedicate 42' of property, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno's Collector Standards per Exhibit "B".~~

~~58. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The sidewalk pattern shall be constructed to a 10' residential pattern.~~

~~59. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.~~

~~60. 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.~~

Conditions of Approval

**Revised** Vesting Tentative Tract Map No. 5456/UGM

January 10, 2006 September 18, 2020 **September 23, 2021**

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~~61. Relinquish direct vehicular access rights to Valentine Avenue from all lots within this subdivision.~~

~~62. Dedicate and improve school bus turnout in accordance with proposed standard as shown on revised Vesting Tentative Tract Map No. 5456/UGM dated January 10, 2006 (west of lots 138, 139 and 140).~~

**Interior Streets**

~~63. Design and construct all curb, gutter, sidewalk, (both sides), permanent paving, cul-de-sacs, and underground street lighting systems on all interior local streets to Public Works Standards. Sidewalk patterns shall comply with Public Works API Standards for 50' and 54' streets.~~

~~64. Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Pubic Works Standard **P-44**.~~

**Urban Growth Management Requirements**

This Map is in UGM major street zone **E-3**; therefore pay all applicable UGM fees.

Madison Avenue: Collector

~~65. Dedicate and construct frontage improvements adjacent to APN(s) 326-100-30, 31, 32, 46, 54 and the designated remainder per **Exhibit "C"**. For reference to frontage improvements required beyond the limit of development see F.M.C. Section 11-226(f) (6) and 2025 General Plan Policy numbers E-1 c, E-1 j, E-1 n and E-3 e.~~

~~66. Dedicate and construct (2) 17' center section travel lanes with 250' left turn lanes, at all major intersections from Valentine to Marks Avenue. An additional 6' of paving shall be required adjacent to the 250' left turn lanes. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 55 MPH design speed.~~

Valentine Avenue: Collector

~~67. Dedicate and construct (2) 17' center section travel lanes with 250' left turn lanes, at all major intersections from Madison to the northern limits of this subdivision. An additional 6' of paving shall be required adjacent to the 250' left turn lanes. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.~~

~~68. Dedicate and construct frontage improvements adjacent to APN(s) 326-100-46 and the designated remainder per **Exhibit "C"**. Frontage Improvements required beyond the limit of development: F.M.C. Section 11-226(f) (6) and 2025 General Plan Policy numbers E-1 c, E-1 j, E-1 n and E-3 e.~~

Whites Bridge:

69. Design and construct (2) **Major Street Bridge(s)** at the intersection of Whites Bridge and the Teilman No. 79 Canal **and** at Whites Bridge and the Mortensen No. 80 Canal. Public Works will apply this requirement to a minimum of 4 other subdivisions with each subdivision being responsible for a fee no greater than 1/5 of the cost of said bridge. The timing of the bridge construction shall occur **prior** to close out of this subdivision **or** at such time that the City Engineer deems necessary, whichever is earlier.

### SANITARY SEWER SERVICE

~~The nearest sanitary sewer main to serve the proposed project is a 60-inch main located in South Marks Avenue. Sanitary sewer facilities will be available to provide service to the site subject to the following requirements:~~

70. ~~Construct a 12-inch sanitary sewer main in West Madison Avenue from South Marks Avenue west to the easterly lotline of APN 326-100-31.~~

The Subdivider shall comply with all requirements included within the attached Department of Public Utilities, Planning and Engineering (Sewer) memorandum dated ~~June 17, 2019~~ **July 28, 2021**.

71. ~~Construct a 10-inch sanitary sewer main from the 12-inch sanitary sewer main in West Madison Avenue west to South Valentine Avenue.~~

72. ~~Construct an 8-inch sanitary sewer main in South Valentine Avenue from West Madison Avenue north across the project frontage.~~

73. ~~Sanitary sewer mains shall be extended within the proposed tract to provide sewer service to each lot created.~~

74. ~~Separate sewer house branches shall be provided for each lot created.~~

75. ~~Abandon all existing on-site private sanitary sewer systems.~~

76. ~~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.~~

77. ~~Public sewer facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.~~

78. ~~Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the sanitary sewer system.~~

79. ~~Payment of appropriate sewer connection charges at the time of Final Map approval~~

subject

- ~~to deferral to building permit issuance as appropriate. These payments include the following:~~
- ~~Lateral Sewer Charge, Oversize Sewer Charge, Sewer Facility Charge (Residential Only)~~

**Water Service**

80. ~~The nearest water main to serve the proposed project is a 14-inch water main located in South Marks Avenue. Water facilities are available to provide service to the site subject to the following requirements:~~

The subdivider shall comply with all requirements included within the attached Department of Public Utilities, Water Division memorandum dated ~~November 05, 2019~~ July 28, 2021.

81. ~~Construct a 14-inch transmission grid water main (including installation of city fire hydrants) in West Madison Avenue from South Lead Avenue west to South Valentine Avenue.~~

82. ~~Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in South Valentine Avenue from West Madison Avenue north to West Whitesbridge Road.~~

83. ~~Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in West Whitesbridge Road from South Valentine Avenue east to South Marks Avenue.~~

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

85. ~~Separate water services with meter boxes shall be provided to each lot created.~~

86. ~~Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.~~

87. ~~Seal and abandon existing on-site well in compliance with State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.~~

88. ~~All public water facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.~~

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

90. ~~The following Water Connection Charges and fees shall be paid for the project: Wet ties water service(s), and/or meter(s) installation(s), Frontage Charge, Transmission Grid Main Charge.~~

91. ~~Due to limited information on an existing nitrate contaminant plume, additional test wells shall be constructed with the intent of identifying the concentration and extent of the contamination and the~~

~~general water supply potential. A study plan shall be approved by the Water System Manager prior to commencement. Prior to final map filing, a hydrogeological expert shall submit the results of the study with comparisons to State Health Standards and his projection of the general water supply potential based on the soil lithology.~~

### ***Urban Growth Management Requirements***

- ~~92. Sewer lateral charges are due and shall be paid for the project.~~
- ~~93. Wastewater Facilities Charges are due and shall be paid for the project.~~
- ~~95. Existing on-site wells within the boundaries of the proposed development shall be sealed and abandoned in compliance with the California Well Standards, Bulletin 74-90 or current revisions, issued by California Department of Water Resources, and City of Fresno standards.~~
- ~~96. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.~~
- ~~97. Installation of public fire hydrant(s) is required in accordance with City Standards.~~

### ***Urban Growth Management Requirements***

- ~~98. Payment of appropriate water connection charges at the time of final map approval subject to deferral to building permit issuance as appropriate.~~
- ~~99. Payment for installation of wet tie(s), water service(s) and/or meter(s) is required~~
- ~~100. Pay UGM water fees for Water Service Area No. **401S**.~~

### **URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)**

101. The developer of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to vesting tentative tract maps.
102. The developer will be responsible for the relocation or reconstruction of any existing improvements or facilities necessary to construct any of the required UGM improvements.

### ***Right-of-Way Acquisition***

103. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
104. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the

project design stage based on the existing conditions and detailed design information.

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

#### FLOOD CONTROL AND DRAINAGE

108. The subdivider shall be required to pay any applicable storm drainage fees to comply with Fresno Municipal Code Chapter 13, Article 13.
109. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements, which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letter to the Planning and Development Department dated ~~June 21, 2005~~ January 23, 2020.
110. Any temporary ponding basins constructed or enlarged to provide service to the subdivision shall be fenced in accordance with City standards within seven days from the time the basin becomes operational or as directed by the City Engineer. Temporary ponding basins will be created through a covenant between the City and the Developer prior to Final Map approval. Maintenance of the temporary ponding basin shall be by the Developer until permanent service for the entire subdivision is provided.

#### SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

111. The developer/owner shall comply with the requirements in the letter from the San Joaquin Valley Air Pollution Control District dated June 27, 2005, for Vesting Tentative Tract Map No. 5456/UGM.

#### FRESNO IRRIGATION DISTRICT

112. Comply with the attached correspondence from the Fresno Irrigation District dated June 9, 2005.

FRESNO COUNTY HEALTH

113. NA

DEVELOPMENT FEES AND CHARGES

114. This project is subject to the following development fees and charges:

| <b>PARKS DEPARTMENT</b>                                   | <b>FEE / RATE</b> |
|---|-------------------|
| a. Street Tree Landscape Plan Review fee                  | \$56.00           |
| b. Street Tree Installation fee<br>City-installed tree    | \$129.00/tree     |
| c. Street Tree Inspection fee<br>Developer-installed tree | \$30.00/tree      |
| d. Maintenance District Plan Review fee                   | \$176.00          |
| e. Maintenance District Inspection fee                    | \$305.00          |
| f. Reinspection fee                                       | \$29.00           |

| <b>FRESNO METROPOLITAN FLOOD CONTROL DISTRICT</b>                                       | <b>FEE / RATE</b>    |
|---|----------------------|
| g. Metropolitan Flood Control District fee<br><del>Rates increased March 1, 2004.</del> | <del>\$255,819</del> |

The Subdivider shall pay all applicable fees identified within the attached Fresno Metropolitan Flood Control District memorandum as referenced herein above.

| <u>SEWER CONNECTION CHARGES</u>                         | <u>FEE RATE</u>         |
|---|-------------------------|
| b. Lateral Sewer Charge♠<br>depth)                      | \$0.10/sq. ft. (to 100' |
| c. Oversize Charge♠<br>depth)                           | \$0.05/sq. ft. (to 100' |
| d. Trunk Sewer Charge♥<br>Service Area:                 | N/A                     |
| e. Wastewater Facilities Charge♣<br>\$2,119/living unit |                         |
| f. Copper Avenue Sewer Lift Station Charge♠             | N/A                     |

- g. Fowler Trunk Sewer Interim Fee Surety♠ N/A
- h. House Branch Sewer Charge♥ N/A
- i. Millbrook Overlay Sewer♠ N/A

WATER CONNECTION CHARGES FEE RATE

- j. Service Connection Charge Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
- k. Frontage Charge♠ \$6.50/lineal foot
- l. Transmission Grid Main Charge♠ \$643/gross acre (parcels 5 gross acres or more)
- m. Transmission Grid Main Bond Debt♠  
Service Charge \$243/gross acre (parcels 5 gross acres or more)
- n. UGM Water Supply Fee♥  
Service Area: 401s \$371/living unit
- o. Well Head Treatment Fee♥  
Service Area: 401 \$31/living unit
- p. Recharge Fee♥  
Service Area: 401 \$0/living unit
- q. 1994 Bond Debt Service♠  
Service Area: 401 \$0/living unit

DEVELOPMENT IMPACT FEE FEE RATE

- r. Northeast Fresno Policing Area♣ N/A
- s. Traffic Signal Charge♠ \$414.69/living unit

URBAN GROWTH MANAGEMENT FEE RATE

- t. UGM Fire Station Capital Fee♠  
Service Area: Undesignated \$800/gross acre
- u. UGM Park Fee♠  
Service Area: 3 \$3219/gross acre
- v. Major Street Charge♠  
Service Area: E-3 \$4053/adj. acre

Conditions of Approval

Revised Vesting Tentative Tract Map No. 5456/UGM

~~January 10, 2006~~ ~~September 18, 2020~~ September 23, 2021

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|   |                 |
|---|-----------------|
| w. Major Street Bridge Charge♣<br>Service Area: E-3 | \$232/adj. acre |
| x. UGM Grade Separation Fee♠                        | N/A             |
| y. UGM Trunk Sewer Charge♠<br>Service Area:         | N/A             |
| z. Street Acquisition/Construction Charge♥          | N/A             |

Notes:

- ♣ Due at time of development
- ♠ Deferrable through Fee Deferral Covenant.
- ♥ Due at time of subdivision.





**DATE:** October 29, 2019

**TO:** Planning Project Manager/Planning  
Planning and Development 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. 5456 REGARDING MAINTENANCE REQUIREMENTS (P19-04222)

**LOCATION:** 3240 W Madison Avenue  
**APN:** 326-100-69

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<br><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. Provide park structure plans that have been reviewed and approved by the Building & Safety Services Division. All other park amenities shall be reviewed and approved with the landscaping plans and shall be technically correct 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 dedicated street right of way and landscape easements; including without limitation, the street median islands (1/2, if fronting only one side of median), parkways, buffers, and street entry medians and sides (**10’ wide minimum landscaped areas with block wall allowed**) in **all Local and Major Streets**.
- All landscaping, trees, irrigation systems, hardscaping and amenities within Outlots specifically dedicated for the purpose of open spaces and trails. These may be deeded to the City in fee for those purposes as approved by the City Engineer.
- 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 Operations and Planning 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.
  - Landscaped areas not within the dedicated street right of way approved for Services by CFD No. 11 shall be dedicated as a public easement for maintenance purposes. Outlots specified for park and bike pedestrian landscaping (trail) purposes shall be dedicated in fee to the City of Fresno 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)

## Fire Review

| Action by Department | Action By        | Status Date |
|----------------------|------------------|-------------|
| Fire Department      | Byron<br>Beagles | 11/12/2019  |

### Comments

1. This tract number was previously reviewed in in 2006 along with adjacent Tract 5456 which is also identified as the "Oasis Tract".
2. With the construction of Fire Station #19 several years ago, all houses are within a 3.0 mile response distance from an existing operational fire station.
3. The tract is over ½ mile to existing public water main infrastructure. Provide public water mains with two sources of water and fire hydrants within the tract at 600 foot residential spacing.
4. Fire hydrants and all weather access with two points of connection must be maintained in service during all phases of construction.
5. Extensions of public water mains in E. Whitesbridge, N. Valentine, and E. Madison will require the installation of public hydrants adjacent to existing developed rural residential and commercial parcels.
6. The proposed interior street pattern section indicates standard 36 foot public streets. The section also indicates "Optional 12' Bump Out" (as measured from the street centerline); where bump outs are provided, curbs must be painted red.
7. The median split entries are proposed, paint the curbs reds along the sidewalk side of these entries.



DATE: 8-19-20 REVISION

TO: Will Tackett, Planning Manager  
Planning and Development Department

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

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

SUBJECT: Public Works Conditions of Approval for **T-5456 / P19-04222**  
210 - Lot Single Family Residential Subdivision  
3420 West Madison Avenue  
Fagundes Bros. Dairy / Precision Civil Engineering

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

**Provide the following information prior to the acceptance of the final map submittal.**

This can result in additional conditions of approval.

1. Verify that the border is correct. Incorrect boundaries could result in extending timelines due to the need for separate processes, timelines and fees.
2. Revise all cross sections and the map to comply with Public Works Standards:
  - **56'** interior **P-56 (5.5' 4'-.5')**
  - Valentine:2-way left turn: **P-54 (12-7-11-12-11-7-12)**
  - Valentine: bus **P-54 (12-7-11-6-6-11-7-3-12-10) 36'** west side – **49'** east side
  - Madison: **P-54 (12-7-11-6) (12-5)** Coordinate with F.I.D. Remove striping from the cross section. Striping to be approved with the street plans.
  - Entry Streets: **P-86 (7-18-10-18-7)**
3. Identify all easements on the map.
4. Traffic calming will be reviewed and approved with the street plans. Address the lack of parking adjacent to the proposed traffic circle.
5. Identify two points of access for phase I.
6. Identify and provide a temporary turn around for any phase that creates a dead end greater than 1-lot.
7. Identify the bus bay at the northeast corner of Valentine and Madison per **P-69**.

## **General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
2. All right-of-way outside of the subdivision border shall either be acquired **prior** to recordation of Final Map, or a deposit equal to the value of the right-of-way and an estimate of the City staff time necessary to acquire the right-of-way shall be submitted **prior** to recordation of the Final Map.
3. Local to Collector Street Intersections: The intersection of two local continuous streets shall have a minimum of **160'** offset measured from center line to center line.
4. Local street lengths exceeding **800'** and four way intersections may require traffic calming measures.
5. 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.
6. Encroachment Covenants: The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Engineering Services Division, **(559) 621-8681**. Encroachment covenants must be approved prior to issuance of building permits.
7. Street widening and transitions shall also include utility relocations and necessary dedications.
8. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.
9. Irrigation /Canal: All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street.
10. 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.
11. Backing onto a major street is prohibited.
12. 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.
13. When permanent facilities are not available from the Fresno Metropolitan Flood Control District, the applicant shall identify a temporary onsite storm water basin per Public Works Standard **P-97** for review and approval from Public Works.

## Frontage Improvement Requirements:

### Public Streets:

#### Madison Avenue: 3-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, P-69**.
  - b. Dedicate a 15' pedestrian easement to accommodate the proposed curvilinear sidewalk.
  - c. Dedicate a corner cuts for public street purposes at all intersections.
  - d. Relinquish direct access rights to Madison Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and an **8'** sidewalk to *Public Works Standard P-5, P-7 and P-54*. The curb shall be constructed to a **12'** pattern. (meandering walk shown)
  - b. Construct curb ramps per Public Works Standards at all intersections.
    - Entries: **R=20', P-28**
  - c. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
  - d. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. 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.

#### Valentine Avenue: 3-lane Collector

1. Dedication Requirements:
  - a. Dedicate **36'- 49'** (to accommodate the school bus turnout) of property, from section line, for public street purposes, within the limits of this application, per Public Works Standard **P-54** and **P-69**.
  - b. Dedicate an 11' pedestrian easement to accommodate the proposed curvilinear sidewalk.
  - c. Dedicate a corner cut for public street purposes at all intersections.
  - d. Relinquish direct access rights to Valentine Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and an **8'** sidewalk to *Public Works Standard P-5, P-7 and P-53*. The curb shall be constructed to a **12'** pattern. (meandering walk shown)
  - e. Construct curb ramps per Public Works Standards at all intersections.
    - Entries: **R=20', P-28**

- b. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
- c. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. 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.

**Interior Streets:**

1. Entry Streets: Parking is prohibited within the limits of the median. Construct the following intersections to *Public Works Standard P-86*:
  - a. Madison and Prospect
  - b. Madison and Tuolumne
  - c. Valentine and Chandler
2. 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-1 and P-6*.
3. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
4. Garages: Garage or carport setbacks are recommended to be a minimum of 18' from the back of walk or curb, whichever is greater.
5. Provide a **10'** visibility triangle at all driveways.
6. Design local streets with a minimum of 250' radius.
7. Dead-end Streets **for all phases**: 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:**

**A. Within the subdivision border:**

1. Relinquish direct vehicular access rights to :
  - a. the north property line of lot 11.
  - b. the east property line of lot 85.
  - c. the west property line of lot 84.

**B. Outside of the subdivision border: to be completed with Phase I**

## **Safe Route to School:**

Safe routes to schools shall be prioritized for all projects per *the Complete Streets Policy 240.3*, approved by Council on October 10, 2019 and *Safer Routes to School Resolution 2020-012*, approved by Council on January 16, 2020.

- A. Valentine: from the southern limits of T-5456 south approximately 340' to Madison
  - 1. Dedication requirements:
    - a. Dedicate **36-44'** of property, from section line, for public street purposes, within the limits mentioned above, per *Public Works Standards P-54 and P-69*.
    - b. Dedicate a corner cut for public street purposes at the northeast corner of Madison/Valentine.
  - 2. Construction requirements:
    - a. Construct concrete curb, gutter and a **6' (minimum) concrete** sidewalk to *Public Works Standard P-5 and P-53*.
    - b. Construct curb ramps with a **30'** radius, per *Public Works Standard P-30* at the northeast corner of Madison/Valentine.
- B. Madison: from eastern boundary of T-5456 approximately 660' to the east. (T-5206)
  - 1. Construction Requirements:
    - a. Construct concrete curb, gutter and a 5.5' **minimum** sidewalk to *Public Works Standard P-5 and P-53. (to be measured from face of curb)*
- C. Madison: from the western boundary of T-5456 approximately 650' west to Valentine.
  - 1. Dedication requirements:
    - a. Dedicate **36-44'** of property, from section line, for public street purposes, within the limits mentioned above, per *Public Works Standards P-54 and P-69*.
  - 2. Construction requirements:
    - a. Construct concrete curb, gutter and a **6' (minimum) concrete** sidewalk to *Public Works Standard P-5 and P-53*.
- D. Madison: from Valentine approximately 1300' to the west (adjacent to T-6183)
  - 1. Dedication requirements:
    - a. Dedicate **36-44'** of property, from section line, for public street purposes, within the limits mentioned above, per *Public Works Standards P-54 and P-69*.
    - b. Dedicate a corner cut for public street purposes at the northwest corner of Madison/Valentine.
  - 2. Construction requirements:
    - a. Construct concrete curb, gutter and a **6' (minimum) concrete** sidewalk to *Public Works Standard P-5 and P-53*.
    - b. Construct curb ramps with a **30'** radius, per *Public Works Standard P-30* at the northwest corner of Madison/Valentine.
- E. Madison: beginning approximately 1300' west of Valentine (western boundary of T-6183) west approximately 660' to a location approved by the school and the City Engineer. (near drop-off)
  - 1. Construction Requirements:
    - a. Construct a 4' minimum asphalt concrete walk and mitigate drainage from the walk.

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit.** Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the Master Fee schedule. In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would 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. Valentine Avenue: Install a signal pole with a 150-watt equivalent LED safety light and an oversize street sign to Public Works Standards at the northeast corner of Valentine Avenue and Madison Avenue.

### **UGM Requirements:**

This Map is in UGM major street zone **E-3**; therefore pay all applicable UGM fees.

#### **Madison Avenue: 3-Lane Collector**

1. Dedicate and construct (2) 17' center section travel lanes and an additional 6' on the north side of the section line for a future 12' center two-way left turn lane from Valentine to T-5206 and from Valentine to Brawley. Where applicable, 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.
  - a. Phase I-
    - [From Valentine To a point approximately 1970' east of Valentine.](#)
    - [From Valentine To Brawley approximately 2640'.](#)

#### **Valentine Avenue: 3-Lane Collector**

1. Dedicate and construct (2) 17' center section travel lanes and a 12' center two-way left turn lane from Madison to the northern limits of this subdivision. Where applicable, 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.

- a. Phase I – From: Southern limits of T-5456 To: Madison approximately 340’.
- b. Phase II- From: Tuolumne To: the northern limits of this subdivision approximately 845’.

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** THOMAS C. ESQUEDA, City Manager  
City Manager's Office

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**SUBJECT:** REQUEST FOR CITY MANAGER'S SIGNATURE AUTHORIZING MODIFICATIONS TO CONDITIONS OF APPROVAL IN ACCORDANCE WITH SECTION 2-402(C) OF THE FRESNO MUNICIPAL CODE

The purpose of the Memorandum is to request approval of Conditions of Approval modifications in accordance with Section 2-402(C) of the City of Fresno Municipal Code.

On November 3, 2016, the Fresno City Council adopted Ordinance No. 2016-44 adding subsection (c) to Section 2-402 of the City of Fresno Municipal Code stating that no official, employee, or agent of the City is authorized to modify, amend, delay or waive any provision of a contract, development agreement, subdivision map, conditional use permit, or fee, without the express written approval of the City Manager, except where a provision of the Charter, Municipal Code, resolution, or an implementing document expressly provides such authority to a person other than the City Manager.

Vesting Tentative Map Nos. 5463, 5456, 6183, and 6184 were originally approved by Planning Commission on June 21, 2019 authorizing the development on the east and west sides of South Valentine from West Madison Avenue to West Whitesbridge Avenue.

On May 18, 2021, the Department of Public Utilities (DPU) determined the proposed development would be allowed to proceed with gravity sewer to the east (along Madison Avenue to Marks Avenue) instead of constructing sewer pipe in Valentine Avenue south to the existing 66-inch sewer trunk at Church Avenue. With these proposed modifications, Developer is required to construct sewer pipe easterly in Madison Avenue to the City's existing sewer main terminus in Madison Avenue just west of the existing lift station at the intersection of Kearney Boulevard and Marks Avenue. The existing lift station may need to be upgraded pending the conclusion of the engineer's analysis. Therefore, DPU has stricken conditions pertaining to the construction of sewer pipe from the intersection of West Madison and South Valentine Avenues to the intersection of South Valentine and West Church Avenues. In addition, DPU is also removing the construction of a new lift station at the intersection of South Valentine Avenue and West Kearny Boulevard. In lieu of constructing a new lift station, the developer shall make any necessary upgrades to the City's existing lift station at West Kearney Boulevard and Marks Avenue.

**MEMORANDUM**

THOMAS C. ESQUEDA, City Manager

Request for City Manager's signature authorizing modifications to Conditions of Approval

July 28, 2021

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In addition to the above-referenced modifications to the sewer infrastructure, several modifications (mostly reduction in scope) to the water and recycled water infrastructure conditions of approval are proposed. Staff requests to remove the attached original Conditions of Approval dated June 17, 2019, regarding Sewer and Recycled Water, and June 21, 2019, pertaining to Water and replace them with the attached Revised Conditions of Approval pertaining to Tract Maps #5456, #5463, #6183, and #6184 dated July 21, 2021.

These conditions were prepared by the Department of Public Utilities and in coordination with the Development Services Division.

**RECOMMEND:**

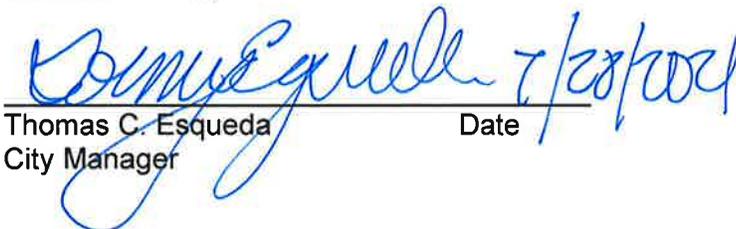
**APPROVAL**

**DENIAL**

 7/28/21  
Michael Carbajal Date  
Director  
Department of Public Utilities

**APPROVED**

**DENIED**

 7/28/2021  
Thomas C. Esqueda Date  
City Manager

- Attachment 1: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 17, 2019, for Sewer and Recycled Water
- Attachment 2: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water
- Attachment 3: Revised Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water, Sewer, and Recycled Water



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING**

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** WILL TACKETT, Planning Manager  
Department of Development and Resource Management

**FROM:** *AS FOR* KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities - Utilities, Planning & Engineering

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

**SUBJECT:** DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of S. Brawley, S. Marks, W. Madison, and W. Whitesbridge Avenues. The subdivision consists of 4 maps: Tracts 5463 and 5456 which are tentatively approved and Tracts 6183 and 6184 which have yet to be submitted.

**Water Service Requirements**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whitesbridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from South Lead Avenue west to South Brawley Avenue.
2. Construct a 16-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from West Whitesbridge Avenue south to West Madison Avenue.

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5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
6. Installation of water service(s) & meter box(es) shall be required.
7. Installation of water service(s) & meter box(es) shall be required to re-establish domestic water and fire service to Madison Elementary School and its facilities.
  - a. Frontage and Water Capacity fees shall be paid by the developer.
  - b. Water facilities and meters shall be sized appropriately to provide already established domestic and fire service.
8. Destruct any existing on-site wells 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.
9. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Department of Public Utilities Director or designee.
10. Central Unified School District shall dedicate to the City of Fresno, the existing water well located on the northeast corner of Madison Elementary School.
11. Prior to City acceptance of the dedicated water well, the existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards, including but not limited to the following:
  - a. The well shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 12,000 square feet (aprox. 100'x120') in size and acceptable to the Department of Public Utilities Director or designee.
  - c. A 30-foot easement shall be dedicated to the City from the Water well site to West Madison Avenue for water main discharge and access purposes.
  - d. Install a 12-inch discharge water main form the water well to the proposed 16-inch water main in West Madison Avenue.

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- e. Dedicated water well shall include wellhead treatment facilities, if required. Well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed from the Water Capacity Fees, in accordance with established City policies.
- 12. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
- 13. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

**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.

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### **Sanitary Sewer Requirements**

#### **Sanitary Sewer Facilities Reimbursements and Credits (not to exceed \$1M):**

**Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval). Note: as these reimbursements and credits were originally intended (and approved) for the costs of a proposed lift station at the intersection of Valentine and Madison Avenues, the 12-inch diameter sewer pipeline in Valentine Avenue from Madison Avenue to Church Avenue, and associated costs, which are now being eliminated from the required scope of improvements, the not-to-exceed \$1M reimbursement and credit may be used to offset the cost of improvements necessitated by the elimination of the above-referenced new lift station and related costs (i.e. the upsizing from the previously-required 8-inch to 12-inch diameter of the sewer pipeline between the intersection of Valentine and Madison Avenues to manhole #2749-06, the modification or upgrade of the existing Lift Station #2 (as described below), the upsizing from 8-inch to 12-inch diameter of the on-site (within the subdivision) pipeline segments (approximately 550 lineal feet) to facilitate gravity sewer and minimum coverage (west of Valentine Avenue) and, if necessary, the cost differential between 'regular' and ductile iron water pipes at the west end (northwesterly tier of lots) of the development (sewer/water crossings by house pads/raised lots to provide minimum coverage).**

The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in West Madison Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Provide an analysis of Lift Station #2 at Kearney Boulevard and Marks Avenue regarding additional flows and capacity from the proposed development. The lift station shall be modified or upgraded to handle the new flows per the required analysis.
  - a. Depth of the existing wet well shall be verified by the Engineer of Record per the proposed capacity.
  - b. Certify that the existing pumps are capable of handling flows from the proposed subdivision.
  - c. If revisions are deemed necessary than applicable permit shall be required from the Development Department.

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2. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
3. The proposed tracts shall construct all sewer improvement as determined through the Sanitary Sewer Feasibility Study as approved by the Department of Public Utilities.
4. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities.
5. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the existing manhole #2749-06 west to the intersection of South Valentine and West Madison Avenues.
  - b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of South Valentine and West Madison to the west property line of proposed Tract Map #6183.
  - c. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
  - d. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Whitesbridge Avenue from the intersection of West Whitesbridge and South Valentine Avenues to the west property line of Future Tract Map #5463.
6. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
7. All underground utilities shall be installed prior to permanent street paving.
8. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed

JUNE 28, 2021  
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additions to the City Sewer System.

9. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
10. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
11. Installation of sewer house branch(es) shall be required.
12. Street work permit is required for any work in the Right-of-Way.
13. 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 #29.
3. Wastewater Facility Charge (Residential)

### **Recycled Water Requirements**

#### **"On-site" Recycled Water Facilities**

**"On-site" Recycled Water Facilities Reimbursements and Credits (not to exceed \$900K): Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or Designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Recycled water mains shall be extended within the proposed tracts to provide service to only public areas (parks - any size (large, strips, pocket, etc...)); median islands, landscaping along Valentine, Madison, and Whitesbridge Avenues frontages of the developments.

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2. Installation of recycled water service(s), meter box(es), and reduced-pressure backflow device(s) shall be required.
3. All underground utilities shall be installed prior to permanent street paving.
4. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the Department of Public Utilities review and approvals for proposed additions to the City Recycled Water System.
5. All public recycled water facilities shall be constructed in accordance with City Standards, specifications, and policies.

**“Off-site” Recycled Water Facilities**

**“Off-site” Recycled Water Facilities Reimbursements (Actual costs dollar-for-dollar):**  
**Developer shall receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection of West Madison and South Valentine Avenues.
2. Construct an 8-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues.
3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
4. Construct an 8-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whitesbridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the recycled water transmission mains in West Madison, South Valentine, and West Whitesbridge Avenues as outlined above.

MEMORANDUM

WILL TACKETT, Planning Manager

Department of Development and Resource Management

DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

JUNE 28, 2021

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6. The 'off-site' Recycled Water Facilities shall be constructed in accordance with City Standards, specifications, and policies and previously approved construction plans. Note: the construction plans for these "off-site" facilities have been approved previously and the pipeline in Madison Avenue to the west of the above-described 16-inch pipeline in Madison Avenue, and the pipeline to the east of the above-described 16-inch pipeline in Valentine Avenue (at the intersection of Valentine and Whitesbridge Avenues) have been completed (or caused to be completed) by the City. The recycled water pipelines referenced above (and to be constructed by the Developer) have been removed from the previously completed scope of work to avoid conflict with other utilities in Madison, Valentine, and Whitesbridge Avenues (still being designed at the time of construction of now-completed recycled water pipes in Madison Avenue west of the Project and in Whitesbridge Avenue east of the Project).

**Solidwaste Requirements:**

1. Tract Maps 5456, 5463, 6183 and 6184 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.



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING  
MEMORANDUM**

**DATE:** June 21, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

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

**SUBJECT:** WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison and West Whites Bridge Avenues. The subdivision consist of 5 maps, Tracts #5463 and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted. Therefore, conditions regarding South Brawley and West Madison Avenues are only applicable if all 5 maps are built out to completion.

**Water Service**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whites Bridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants) from South Lead Avenue west to the westerly property line of Tract #6183.
2. Construct a 16-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants) from West Whites Bridge Avenue south to West Madison Avenue.
5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

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6. Installation of water service(s) & meter box(es) shall be required.  
If the proposed subdivision will be dual plumbed with recycled water, all potable water services will require installation of a reduced pressure backflow device.
7. Destroy any existing on-site wells 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. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Public Utilities Director.
9. Central Unified School District shall dedicate the existing water well located on the northeast corner of South Brawley Avenue and West Madison Avenue (Madison Elementary School). In turn, the Developer shall provide the school with domestic, irrigation and fire service from the water well discharge line adjacent to the school's east property line.
10. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 1,000 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Public Utilities Director. (Only if negotiations fail).
11. The existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards:
  - a. The well(s) shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 14,000 square feet (approx. 100'x140') in size and acceptable to the Water Systems Manager.
  - c. Water well site shall have access to a public street.
  - d. Install a 12-inch discharge water main from the water well to the proposed 16-inch water main in West Madison Avenue.
12. Water well construction shall include wellhead treatment facilities, if required. Construction of the well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed by means of established Water Capacity Funds.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

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13. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
14. 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. However, vested maps #5456, and #5463 will be susceptible to the old UGM 401s fee whereas new maps #6183 and #6184 will be inclined to pay the new water capacity fees.
  - 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.



**DEPARTMENT OF PUBLIC UTILITIES  
MEMORANDUM**

**DATE:** June 17, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

**FROM:** KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities, Planning and Engineering 

**SUBJECT:** SANITARY SEWER AND RECYCLED WATER REQUIREMENTS FOR  
OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison, and West Whites Bridge Avenues. The subdivision consist of 4 maps, Tracts #5463, and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted.

**Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located at the intersection of West Madison and South Marks Avenues and a 66-inch sewer trunk line located in West Church Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
2. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities. House laterals shall be installed prior to paving. The cost of the laterals will be reimbursed upon sewer connection of adjacent properties.
3. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. According to Precision Engineering's master sewer plan dated 7/2/18,



*A Nationally Accredited Public Utility Agency*

there is a proposed 8-inch sewer main from the east property line of the easterly County parcel along the frontage of Tract #5456 and terminating at the intersection of West Madison and South Valentine Avenues. The installation of laterals to existing homes will only be required if the affective section of West Madison is to be repaved.

- b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the first entrance of Tract #6184.
  - c. Construct a 10-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of West Madison and South Brawley Avenues east to the intersection of West Madison and South Valentine Avenues (at build out of entire project).
  - d. Construct an 8-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the easterly property line of the Madison Elementary east to the first entrance of Map 6183.
4. Street easements shall be recorded prior to approval of improvement plans or dedicated by the previously mentioned Maps.
  5. All underground utilities shall be installed prior to permanent street paving.
  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. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
  9. Installation of sewer house branch(s) shall be required.
  10. Street work permit is required for any work in the Right-of-Way.
  11. Abandon any existing on-site private septic systems.

**Sanitary Sewer Facilities Reimbursements and Credits (\$1,000,000)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department.**

1. Construction of a sanitary sewer lift station to be located in South Valentine Avenue between West Madison Avenue and West Kearny Boulevard shall be required. The lift station shall be subject but not limited to the following requirements:
  - a. Acquisition and/or dedication of a separate parcel of land necessary to construct required lift or pump station facilities at a location and size acceptable to the Department of Public Utilities.
  - b. Depth of the sewer lift station shall not exceed a maximum depth of 24-feet with a 19-foot maximum flowline depth of the incoming sewer main.
  - c. Installation of permanently mounted auxiliary power supply. (Applicable permits required)
  - d. Installation of antenna for telemetry. (Applicable permits required)
2. Creation and adoption by Council Resolution of a Sewer Lift Station Service Area is require to establish a service boundary that includes all properties to be served by the proposed sewer lift station.
3. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues south connecting to the 66-inch sewer trunk at the intersection of West Church and South Valentine Avenues.

**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 #29.
3. Wastewater Facility Charge (Residential)

**Recycled Water Requirements and Credits(\$900,000)**

1. Construct reclaimed water distribution mains in public right-of-ways that will utilize future tertiary treated wastewater for landscape irrigation purposes. Design of the reclaimed water mains will be subject to the approval by the Director of Public Utilities.
2. Reclaimed water system should be operated and maintain by a Community Facilities District (CFD).
3. Recycled water mains shall be extended within the proposed tracts to provide service to all park strips and community green space.
4. Installation of recycled water service(s), master meter box(es), shall be required.
5. All underground utilities shall be installed prior to permanent street paving.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the 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.

**Recycled Water Requirements and Credits(\$1,664,630 per Precision Engineer's Estimate dated May 17, 2019)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department per Recycled Water Infrastructure Reimbursement Agreement dated xx/xx/2019. Agreement will require City Council approval.**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection West Madison and South Valentine Avenues.
2. Construct a 16-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues

MEMORANDUM  
WILL TACKETT, Supervising Planner  
Department of Development and Resource Management  
WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT  
AGREEMENT June 17, 2019  
Page 5 of 5

3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whites Bridge and South Valentine Avenues.
4. Construct a 16-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whites Bridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the 16-inch recycled water transmission main in West Madison, South Valentine, and West White Bridge Avenues.
6. The developer shall construct all improvements under these conditions and shall be reimbursed by a Developer Reimbursement Agreement which be negotiated subsequent to Planning Commission approval.

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

**PUBLIC AGENCY**

WILL TACKETT  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO STREET, ROOM 3043  
FRESNO, CA 93721-3604

**DEVELOPER**

NORMAN ALLINDER, FAGUNDES DAIRY  
PO BOX 2717  
MERCED, CA 95344

PROJECT NO: **5456rev**  
ADDRESS: **3240 W. MADISON AVE.**  
APN: **326-100-69, 55, 326-100-67**

SENT:

*1/23/2020*

| Drainage Area(s)                        | Preliminary Fee(s) | Development Review Service Charge(s)    | Fee(s)     |   |
|---|--------------------|---|------------|---|
| AS                                      | \$466,708.00       | NOR Review                              | \$2,069.00 | To be paid prior to release of District comments to Public Agency and Developer.  |
|   |                    | Grading Plan Review                     | \$5,773.00 | Amount to be submitted with first grading plan submittal  |
|   |                    | Storm Drain Plan Review                 |            | For amount of fee, refer to <a href="http://www.fresnofloodcontrol.org">www.fresnofloodcontrol.org</a> for form to fill out and submit with first storm drain plan submittal (blank copy attached). |
| <b>Total Drainage Fee: \$466,708.00</b> |                    | <b>Total Service Charge: \$7,842.00</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 10/17/19 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. 5456rev**

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.

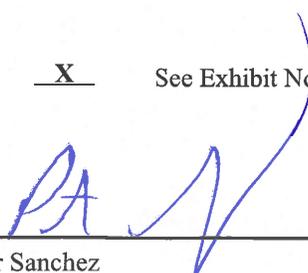
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TRACT No. 5456rev

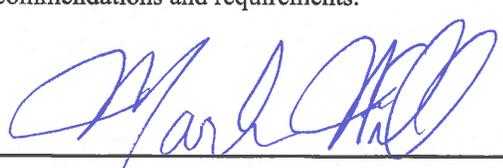
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 5

FR TRACT No. 5456rev

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

  
\_\_\_\_\_  
Mark Will  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 5

CC:

JARED LINNEY, PRECISION CIVIL ENGINEERING, INC.

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1234 O STREET

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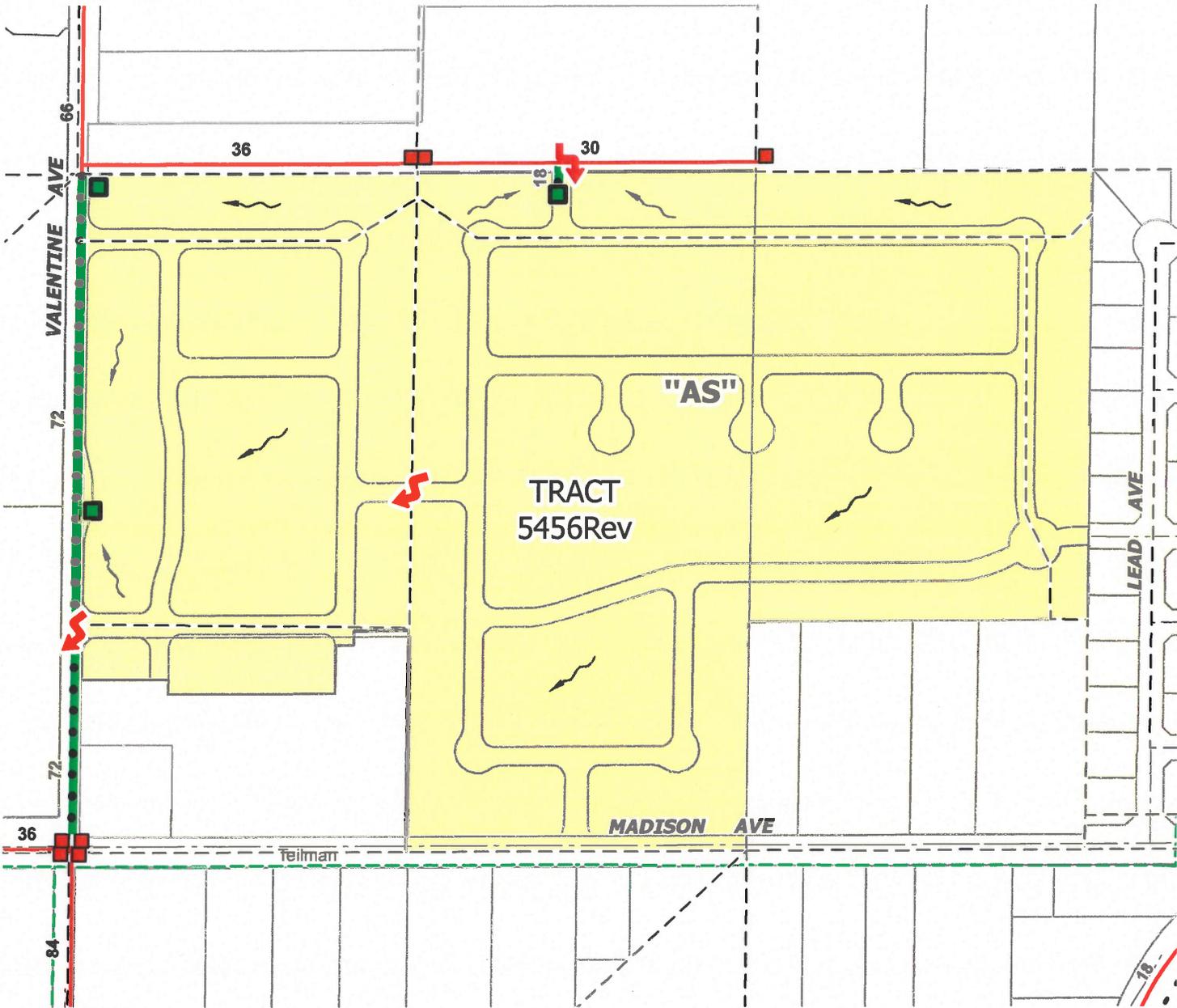
FRESNO, CA 93721

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**FR TRACT No. 5456rev**



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) & Inlet
- Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
- Future Master Plan Facilities
- Inlet Boundary
- Direction Of Drainage
- Possible Major Storm Flowpath



1" = 300'

**TRACT 5456Rev**  
**DRAINAGE AREA "AS"**

**EXHIBIT NO. 1**

**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.

A portion of the required 72" Master Plan facilities in Valentine Avenue have also been required of Tract 5463 rev. If the 72" Valentine Avenue facilities are completed prior to development of this site, the construction requirement will be dropped.

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.

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.

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.

Development No. Tract 5456 rev



San Joaquin Valley  
Air Pollution Control District

June 27, 2005

Reference No. C20050546

Paul Bernal  
Planning & Dev. Dept.  
2600 Fresno St., Third Floor  
Fresno, CA 93721-3604

RECEIVED

JUN 29 2005

Planning Division  
Development Department  
CITY OF FRESNO

Subject: T-5456, R-05-043 (APN 326-100-35)

Dear Mr. Bernal:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10 and PM2.5). This project alone would not generate significant air emissions. Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

**Regulation VIII** (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. . If a non-residential project is 5.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.2). A compliance assistance bulletin has been enclosed for the applicant. A template of the District's Dust Control Plan is available at:

<http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>

**Rule 4002** (National Emission Standards for Hazardous Air Pollutants). In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos-contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Mr. Dwayne England of this office at (559) 230-5973, or contact CAL-OSHA at (559) 454-1295. An Asbestos Requirements Bulletin has been enclosed for the applicant.

**Rule 4102** (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

**Rule 4601** (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

**Rule 4641** (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider:

- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth.

For Structural Soil see  
For Tree Selection see  
For Urban Forestry see

<http://www.hort.cornell.edu/uhi/outreach/csc/>

<http://www.ufe.org/>

<http://www.coolcommunities.org> <http://wcufr.ucdavis.edu>

[http://www.lqc.org/bookstore/energy/downloads/sjv\\_tree\\_guidelines.pdf](http://www.lqc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf)

- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures. Appropriations made to facilitate public or mass transit will help mitigate trips generated by the project. Direct pedestrian access to the main entrance of the project from existing or potential public transit stops and provide appropriately designed sidewalks. Such access should consist of paved walkways or ramps and should be physically separated from parking areas and vehicle access routes.
- The District encourages the applicant and fleet operators using the facility to take advantage of the District's Heavy-Duty Engine program to reduce project emissions. The Heavy Duty program provides incentives for the replacement of older diesel engines with new, cleaner, fuel-efficient diesel engines. The program also provides incentives for the re-power of older, heavy-duty trucks with cleaner diesel engines or alternative fuel engines. New alternative fuel heavy-duty trucks also qualify. For more information regarding this program contact the District at (559) 230-5858 or visit our website at <http://www.valleyair.org/transportation/heavydutyidx.htm>.
- Sidewalks and bikeways should be installed throughout as much of the project as possible to encourage walking and bicycling. Connections to nearby public uses and commercial areas should be made as direct as possible to promote walking for some trips. Pedestrian and bike-oriented design reduces motor vehicle usage and their effects on air quality. Sidewalks and bikeways should be designed to separate pedestrian and bicycle pathways from vehicle paths. Sidewalks and bikeways should be designed to be accommodating and appropriately sized for anticipated future pedestrian and bicycle use. Such pathways should be easy to navigate, designed to facilitate pedestrian movement through the project, and create a safe environment for all potential users (pedestrian, bicycle and disabled) from obstacles and automobiles. Pedestrian walkways should be created to connect all buildings throughout the project. Sidewalks should be designed for high visibility (brightly painted, different color of concrete, etc.) when crossing parking lots, streets and similar vehicle paths. Clearly marked and highly visible pedestrian accesses create a safer environment for both pedestrians and vehicles.  
**Specifically:** The walkways should create a safe and inviting walking environment for people wishing to walk from one building to another. Walkways should be installed to direct pedestrians from the street sidewalk to the building(s).
- As many energy conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):
  - Increased energy efficiency (above California Title 24 Requirements)  
See <http://www.energy.ca.gov/title24/>.

- Energy efficient windows (double pane and/or Low-E)
- Use Low and No-VOC coatings and paints. See South Coast's site for No-VOC Coatings at <http://www.aqmd.gov/prdas/brochures/paintguide.html>
- High-albedo (reflecting) roofing material. See <http://eetd.lbi.gov/coolroof/>
- Cool Paving. "Heat islands" created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors.  
See <http://www.harc.edu/harc/Projects/CoolHouston/> , <http://eande.lbi.gov/heatisland/>
- Radiant heat barrier. See <http://www.eere.energy.gov/consumerinfo/refbriefs/bc7.html>
- Energy efficient lighting, appliances, heating and cooling systems. See <http://www.energystar.gov/>
- Install solar water-heating system(s)
- Install photovoltaic cells
- Programmable thermostat(s) for all heating and cooling systems
- Awnings or other shading mechanism for windows
- Porch, patio and walkway overhangs
- Ceiling fans, whole house fans
- Utilize passive solar cooling and heating designs. (e.g. natural convection, thermal flywheels)  
See [http://www.eere.energy.gov/RE/solar\\_passive.html](http://www.eere.energy.gov/RE/solar_passive.html)
- Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See <http://www.advancedbuildings.org>
- Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment
- Bicycle parking facilities in a covered secure area. See <http://www.vtpi.org/tdm/tdm85.htm> , <http://www.bicyclinginfo.org/>
- Employee shower and locker areas for bicycle and pedestrian commuters
- On-site employee cafeterias or eating areas
- Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edgers, etc.)
- could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)
- Exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site

More information can be found at: <http://www.ciwm.ca.gov/GreenBuilding/>  
<http://www.lgc.org>, <http://www.sustainable.doe.gov/>, <http://www.consumerenergycenter.org/index.html>

- The applicant/tenant(s) should implement measures to reduce the amount of vehicle traffic to and from the project area that further reduce air pollution in the valley. This could include such provisions as encouraging employees to rideshare or carpool to the project site, preferential parking spaces for employees who participate in carpooling or vanpooling, incorporating a compressed workweek schedule, or incentives for employees who use alternative transportation. Check out the "Spare the Air" section of our website [www.valleyair.org](http://www.valleyair.org)
- The project should include as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include (but are not limited to): photovoltaic cells, solar thermal electricity systems, small wind turbines, etc. Rebate and incentive programs are offered for alternative energy equipment. More information can be found at- <http://www.energy.ca.gov/renewables/>, <http://rredc.nrel.gov/>, <http://www.dsireusa.org/>,
- The applicant should use low-NOx diesel. The California Air Resources Board (CARB) has certified specific biodiesels for NOx reduction. Only biodiesels that have been certified by CARB should be used. For more information on biodiesel, please call Mr. Chris Acree, Air Quality Specialist, at (559) 230-5829. Information on biodiesel can also be found at CARB's website- <http://www.arb.ca.gov/fuels/diesel/aldiesel/aldiesel.htm> and the EPA's website <http://www.epa.gov/oms/models/biodsl.htm>.
- Construction activity mitigation measures include:
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent
  - Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site
  - Install wind breaks at windward side(s) of construction areas
  - Limit area subject to excavation, grading, and other construction activity at any one time
  - Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use

- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
  - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
  - Implement activity management (e.g. rescheduling activities to reduce short-term impacts)
  - During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
  - Off road trucks should be equipped with on-road engines when possible.
  - Minimize obstruction of traffic on adjacent roadways.
- The applicant should use California Air Resources Board (CARB) certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Propane (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the California Air Resources Board, see their certification website <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. For more information on alternative fuel engines, please call Mr. Chris Acree, Air Quality Specialist, at (559) 230-5829.
  - Construction equipment should have engines that meet the current off-road engine emission standard (as certified by the California Air Resources Board), or be repowered with an engine that meets this standard. Tier I and Tier II engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the California Air Resources Board, see <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. For more information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.
  - Diesel equipment should use verified alternative diesel fuel blends, biodiesel, or Ultra Low Sulfur Diesel (ULSD). The California Air Resources Board (CARB) has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been verified by CARB should be used. Information on alternative diesel blends can also be found at CARB's website- <http://www.arb.ca.gov/fuels/diesel/aitdiesel/aitdiesel.htm>. Information on biodiesel can be found on the EPA's website <http://www.epa.gov/oms/models/biodsl.htm>.
  - Idle reduction technologies save fuel and reduce diesel emissions from idling trucks and construction equipment. The applicant should incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies. Examples of such technologies can be found on the U.S. Environmental Protection Agency's website <http://www.epa.gov/otaq/smartway/idlingtechnologies.htm>. Idle reduction mitigation measures include:
    - The applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling.
    - If Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5800 or Mr. Hector R. Guerra, Senior Air Quality Planner, at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,



Chrystal Meier  
Air Quality Specialist  
Central Region

Enclosure  
c: file



San Joaquin Valley  
Air Pollution Control District

COMPLIANCE ASSISTANCE BULLETIN  
October 2004

*Fugitive Dust Control at Construction Sites: New Requirements*

Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions, of the District's Rules and Regulations apply to activities that generate fugitive dust. Fugitive dust is emitted into the air by activities that disturb the soil, such as from earthmoving activities and vehicular/equipment traffic on unpaved surfaces. Windblown dust is also of concern at construction sites.

The District adopted Regulation VIII in 1993 and its most recent amendments became effective on October 1, 2004. This is a basic summary of the regulation's requirements as they apply to construction sites.

Visible Dust Emissions (VDE) may not exceed 20% opacity during periods when soil is being disturbed by equipment or by wind at any time. Visible Dust Emissions opacity of 20% means dust that would obstruct an observer's view of an object by 20%. District inspectors are state certified to evaluate visible emissions. Dust control may be achieved by applying water before/during earthwork and onto unpaved traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust.

Soil Stabilization is required at regulated construction sites after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil and restricting vehicle access are often effective for short-term stabilization of disturbed surface areas. Long-term methods including applying dust suppressants and establishing vegetative cover.

Carryout and Trackout occur when materials from emptied or loaded vehicles falls onto a paved surface or shoulder of a public road or when materials adhere to vehicle tires and are deposited onto a paved surface or shoulder of a public road. Should either occur, the material must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The appropriate clean-up methods require the complete removal and cleanup of mud and dirt from the paved surface and shoulder. Using a blower device or dry sweeping with any mechanical device other than a PM<sub>10</sub>-efficient street sweeper is a violation. Larger construction sites must prevent carryout and trackout from occurring by installing gravel pads, grizzlies, wheel washers, paved interior roads, or a combination thereof at each exit point from the site.

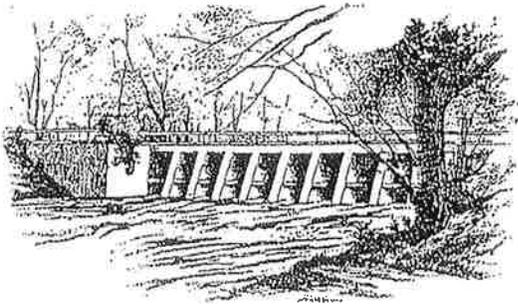
Access and Haul Roads that are unpaved, as well as unpaved vehicle and equipment traffic areas at construction sites must have dust control. Speed limit signs limiting vehicle speed to 15 mph or less at construction sites must be posted every 500 feet.

Storage Piles and Bulk Materials have handling, storage, and transportation requirements that include applying water when handling materials, wetting or covering stored materials, and installing wind barriers to limit VDE. Also, limiting vehicle speeds, loading haul trucks with a freeboard of six inches or greater along

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9321  
(209) 557-6400 ♦ FAX (209) 557-6475

Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 ♦ FAX (559) 230-6062

Southern Region Office  
2700 "M" Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900 ♦ FAX (661) 326-6985



Your Most Valuable Resource - Water

O. S OF  
**FRESNO**  
**IRRIGATION DISTRICT**

PHONE (559) 233-7161  
FAX (559) 233-8227  
2907 SOUTH MAPLE AVENUE  
FRESNO, CALIFORNIA 93725-2218

RECEIVED

June 9, 2005

JUN 13 2005

Planning Division  
Development Department  
CITY OF FRESNO

Mr. Bruce Barnes  
City of Fresno  
Planning & Development Dept.  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

RE: VTTM No. 5456, RA No. R-05-43 -- FID's Tielman No. 79 Canal

Dear Mr. Barnes:

FID's comments and requests are as follows:

1. FID's Tielman No. 79 canal traverses the south side of Madison Avenue as shown on the enclosed map.
2. FID does not have records indicating the age of or the materials used for the culvert located at Madison and Valentine Avenues. Should any street or intersection improvements be necessary FID recommends the culvert be replaced as part of the subject project.
3. FID requests it review and approve all plans that affect its canal/pipeline facilities.

Thank you for submitting this for our review. Please feel free to contact me with any questions or concerns at 233-7161 extension 317 or [bjohnson@fresnoirrigation.com](mailto:bjohnson@fresnoirrigation.com).

Sincerely,

Bret Johnson  
Engineering Technician I

Cc: Granite Bay Capital Group, L.L.C.

Agencies\City\VTTM5456 R-05-43



FRESNO IRRIGATION DISTRICT

Teilman - Valentine Br. No. 297

VALENTINE

326-100-35

326-100-41

326-100-55

Teilman No. 79

MADISON

KEARNEY FRONTAGE NORTH

KEARNEY BLVD

MARKS

Teilman No. 79

- Legend
- FID Canal
  - Private Canal
  - Abandoned Canal
  - FID Pipeline
  - Private Pipeline
  - Abandoned Pipeline
  - Open Creeks
  - Other Pipelines
  - PMPD Basin

- Major Streets
- Parcel

0 100 200 Feet

SCALE: 1"=169'

4.1.2008

7/26/2012 8:44:42 AM 8/23/12 10:14:10 AM



Exhibit "F-2" (Tract 5463)  
Required Tract Map Exactions

**CITY OF FRESNO  
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

**MARCH 15, 2006**

**Revised September 18, 2020**

**Revised September 23, 2021**

**VESTING TENTATIVE TRACT MAP NO. 5463/UGM  
AND  
CONDITIONAL USE PERMIT NO. C-05-140**

**Located on the southwest corner of West Whites Bridge and  
South Valentine Avenues.**

All tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code, City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative map. The Urban Growth Management (UGM) Service Delivery Plan requirements are included in the following conditions of approval and are designated by the caption "Urban Growth Management Requirements."

**NOTICE TO PROJECT APPLICANT**

**In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.**

**GENERAL CONDITIONS**

1. Vesting Tentative Tract Map No. 5463/UGM is subject to City Council approval of Rezone Application No. R-05-45.
2. Upon conditional approval of Vesting Tentative Tract Map No. 5463/UGM, the subdivider may prepare a Final Map in accordance with the approved revised tentative map and conditions of approval, dated May 07, 2020.
3. Each lot shown on Vesting Tentative Map No. 5463/UGM, ~~Exhibit A and B~~, shall be in accordance with the ~~R-1~~ RS-5 zone district, Property Development Standards, pursuant to Article 9, Chapter 15 of the Fresno Municipal Code (FMC) ~~Section 12-211.5~~, or as modified by Conditional Use Permit No. C-05-140.
4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (~~Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code~~). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system,

public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.

6. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.

7. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, ~~Article 10, Chapter 12 15, "Subdivision of Real Property"~~ Land Divisions; Resolution No. 68-187, "City Policy with Respect to Subdivisions"; and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.

8. The developer/owner shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water service, sewer, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution Nos. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.

9. Annexation of this property to the City of Fresno, and detachment from the Kings River Conservation District and North Central Fire Protection District, must be completed and the property's ~~R-4~~ zoning must be in effect prior to approval of any Final Tract Map for Vesting Tentative Tract No. 5463/UGM, and before issuance of any construction permits for subdivision homes and related improvements. The subdivider/developer must satisfy all applicable conditions of the annexation, including paying all required fees (including Fire District transition fees) and demonstrating compliance with policies of the Fresno County Local Agency Formation Commission and the City of Fresno.

10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.

11. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

Conditional Use Permit No. C-05-140 - Condition of Approval

12. Conditional Use Permit Application No. C-05-150 provides for the modification of Property Development Standards to allow for a minimum lot sizes of ~~5,000 square feet~~ and minimum lot dimensions ~~width of 50 feet~~, as shown on Revised Vesting Tentative Map No. 5463/UGM, ~~Exhibit A and B, dated June 6, 2005.~~

13. Building setbacks and property development standards shall be in accordance with the ~~R-4 RS-5~~ zone district, pursuant to Article 9, Chapter 15 of the Fresno Municipal Code (FMC) ~~Section 12-211.5, Property Development Standards, or as modified by the Conditional Use Permit No. C-05-140, including varied front yard setback.~~

Landscaping and Walls

14. Provide a 10-foot landscape easement (and irrigation system) along the rear property line of all lots which back-onto White Bridge Avenue (FMC, Section 12-1011-f-3). Provide a 15-foot landscape easement (and irrigation system) along the rear property line of all lots which back-onto South Valentine Avenue (FMC, Section 12-1011-f-3).

When the grading plan establishes a top slope beyond the required landscaping easement noted and the construction of the required wall is to be established coincident with the top of slope then the required minimum easement width shall be expanded to include the full landscaping area up to the wall location.

15. There shall be a 7-foot solid wall at the rear of the required landscape setback along West Whites Bridge Avenues, as required in the acoustical analysis, dated April 29, 2005.

16. There shall be a 6-foot solid wall at the rear of the required landscape setback along South Valentine Avenue.

~~17. Provide a corner cut-off area at the intersections of West Whites Bridge and South Selland Avenues, South Valentine and West Lemon Avenues, South Valentine and Road D Avenues, and South Valentine and West Stanislaus Avenues, in accordance with Section 12-306-H-3-d of the FMC. Corner cut offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points of the property lines, measured a specific distance from the point of intersection. At the intersections of streets, this distance is 30 feet. The corner cut off area shall be landscaped (including an irrigation system), and may be included within the City's Community Facilities District.~~

Provide a corner cut-off and visibility triangle area at all intersections, driveways and alleys where walls or fences and/or landscaping are proposed and/or required, in accordance with Section 15-2018 of the FMC.

a) Street Intersections. Vegetation and/or structures, flagpoles, signs, fences or walls may not exceed a height of three feet within the triangular sight-distance area.

- i) Trees that are located within the sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.
- b) Driveways and Alleys. Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street trees shall be pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.

18. Maintenance of the required landscape easements, streets, curbs and gutters, sidewalks, medians, and street furniture may be the responsibility of the City's Community Facilities District. Contact the Public Works Department, Engineering Services Division, staff for information regarding the City's District. The property owners may petition the City for annexation to the City's District prior to final map approval.

19. If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment.

20. Should the City Council not approve the annexation of any or all of the maintenance items listed in condition identified in section Community Facilities District, then the property owner/developer shall create a homeowner's association for the maintenance of these items and proposed private streets, utilities, and walls/gates. The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs dated January 11, 1985.

#### Information

21. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the Central Unified School District in accordance with the school district's adopted schedule of fees.

22. Contact the United States Postal Service, Fresno Office, for the location and type of mailboxes to be installed in this subdivision.

23. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12 15, ~~Article 10~~ Part IV, ~~Subdivision of Real Property~~ Land Divisions.

24. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.

25. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

26. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: 559-268-0109; after hours the contact phone number is 559-488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number 916-653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number 805-644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.

27. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

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

pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

28. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.

#### COMMUNITY FACILITIES DISTRICT

29. The developer/owner shall comply with the requirements in the memorandum from the Public Works Department, Traffic Operations and Planning Division dated ~~March 8, 2006~~ October 29, 2019 for Vesting Tentative Tract Map No. 5463/UGM.

30. As may be described below, the Subdivider may shift his/her/its responsibility for maintenance of the provision as described below to future owners of the subject parcels of the proposed tentative tract map provided the Subdivider complies with the provisions described below.

31. The Subdivider shall be responsible for ongoing maintenance of the following items:

Comply with all the requirements included within the attached Department of Public Works, Traffic Operations and Planning Division memorandum regarding Conditions for Maintenance Requirements dated October 29, 2019.

~~a. Maintenance of all Landscaping and Irrigation systems as approved by the Public Works Department within the street easements (including half of medians), trail easements and landscape easements along the property lines that side or back onto South Valentine and West Whites Bridge Avenues.~~

~~b. Maintenance of all Landscaping and Irrigation systems as approved by the Public Works Department within designated public easements and open spaces within the boundary of the tentative map.~~

~~c. Maintenance of all interior Local Street Pavement, Curbs, Gutters, Sidewalks, Medians and Street Furniture as approved by the Public Works Department within the boundary of the tentative map.~~

~~d. Maintenance and operating costs of all local Street Lights as approved by the Public Works Department within the boundary of the tentative map.~~

~~e. Maintenance of all Street Trees as approved by the Public Works Department within the boundary of the tentative map.~~

~~f. Maintenance and operating costs of police, fire, traffic control and recreation services as established by the Council of the City of Fresno.~~

Hereinafter, the above listed items shall be collectively referred to as "above listed maintenance responsibilities."

32. The Subdivider may elect and the Council may decide to have the above listed maintenance responsibilities become the responsibility of a Community Facilities District ("CFD"). If the Subdivider elects to petition the Council to include the above listed maintenance responsibilities in a CFD, the selection of which CFD (including the creation of a new CFD) shall be the responsibility of the Public Works Director or his/her designee.

33. If the Subdivider does not elect or the Council does not decide to have the above listed maintenance responsibilities become the responsibility of a CFD, the Subdivider shall establish a Home Owners Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

34. Notwithstanding the above, as an alternative to the Subdivider being responsible for the maintenance of local: streets, curbs, gutters and sidewalks, and this above listed maintenance responsibility only:

The Subdivider shall utilize the following design criteria for the construction of internal streets within the development:

- a. TI for local streets shall not be less than 7.5.
- b. For the purposes of determining the structural section of the streets, the "R-value" shall be quantified an approved soils testing laboratory, but in no instance shall the value exceed 50.
- c. The gravel equivalent shall be in accordance with Caltrans design standards (Section 600) including the factor of safety.
- d. The City shall have the final streets, curbs, gutters and sidewalks certified by a registered civil engineer stating that the constructed improvements meet or exceed the approved structural section design at the expense of the Developer. This will include taking core samples at a frequency and location determined by the Public Works Director.
- e. Developer warrants the streets, curbs, gutters and sidewalks for a period of three years after acceptance and secures the warranty with a performance bond equal to 25% of the engineers' estimate of valuation. For the purposes of calculating this valuation the estimate used for permitting can be used, provided it is adjusted to present value based on CIP published in the ENR.
- f. All trees planted shall be certified as planted to City standards and specifications by a registered landscape architect with written certification submitted to the City's Construction Management Division.

35. Proceedings to place the Final Map into a CFD may not commence until the territory has been annexed into the City of Fresno.

36. Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas. Landscaping plans will include any trees within public easements in the interior of the tract and all landscaping in any area to be placed in a CFD.

Any change affecting the Items in these conditions requires revision of this letter of conditions.

37. Proceeding to place the Final Map into a CFD may not commence until the territory has been annexed into the City of Fresno.

38. Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. This shall include a street tree location and street tree species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.

#### STREET TREE REQUIREMENT/OPEN SPACE

39. The developer/owner shall comply with the comments provided by the Department of Public Works, dated September 20, 2005 and October 31, 2019 for Vesting Tentative Tract Map No. 5463/UGM.

40. ~~The developer/owner shall install entry treatment along lots 1, 269, 17, 54, 78, 119, 127, and 176, as detailed on Vesting Tentative Tract Map No. 5463/UGM, Exhibit A, dated June 6, 2005.~~

Pursuant to Section 15-4105-G-2-a of the FMC, when a Local Street intersects a Major Street and the corner lot sides onto the Local Street, the corner lot shall provide a minimum 8-foot wide landscaped strip (and irrigation system) along the street side yard of the respective corner lot (i.e., Lots 1, 17, 18, 44, 45, 53, 54 & 164 of Revised Vesting Tentative Tract Map No. 5463/UGM).

- a) The required landscaped strip shall be identified as an Outlot to be dedicated to the City of Fresno, in fee, for public landscape, pedestrian and utility purposes on the Final Map.
- b) A greater landscape strip may be necessary for visibility purposes pursuant to Section 15-2018 of the FMC; and/or, for purposes of inclusion within the Community Facilities District (CFD) for maintenance purposes.
  - i) A minimum 10-foot wide landscape strip will be required to be dedicated for purposes of inclusion within the CFD for maintenance purposes.
- c) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 & 15-2018 of the FMC

behind the required 10-foot wide landscape area within the Outlots and along the street side property lines of all residential lots adjacent to the major street entryways from Valentine Avenue (i.e., 17, 18, 44, 45, 53 & 54 of Revised Vesting Tentative Tract Map No. 5463/UGM).

- d) Construct a 7-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 & 15-2018 of the FMC behind the required 10-foot wide landscape area within the Outlots and along the street side property lines of all residential lots adjacent to the major street entryways from Whites Bridge Avenue/Highway 180 (i.e., 1 & 164 of Revised Vesting Tentative Tract Map No. 5463/UGM).
- e) The height of required walls shall be reduced to no more than three feet in height within the respective front yard setback areas of the adjacent residential lots.

~~41. The developer/owner shall install enhanced pedestrian treatment along lots 238, 237, 66, 67, 211, 210, 111 and 112, as detailed on Vesting Tentative Tract Map No. 5463/UGM, Exhibit A, dated June 6, 2005.~~

The proposed landscape and pedestrian easements along the major street frontages (Whites Bridge & Valentine Avenues) and entryways of the subdivision shall be identified as Outlots to be dedicated to the City of Fresno, in fee, for public landscape, pedestrian and utility purposes on the Final Map.

- a) Walls shall be constructed at the rear of the required landscaped areas in accordance with the respective conditions contained herein above.

~~42. The developer/owner shall dedicate a 23' pedestrian easement between lots 278 and 279, 297 and 296, 27 and 26, 44 and 45, as detailed on Vesting Tentative Tract Map No. 5463/UGM, Exhibits A and C, dated June 6, 2005.~~

~~43. The developer/owner shall dedicate Outlot "A" to the City of Fresno for the purpose of open space, and maintained as part of the Community Facilities District, as detailed on Vesting Tentative Tract Map No. 5463/UGM, Exhibits A, dated June 6, 2005.~~

Proposed Outlot(s) "A," "B," "C" & "D" of Revised Vesting Tentative Tract Map No. 5463/UGM shall be dedicated to the City of Fresno, in fee, for public open space and landscape purposes and shall be maintained in accordance with the Maintenance Obligations stipulated herein; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

- a) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 & 15-2018 of the FMC along the adjacent property lines of all abutting residential lots (i.e., Lots 173, 174, 191, 192, 209, 210, 227, 228, 245, 246, 263, 264, 277, 278, 286 & 287 of Revised Vesting Tentative Tract Map No. 5463/UGM).

- i) The height of the required wall shall be reduced to no more than three feet in height within the respective front yard setback areas of the adjacent residential lots.

#### Park Fee

44. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance No. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.

#### FIRE SERVICE

45. The developer/owner shall comply with the requirements in the letter from Fresno Fire Department, dated ~~August 22, 2005~~ November 06, 2019 for Revised Vesting Tentative Tract Map No. 5463/UGM.

~~46. All structures will be subject to UGM construction requirements for houses over three miles from an existing fire station; Alternatives include fire sprinklers, alternative lot construction, etc.~~

~~47. Fire sprinklered houses require a minimum one and one half (1 ½") inch water service for fire sprinkler/domestic supply.~~

~~48. Provide residential hydrants and fire flows per Public Works standards with two sources of water.~~

#### Fire Service Fee

49. The subdivider shall be required to pay the Fire Service Fees for the future Fire Station No. 3. Fee payment may be deferred until time of building permit issuance in accordance with the requirements of FMC Section 12-4.509-C-3.

#### STREETS AND RIGHTS-OF-WAY

50. The subdivider shall furnish to the city acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code and the State Subdivision Map Act.

51. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement.

52. All of the required street improvements shall be constructed and/or installed in accordance with the City of Fresno Standard Specifications (2002 Edition). The following shall be submitted as a single package to the Public Works Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting.

53. Submit a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.

54. The subdivider shall install all existing and proposed utility systems underground in accordance with FMC Sections ~~42-4014~~ 15-4114 and Resolution Nos. 78-522, 88-229.

55. The subdivider shall construct an underground street lighting system per Public Works Standards E-1 and E-2 within the limits of the tract. Spacing and design shall conform to Public Works Standards for local streets. Height, type, spacing, etc., of standards and luminaries shall be in accordance with Resolution Nos. 68-187, 78-522, 81-219, and 88-229 or any modification thereto approved by the City Traffic Engineer prior to Final Map approval. Upon completion of the work by the subdivider and acceptance of the work by the City, the street lighting system shall be dedicated to the City. Submit engineered construction plans to the Public Works Department for approval.

56. All dead-end streets created by this subdivision shall be properly barricaded in accordance with City standards within seven days from the time the streets are surfaced or as directed by the Engineer.

57. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.

58. Handicap access ramps are required at all corners within the limits of this subdivision.

59. All required signing and striping shall be done and paid for by the developer/owner. The signing and striping plans shall be done per the current Caltrans standards and shall be submitted along with the street construction plans for this tentative tract map to the Public Works Department.

60. The developer shall install median island and frontage landscaping concurrent with the street improvements.

## **MAJOR STREETS**

### South Valentine Avenue (3-Lane Collector)

~~61. Dedicate 42'-44' of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standard.~~

The subdivider shall comply with all of the requirements included within the attached Public Works Department, Traffic Operations and Planning Services Division memorandum dated July 7, 2020.

~~62. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The developer/owner shall construct a sidewalk pattern, as detailed on Vesting Tentative Map No. 5463/UGM, Exhibit A, dated June 6, 2005.~~

~~63. Construct an 80' bus bay curb and gutter along the southwest corner of South Valentine and West Whites Bridge Avenues to Public Works Standards P-73, complete with a 10' monolithic sidewalk.~~

~~64. Construct 20' of permanent paving (measure from face of curb) within the limits of this subdivision.~~

~~65. 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.~~

~~66. Relinquish direct vehicular access rights to South Valentine Avenue from all lots within this subdivision.~~

~~West Whites Bridge Avenue: (Arterial State Route 180, 94' Collector)~~

~~67. Dedicate 47'-55' of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Arterial Standard.~~

~~68. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The developer/owner shall construct a sidewalk pattern, as detailed on Vesting Tentative Map No. 5463/UGM, Exhibit A, dated June 6, 2005.~~

~~69. Construct 20' of permanent paving (measure from face of curb) within the limits of this subdivision.~~

~~70. 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.~~

~~71. Relinquish direct vehicular access rights to West Whites Bridge Avenue from all lots within this subdivision.~~

**INTERIOR STREETS**

~~72. Design and construct all curb, gutter, sidewalk (both sides), permanent paving, cul-de-sac and underground street lighting systems on all interior streets to Public Works Standards. Sidewalk patterns shall comply with Public Works API Standards for 50-foot and 54-foot streets.~~

~~73. Any temporary dead end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard P-44.~~

**SPECIFIC MITIGATION REQUIREMENTS**

74. ~~This tract will generate 241 a.m./325 p.m. peak hour trips; therefore, a Traffic Impact Study (TIS) is required and has been submitted. Comply with all mitigated measures as set forth by the Traffic Engineering Manager in the attached letter dated September 22, 2005.~~

75. ~~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.~~

76. ~~Provide a detail for all entries into the development (7'-20'-8'-20'-7').~~

77. ~~Install a signal pole with a 150-Watt safety light to Public Works Standards at the southwest corner of South Valentine and West Whites Bridge Avenues.~~

**Traffic Signal Mitigation Impact Fee:**

78. ~~This project shall pay its 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. The fee amount is \$414.69 per single family unit (fee rate as shown on the Master Fee Schedule).~~

**STREET NAMES**

79. ~~Change the following street names to reflect their proper spelling in accordance with the Street Name Review, dated September 8, 2005:~~

Street names shall be reviewed and approved by the Planning and Development Department , Development Services Division prior to Final Map Recordation. Contact Israel Trejo by telephone at (559) 621-8040; or, via email at [Israel.Trejo@fresno.gov](mailto:Israel.Trejo@fresno.gov).

- ~~a. West Whitesbridge Avenue to West Whites Bridge Avenue~~
- ~~b. West Amador Street to "new name"~~
- ~~c. Road 'A' to West Amador Street~~
- ~~d. W. Lemon Ave. to West Amador Street~~
- ~~e. Road 'B' to West San Joaquin Street~~
- ~~f. Road 'F' to West San Joaquin Street~~
- ~~g. West San Joaquin Street to 'new name'~~
- ~~h. Stanislaus St. to West Stanislaus Street~~
- ~~i. W. Stanislaus St. to West Stanislaus Street~~
- ~~j. Road 'C' to West La Sierra Drive~~
- ~~k. S. Selland Ave. to South Selland Avenue~~

**SANITARY SEWER SERVICE**

80. The following sewer improvements shall be required prior to providing City sewer service to the project.

Comply with all of the requirements of the Department of Public Utilities (DPU), Planning and Engineering Division (Sanitary Sewer & Recycled Water), as included within the attached memorandum dated ~~June 17, 2019~~ **July 28, 2021**.

~~81. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for Department of Public Utilities review and obtain approval prior to final map submittal.~~

~~82. The proposed tract shall construct all sewer improvements as determined through the Sanitary Sewer Feasibility Study as approved by the Department of Public Utilities.~~

~~83. Sanitary sewer improvements to be constructed shall include, but not limited to; sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Department of Public Utilities.~~

~~84. The following off-site sanitary sewer main extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer main sizes are subject to change:~~

~~a. Construction of a 12-inch gravity sewer main in West Whites Bridge Avenue between \_\_\_\_\_ South Marks and South Valentine Avenues.~~

~~b. Construction of a 10-inch gravity sewer mains in West Whites Bridge and South \_\_\_\_\_ Valentine Avenues west across the project frontage.~~

~~c. Construction of a 12-inch and 10-inch gravity sewer mains in South Valentine Avenue \_\_\_\_\_ from West Whites Bridge Avenue across the project frontage.~~

~~85. Construction of a sanitary sewer lift station to be located in West Whites Bridge Avenue between South Marks and South Valentine Avenues shall be required. The lift station shall be subject but not limited to following requirements:~~

~~a. Acquisition and/or dedication of a separate parcel of land necessary to construct \_\_\_\_\_ required lift or pump station facilities at a location and size acceptable to the \_\_\_\_\_ Department of Public Utilities.~~

~~b. Depth of the sewer lift station shall not exceed a maximum depth of 24 feet with a 19- \_\_\_\_\_ foot maximum flowline depth of the incoming sewer main.~~

~~c. Installation of permanently mounted auxiliary power supply (Applicable permits \_\_\_\_\_ required).~~

~~\_\_\_\_\_ d. Installation of antenna for telemetry (Applicable application required).~~

~~86. Creation and adoption by Council Resolution of a Sewer Lift Station Service Area is required to establish a service boundary that includes all properties to be served by the proposed sewer lift station.~~

~~87. Formation of a Community Facilities District responsible for the proposed sewer lift station installation and maintenance shall be required.~~

~~88. Abandon all existing on-site private sanitary sewer systems.~~

~~89. Public sewer facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.~~

~~90. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the sanitary sewer system.~~

#### Sanitary Sewer Fees

~~91. The following Sewer Connection Charges are due and shall be paid for this Project:~~

- ~~\_\_\_\_\_~~  
~~\_\_\_\_\_ a. Sewer Lateral Charge~~
- ~~\_\_\_\_\_ b. Oversize Sewer Charge (OSA #42)~~
- ~~\_\_\_\_\_ c. Sewer Facility Charge (Residential Only)~~

#### WATER SERVICE

The following water improvements shall be required prior to providing City water service to the project:

~~92. Construct 14-inch transmission grid water main (including installation of City fire hydrants) in West Whites Bridge Avenue from South Marks west across the frontage of the tract.~~

Comply with all of the requirements of the Department of Public Utilities (DPU), Water Division, as included within the attached memorandum dated ~~November 05, 2019~~ **July 28, 2021**.

~~93. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in South Valentine Avenue from West Whites Bridge Avenue south to West Madison Avenue.~~

~~94. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in West Madison Avenue from West Whites Bridge Avenue east to South Lead Avenue.~~

~~95. Separate water services with meter boxes shall be provided to each lot created.~~

~~96. Two independent sources of water meeting Federal and State Drinking Water Act Standards are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.~~

~~97. All public water facilities shall be constructed in accordance with the Department of Public Works standards, specifications and policies.~~

~~98. Seal and abandon existing on-site well in compliance with per the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno Standards.~~

~~99. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the city water system.~~

~~100. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a total of 750 gallons per minute. Well sites shall be of a size and at a location acceptable to the Water Systems Manager and shall be approved by him prior to the filing of the final tract map. The cost of acquiring the well site(s) and construction of the well(s) shall be reimbursed from the UGM Water Supply Well Service Area Fund 401s, in accordance with established UGM policies.~~

~~101. Water well construction shall include wellhead treatment facilities, if required. Construction of the well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed from UGM Wellhead Treatment Service Area Fund 401s, in accordance with established UGM policies.~~

~~102. Due to limited information on an existing nitrate contaminant plume, additional test wells shall be constructed with the intent of identifying the concentration and extent of the contamination and the general water supply potential. A study plan shall be approved by the Water System Manager prior to commencement. Prior to final map filing, a hydrogeological expert shall submit the results of the study with comparisons to State Health Standards and his projection of the general water supply potential based on the soil lithology. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno.~~

### SOLID WASTE SERVICE

Vesting Tentative Tract Map No. 5463/UGM will be serviced as Single Family Residential properties with Basic Container Service. The following conditions and requirements are placed on this tentative map as a condition of approval by the Department of Public Utilities.

~~103. Property owners will receive three containers to be used as follows: one gray container for solid waste, one green container for green waste, and one blue container for recyclable material.~~

~~104. The owners, lessees or other tenants of the residential dwellings on service day, before 6:00 a.m., shall place their solid waste containers at the edge of the curb approximately 4-feet apart and shall not block any vehicle accesses in accordance with the City of Fresno's Solid Waste Management Division Standards.~~

~~105. Per FMC Section 9-404 Solid Waste Disposal Regulations, Section C-10, no solid waste container nor residential rubbish shall be allowed to remain at the curb line after 8:00 p.m. on the collection day.~~

### URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

~~106. Lots 215 and 216 shall place their containers on South Marty Avenue for service.~~

~~107. Developer shall provide a temporary turnaround at the end of South Marty between Lots 211 and 212. Turnaround shall be clear of all vehicles on the solid waste service day.~~

108. ~~If a temporary turnaround cannot be provided then a covenant will be required. Covenant states that lot 213 place their containers at the northern edge of their property. Lots 212 will be required to place their containers at the northwest corner of lot 211 for service.~~

#### RIGHT-OF-WAY ACQUISITION

109. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.

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

In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.

Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.

The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

#### FLOOD CONTROL AND DRAINAGE

110. The subdivider shall be required to pay any applicable storm drainage fees to comply with Fresno Municipal Code Chapter 13, Article 13.

111. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letter to the Planning and Development Department dated ~~October 6, 2005~~ January 23, 2020.

112. Any temporary ponding basins constructed or enlarged to provide service to the subdivision shall be fenced in accordance with City standards within seven days from the time the basin

becomes operational or as directed by the City Engineer. Temporary ponding basins will be created through a covenant between the City and the Developer prior to Final Map approval. Maintenance of the temporary ponding basin shall be by the Developer until permanent service for the entire subdivision is provided.

#### AIR QUALITY

113. The developer/owner shall comply with the requirements in the letter from the San Joaquin Valley Air Pollution Control District dated September 6, 2005 for Vesting Tentative Tract Map No. 5463/UGM.

#### IRRIGATION DISTRICT

114. The developer/owner shall acknowledge the comments of the Fresno Irrigation District, dated August 26, 2005, for Vesting Tentative Tract Map No. 5463/UGM.

115. FID's Mortenson canal/pipeline traverses the north side of Whites Bridge Avenue. FID requests it review and approve all plans that affect its canal/pipeline.

116. A private irrigation control structure is located on the northeast corner of, and a private irrigation pipeline traverses the east side of APN: 326-100-09. These private facilities are active and will need to be incorporated into the proposed development.

#### CENTRAL UNIFIED SCHOOL DISTRICT

117. The developer/owner shall acknowledge the comments of the Central Unified School District, dated February 9, 2006 and September 21, 2005, for Vesting Tentative Tract Map No. 5463/UGM.

118. School Developer Fees shall be paid on all new residential construction within the proposed subdivision, in accordance with a resolution adopted by the Central Unified School District, pursuant to Government Code Section 65995 and Educational Code Section 17620.

#### COUNTY OF FRESNO - Department of Community Health

119. The developer/owner shall acknowledge the comments of the County of Fresno, Department of Community Health, dated September 19, 2005.

#### COUNTY OF FRESNO - Planning Division, Land Division Section

120. The developer/owner shall acknowledge the comments of the County of Fresno, Planning Division, Land Division Section, dated September 1, 2005, for Vesting Tentative Tract Map No. 5463/UGM.

#### STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

121. Prior to the approval of any Final Tract Map for this tentative tract map, the subdivider/developer shall pay shares of cost for improvements to interchanges affected by

vehicular travel related to this subdivision. The following shares of cost were derived by the California Department of Transportation (Caltrans) Division 6 Office of Transportation Planning from its review of the Tract 5463 Traffic Impact Study.

\$11,844 for impacts to the State Route 180/Hughes Avenue intersection.

Imposition of this condition is dependent upon the City of Fresno and Caltrans having an executed agreement for the City to collect and administer State Highway facilities fees (Reference: Letter from Caltrans District 6, dated December 27, 2005 and September 9, 2005, for Vesting Tentative Tract Map No. 5463/UGM).

**DEVELOPMENT FEES AND CHARGES**

122. Vesting Tentative Map No. 5463/UGM is subject to the following fees:

| <u>SEWER CONNECTION CHARGES</u>                     | <u>FEE RATE</u>  |
|---|--|
| b. Lateral Sewer Charge♠                            | \$0.10/sq. ft. (to 100' depth)   |
| c. Oversize Charge♠                                 | \$0.05/sq. ft. (to 100' depth)   |
| d. Trunk Sewer Charge♥<br>Service Area:             | N/A  |
| e. Wastewater Facilities Charge♣                    | \$2,119/living unit  |
| f. Copper Avenue Sewer Lift Station Charge♠         | N/A  |
| g. Fowler Trunk Sewer Interim Fee Surety♠           | N/A  |
| h. House Branch Sewer Charge♥                       | N/A  |
| i. Millbrook Overlay Sewer♠                         | N/A  |
| <u>WATER CONNECTION CHARGES</u>                     | <u>FEE RATE</u>  |
| j. Service Connection Charge                        | Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule. |
| k. Frontage Charge♠                                 | \$6.50/lineal foot   |
| l. Transmission Grid Main Charge♠<br>(or more)      | \$643/gross acre (parcels 5 gross acres or more)   |
| m. Transmission Grid Main Bond Debt Service Charge♠ | \$243/gross acre (parcels 5 gross acres or more)   |

|  |                   |
|--|-------------------|
| n. UGM Water Supply Fee♥<br>Service Area: 401s   | \$371/living unit |
| o. Well Head Treatment Fee♥<br>Service Area: 401 | \$31/living unit  |
| p. Recharge Fee♥<br>Service Area: 401            | \$0/living unit   |
| q. 1994 Bond Debt Service♠<br>Service Area: 401  | \$0/living unit   |

|                               |                 |
|-------------------------------|-----------------|
| <u>DEVELOPMENT IMPACT FEE</u> | <u>FEE RATE</u> |
|-------------------------------|-----------------|

|  |                      |
|--|----------------------|
| r. Fire Facilities Impact Fee - Citywide♦**†   | \$539/living unit    |
| s. Park Facility Impact Fee - Citywide♦**†     | \$3398/living unit   |
| t. *Quimby Parkland Dedication Fee♥**          | \$1120/living unit   |
| u. Police Facilities Impact Fee - Citywide♦**† | \$624/living unit    |
| v. Traffic Signal Charge♠                      | \$414.69/living unit |

|                                |                 |
|--------------------------------|-----------------|
| <u>URBAN GROWTH MANAGEMENT</u> | <u>FEE RATE</u> |
|--------------------------------|-----------------|

|  |                   |
|--|-------------------|
| w. UGM Fire Station Capital Fee♠<br>Service Area: Undesignated | \$800/gross acre  |
| x. UGM Park Fee♠<br>Service Area: 3                            | \$3219/gross acre |
| y. Major Street Charge♠<br>Service Area: E-3                   | \$4053/adj. acre  |
| z. Major Street Bridge Charge♠<br>Service Area: E-3            | \$232/adj. acre   |
| aa. UGM Grade Separation Fee♠                                  | N/A               |
| ab. UGM Trunk Sewer Charge♠<br>Service Area:                   | N/A               |
| ac. Street Acquisition/Construction Charge♥                    | N/A               |

Notes:

\* This amount if paid is creditable against the Park Facility Impact Fee.

\*\* Fee applicable to all maps accepted for filing after August 30, 2005

† Subject to vesting tentative map date, fee may not be applicable until 2-years after date of Final Map recordation; when applicable, fee is due at occupancy for all un-developed lots at the fee rate then in effect.

♥ Due at time of subdivision.

♣ Due at time of development.

♦ Due at occupancy.

♠ Deferrable through Fee Deferral Covenant.

## **FRESNO METROPOLITIAN FLOOD CONTROL DISTRICT      FEE RATE**

a. ~~FMCD Development Fees - Vesting Tentative Tract No. 5463/UGM - \$316,800.00~~

The Subdivider shall pay all applicable fees identified within the attached Fresno Metropolitan Flood Control District memorandum as referenced herein above.

cc: Letters from:

Public Works Department, Street Trees (9-20-05 & 10-31-19)

Fresno Fire Department (~~8-22-05~~ 11-06-19)

Public Works Department, Community Facilities District (~~3-8-06~~ 10-29-19)

Public Works Department, Traffic Operations and Planning Division (~~9-22-05~~ 07-07-20)

~~Street Name Review (9-8-05)~~

Department of Public Utilities, Planning and Engineering (~~3-7-06~~ 06-17-19)

Solid Waste Division (9-21-05)

Fresno Metropolitan Flood Control District (~~10-6-05~~ 01-23-20)

San Joaquin Valley Air Pollution Control District (8-08-05)

Fresno Irrigation District (8-26-05)

Central Unified School District (2-9-06 & 9-21-05)

County of Fresno - Department of Public Health (9-22-05)

County of Fresno - Department of Public Works and Planning (9-1-05)

California Department of Transportation (12-27-05 & 9-9-05)



**DATE:** Revised October 29, 2019

**TO:** Planning Project Manager/Planning  
Planning and Development 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. 5463 REGARDING MAINTENANCE REQUIREMENTS (P19-04220)

**LOCATION:** 3425 West Whites Bridge Avenue  
**APN:** 326-100-76

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<br><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. Provide park structure plans that have been reviewed and approved by the Building & Safety Services Division. All other park amenities shall be reviewed and approved with the landscaping plans and shall be technically correct 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 dedicated street right of way and landscape easements; including without limitation, the street median islands (1/2, if fronting only one side of median), parkways, buffers, and street entry medians and sides (**10’ wide minimum landscaped areas with block wall allowed**) in **all Local and Major Streets**.
- All landscaping, trees, irrigation systems, hardscaping and amenities within Outlots specifically dedicated for the purpose of open spaces and trails. These may be deeded to the City in fee for those purposes as approved by the City Engineer.
- 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 Operations and Planning 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.
  - Landscaped areas not within the dedicated street right of way approved for Services by CFD No. 11 shall be dedicated as a public easement for maintenance purposes. Outlots specified for park and bike pedestrian landscaping (trail) purposes shall be dedicated in fee to the City of Fresno 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)

Public Works-  
CFD

| <b>Action by Department</b> | <b>Action By</b> | <b>Status Date</b> |
|-----------------------------|------------------|--------------------|
| DPU_DPW                     | Ann Lillie       | 10/29/2019         |

**Comments**

See attached Conditions in the Documents file.

\*NOTE: All entry's to have a minimum of 10' LE sides with block wall to be included in the CFD for maintenance.

## Fire Review

**Action by Department**

Fire Department

**Action By**

Byron Beagles

**Status Date**

11/06/2019

**Comments**

1. This tract number was previously reviewed in in 2006 under VTTM 5463.
2. With the construction of Fire Station #19 several years ago, all houses are within a 3.0 mile response distance from an existing operational fire station.
3. The tract is over ½ mile to existing public water main infrastructure. Provide public water mains with two sources of water and fire hydrants within the tract at 600 foot residential spacing.
4. Extensions of public water mains in E. Whitesbridge, N. Valentine, and E. Madison will require the installation of public hydrants adjacent to existing developed rural residential and commercial parcels.
5. The proposed interior street pattern section indicates standard 36 foot public streets. The section also indicates "Optional 12' Bump Out" (as measured from the street centerline); where bump outs are provided, curbs must be painted red.
6. The median split entries are proposed, paint the curbs reds along the sidewalk side of these entries.
7. There are several streets on the south part of the tract that are indicated as connecting to Tentative Tract 6183. If that tract is not developed concurrently or before T-5463, temporary cul-de-sac turnarounds are required.



DATE: July 7, 2020 Revision

TO: Will Tackett, Planning Manager  
Planning and Development Department

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

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

SUBJECT: Public Works Conditions of Approval for **T-5463 / P19-04220**  
305-Lot Single Family Subdivision  
3425 West Whitesbridge Avenue  
Fagundes Bros. Dairy / Precision Civil Engineering

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

**Provide the following information prior to the acceptance of the final map submittal.**

This can result in additional conditions of approval.

1. Verify that the border is correct. Incorrect boundaries could result in extending timelines due to the need for separate processes, timelines and fees.
2. Revise the following cross sections, as noted:
  - **56' Interior: P-56 sidewalk pattern (5.5'-4' -.5')**
  - **60' Whitesbridge: P-56 sidewalk pattern (5.5' 4'-.5')**
  - **Valentine (2-way left turn): P-54 (12-7-11-12-11-7-12)**
  - **Valentine (bus) P-54 (10-12-3-7-11-12-11-7-12)**
  - **Entry Streets: P-86 (7-18-10-18-7)**
3. Identify all easements on the map.
4. Traffic calming will be reviewed and approved with the street plans.
5. Verify information provided in general note 14. ("not within 200' from freeway")
6. Identify and provide a temporary turn around adjacent to Lots **66/67, 78/79** and **90/91**.
7. Correct the spelling of "Whitesbridge" on the map.
8. Remove "(Highway 180) (to remain)".
9. Identify the city bus bay at the southwest corner of Valentine and Whitesbridge per **P-69**.

## **General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
2. All required right-of-way outside of the subdivision border shall either be acquired **prior** to recordation of Final Map, or a deposit equal to the value of the right-of-way and an estimate of the City staff time necessary to acquire the right-of-way shall be submitted **prior** to recordation of the Final Map.
3. Local to Collector Street Intersections: The intersection of two local continuous streets shall have a minimum of **160'** offset measured from center line to center line.
4. Local street lengths exceeding **800'** and four way intersections may require traffic calming measures.
5. 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.
6. Encroachment Covenants: The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Engineering Services Division, **(559) 621-8681**. Encroachment covenants must be approved prior to issuance of building permits.
7. Street widening and transitions shall also include utility relocations and necessary dedications.
8. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.
9. 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.
10. Backing onto a major street is prohibited.
11. The first order of work shall include a minimum of two points of vehicular access to the major streets for **any** phase of this development.
12. When permanent facilities are not available from the Fresno Metropolitan Flood Control District, the applicant shall identify a temporary onsite storm water basin per Public Works Standard **P-97** for review and approval from Public Works.

## **Frontage Improvement Requirements:**

### **Public Streets:**

#### **Valentine Avenue: 3-lane Collector**

1. Dedication Requirements:
  - a. Dedicate **36'- 49'** (to accommodate the school bus turnout) of property, from section line, for public street purposes, within the limits of this application, per *Public Works Standards P-54 and P-69*
  - b. Dedicate a 16'-21' pedestrian easement to accommodate a proposed curvilinear sidewalk.
  - c. Dedicate corner cuts for public street purposes at all intersections.
  - d. Relinquish direct access rights to Valentine Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and an **8'** sidewalk to *Public Works Standard P-5, P-7 and P-54*. The curb shall be constructed to a **12'** pattern. (meandering walk shown)
  - b. Construct an **80'** bus bay curb and gutter at the southwest corner of Valentine and Whitesbridge to *Public Works Standard P-73*, complete with a **12'** monolithic sidewalk.
  - c. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
  - d. Construct curb ramps per Public Works Standards at all intersections.
    - Valentine/Whitesbridge: **R=30', P-30**
    - Entries: **R=20', P-28**
  - e. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. 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.

#### **Whitesbridge Avenue: Local Collector**

1. Dedication Requirements:
  - a. Where not existing, dedicate **30'** of property, from section 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.
  - c. Relinquish direct access to Whitesbridge Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct **18'** of permanent paving per *Public Works Standard P-50*, within the limits of this subdivision and transition paving, as necessary.
  - b. Construct standard curb ramps per *Public Works Standards* at all intersections.
    - Entry: **R=20', P-28**

- c. Construct concrete curb, gutter and a **4'** sidewalk to *Public Works Standards P-5 and P-56. (7.5'-4'-.5')* The curb shall be constructed to a **12'** residential pattern. Planting of street trees shall conform to the minimum spacing guidelines as stated in the *Standard Specification, Section 26-2.11(C)*.

#### **Interior Streets:**

1. Entry Streets: Parking is prohibited within the limits of the median. Construct the following intersections to *Public Works Standard P-86: (7-18-10-18-7)*
  - a. Valentine and San Joaquin
  - b. Valentine and La Sierra
  - c. Whitesbridge and Selland
2. 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-1 and P-6*. The width of the drive approach shall not exceed the width of the driveway.
3. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
4. Garages: Garage or carport setbacks are recommended to be a minimum of **18'** from the back of walk or curb, whichever is greater.
5. Provide a **10'** visibility triangle at all driveways.
6. Design local streets with a minimum of **250'** radius.
7. Dead-end Streets **for all phases**: 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:**

##### **A. Within the subdivision border-**

1. Relinquish direct vehicular access rights to :
  - a. the north property line of lots **18** and **45**.
  - b. the south property line of lots **17** and **44**.
  - c. the east property line of lot **164**.
  - d. the west property line of lot **1**.

##### **B. Outside of the subdivision border: to be completed with Phase I**

#### **Safe Route to School:**

Safe routes to schools shall be prioritized for all projects per *the Complete Streets Policy 240.3*, approved by Council on October 10, 2019 and *Safer Routes to School Resolution 2020-012*, approved by Council on January 16, 2020.

**Valentine: from the southern limits of this subdivision to Madison**

1. Dedication requirements:
  - a. Dedicate **36-44'** of property, from section line, for public street purposes, within the limits mentioned above, per *Public Works Standards P-54 and P-69*.
  - b. Dedicate a corner cut for public street purposes at the northwest corner of Madison/Valentine.
2. Construction requirements:
  - a. Construct concrete curb, gutter and a **6' (minimum) concrete** sidewalk to *Public Works Standard P-5 and P-53*.
  - b. Construct curb ramps with a **30'** radius, per *Public Works Standard P-30* at the northwest corner of Madison/Valentine.

**Madison: from T-5206 to the eastern boundary of T-6184**

1. Construction Requirements:
  - a. Construct concrete curb, gutter and a 5.5' **minimum** sidewalk to *Public Works Standard P-5 and P-53. (to be measured from face of curb)*

**Madison: from the eastern limits of T-6184 to Valentine**

1. Dedication requirements:
  - a. Dedicate **36-44'** of property, from section line, for public street purposes, within the limits mentioned above, per *Public Works Standards P-54 and P-69*.
  - b. Dedicate a corner cut for public street purposes at the northeast corner of Madison/Valentine.
2. Construction requirements:
  - a. Construct concrete curb, gutter and a **6' (minimum) concrete** sidewalk to *Public Works Standard P-5 and P-53*.
  - b. Construct curb ramps with a **30'** radius, per *Public Works Standard P-30* at the northeast corner of Madison/Valentine.

**Madison: Valentine to the western limits of T-6183**

1. Dedication requirements:
  - a. Dedicate **36-44'** of property, from section line, for public street purposes, within the limits mentioned above, per *Public Works Standards P-54 and P-69*.
  - b. Construct concrete curb, gutter and a **6' (minimum) concrete** sidewalk to *Public Works Standard P-5 and P-53*.

**Madison: from the western limits of T-6183 to a location approved by the school and the City Engineer. ( near drop-off)**

1. Construction Requirements:

- a. Construct a 4' minimum asphalt concrete walk and mitigate drainage from the walk.

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit**. Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the Master Fee schedule. In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would 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. Valentine Avenue: Install a signal pole with a **150-watt** equivalent LED safety light and an oversize street sign to Public Works Standards at the southwest corner of Valentine Avenue and Whitesbridge Avenue.
2. Valentine Avenue: If not existing, install a signal pole with a **150-watt** equivalent LED safety light and an oversize street sign to Public Works Standards at the northeast corner of Valentine Avenue and Madison Avenue.

**UGM Requirements:**

This Map is in UGM major street zone **E-3**; therefore pay all applicable UGM fees.

**Valentine Avenue: 3-lane Collector**

1. Dedicate and construct **(2) 17'** center section travel lanes and a **12'** center two-way left turn lane **from Whitesbridge to Madison**. Where applicable, 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.
  - a. **Phase 1 : Valentine from San Joaquin to Madison**

**Madison Avenue: Collector (Growth Area Street) (To be completed with Phase I)**

1. Dedicate and construct from **T-5206 to the western limits of T-6183.**
  - a. North Side: **24-32'** of permanent pavement with curb and gutter.
  - b. South Side: **17'** of permanent pavement.

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.

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** THOMAS C. ESQUEDA, City Manager  
City Manager's Office

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**SUBJECT:** REQUEST FOR CITY MANAGER'S SIGNATURE AUTHORIZING  
MODIFICATIONS TO CONDITIONS OF APPROVAL IN ACCORDANCE WITH  
SECTION 2-402(C) OF THE FRESNO MUNICIPAL CODE

The purpose of the Memorandum is to request approval of Conditions of Approval modifications in accordance with Section 2-402(C) of the City of Fresno Municipal Code.

On November 3, 2016, the Fresno City Council adopted Ordinance No. 2016-44 adding subsection (c) to Section 2-402 of the City of Fresno Municipal Code stating that no official, employee, or agent of the City is authorized to modify, amend, delay or waive any provision of a contract, development agreement, subdivision map, conditional use permit, or fee, without the express written approval of the City Manager, except where a provision of the Charter, Municipal Code, resolution, or an implementing document expressly provides such authority to a person other than the City Manager.

Vesting Tentative Map Nos. 5463, 5456, 6183, and 6184 were originally approved by Planning Commission on June 21, 2019 authorizing the development on the east and west sides of South Valentine from West Madison Avenue to West Whitesbridge Avenue.

On May 18, 2021, the Department of Public Utilities (DPU) determined the proposed development would be allowed to proceed with gravity sewer to the east (along Madison Avenue to Marks Avenue) instead of constructing sewer pipe in Valentine Avenue south to the existing 66-inch sewer trunk at Church Avenue. With these proposed modifications, Developer is required to construct sewer pipe easterly in Madison Avenue to the City's existing sewer main terminus in Madison Avenue just west of the existing lift station at the intersection of Kearney Boulevard and Marks Avenue. The existing lift station may need to be upgraded pending the conclusion of the engineer's analysis. Therefore, DPU has stricken conditions pertaining to the construction of sewer pipe from the intersection of West Madison and South Valentine Avenues to the intersection of South Valentine and West Church Avenues. In addition, DPU is also removing the construction of a new lift station at the intersection of South Valentine Avenue and West Kearny Boulevard. In lieu of constructing a new lift station, the developer shall make any necessary upgrades to the City's existing lift station at West Kearney Boulevard and Marks Avenue.

**MEMORANDUM**

THOMAS C. ESQUEDA, City Manager

Request for City Manager's signature authorizing modifications to Conditions of Approval

July 28, 2021

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In addition to the above-referenced modifications to the sewer infrastructure, several modifications (mostly reduction in scope) to the water and recycled water infrastructure conditions of approval are proposed. Staff requests to remove the attached original Conditions of Approval dated June 17, 2019, regarding Sewer and Recycled Water, and June 21, 2019, pertaining to Water and replace them with the attached Revised Conditions of Approval pertaining to Tract Maps #5456, #5463, #6183, and #6184 dated July 21, 2021.

These conditions were prepared by the Department of Public Utilities and in coordination with the Development Services Division.

**RECOMMEND:**

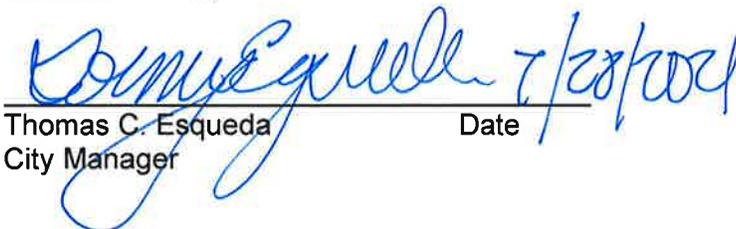
**APPROVAL**

**DENIAL**

 7/28/21  
Michael Carbajal Date  
Director  
Department of Public Utilities

**APPROVED**

**DENIED**

 7/28/2021  
Thomas C. Esqueda Date  
City Manager

- Attachment 1: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 17, 2019, for Sewer and Recycled Water
- Attachment 2: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water
- Attachment 3: Revised Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water, Sewer, and Recycled Water



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING**

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** WILL TACKETT, Planning Manager  
Department of Development and Resource Management

**FROM:** *AS FOR* KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities - Utilities, Planning & Engineering

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

**SUBJECT:** DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of S. Brawley, S. Marks, W. Madison, and W. Whitesbridge Avenues. The subdivision consists of 4 maps: Tracts 5463 and 5456 which are tentatively approved and Tracts 6183 and 6184 which have yet to be submitted.

**Water Service Requirements**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whitesbridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from South Lead Avenue west to South Brawley Avenue.
2. Construct a 16-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from West Whitesbridge Avenue south to West Madison Avenue.

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5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
6. Installation of water service(s) & meter box(es) shall be required.
7. Installation of water service(s) & meter box(es) shall be required to re-establish domestic water and fire service to Madison Elementary School and its facilities.
  - a. Frontage and Water Capacity fees shall be paid by the developer.
  - b. Water facilities and meters shall be sized appropriately to provide already established domestic and fire service.
8. Destruct any existing on-site wells 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.
9. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Department of Public Utilities Director or designee.
10. Central Unified School District shall dedicate to the City of Fresno, the existing water well located on the northeast corner of Madison Elementary School.
11. Prior to City acceptance of the dedicated water well, the existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards, including but not limited to the following:
  - a. The well shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 12,000 square feet (aprox. 100'x120') in size and acceptable to the Department of Public Utilities Director or designee.
  - c. A 30-foot easement shall be dedicated to the City from the Water well site to West Madison Avenue for water main discharge and access purposes.
  - d. Install a 12-inch discharge water main form the water well to the proposed 16-inch water main in West Madison Avenue.

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- e. Dedicated water well shall include wellhead treatment facilities, if required. Well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed from the Water Capacity Fees, in accordance with established City policies.
- 12. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
- 13. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

**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.

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### **Sanitary Sewer Requirements**

#### **Sanitary Sewer Facilities Reimbursements and Credits (not to exceed \$1M):**

**Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval). Note: as these reimbursements and credits were originally intended (and approved) for the costs of a proposed lift station at the intersection of Valentine and Madison Avenues, the 12-inch diameter sewer pipeline in Valentine Avenue from Madison Avenue to Church Avenue, and associated costs, which are now being eliminated from the required scope of improvements, the not-to-exceed \$1M reimbursement and credit may be used to offset the cost of improvements necessitated by the elimination of the above-referenced new lift station and related costs (i.e. the upsizing from the previously-required 8-inch to 12-inch diameter of the sewer pipeline between the intersection of Valentine and Madison Avenues to manhole #2749-06, the modification or upgrade of the existing Lift Station #2 (as described below), the upsizing from 8-inch to 12-inch diameter of the on-site (within the subdivision) pipeline segments (approximately 550 lineal feet) to facilitate gravity sewer and minimum coverage (west of Valentine Avenue) and, if necessary, the cost differential between 'regular' and ductile iron water pipes at the west end (northwesterly tier of lots) of the development (sewer/water crossings by house pads/raised lots to provide minimum coverage).**

The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in West Madison Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Provide an analysis of Lift Station #2 at Kearney Boulevard and Marks Avenue regarding additional flows and capacity from the proposed development. The lift station shall be modified or upgraded to handle the new flows per the required analysis.
  - a. Depth of the existing wet well shall be verified by the Engineer of Record per the proposed capacity.
  - b. Certify that the existing pumps are capable of handling flows from the proposed subdivision.
  - c. If revisions are deemed necessary than applicable permit shall be required from the Development Department.

MEMORANDUM  
WILL TACKETT, Planning Manager  
Department of Development and Resource Management  
DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

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2. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
3. The proposed tracts shall construct all sewer improvement as determined through the Sanitary Sewer Feasibility Study as approved by the Department of Public Utilities.
4. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities.
5. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the existing manhole #2749-06 west to the intersection of South Valentine and West Madison Avenues.
  - b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of South Valentine and West Madison to the west property line of proposed Tract Map #6183.
  - c. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
  - d. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Whitesbridge Avenue from the intersection of West Whitesbridge and South Valentine Avenues to the west property line of Future Tract Map #5463.
6. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
7. All underground utilities shall be installed prior to permanent street paving.
8. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed

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additions to the City Sewer System.

9. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
10. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
11. Installation of sewer house branch(es) shall be required.
12. Street work permit is required for any work in the Right-of-Way.
13. 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 #29.
3. Wastewater Facility Charge (Residential)

### **Recycled Water Requirements**

#### **"On-site" Recycled Water Facilities**

**"On-site" Recycled Water Facilities Reimbursements and Credits (not to exceed \$900K): Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or Designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Recycled water mains shall be extended within the proposed tracts to provide service to only public areas (parks - any size (large, strips, pocket, etc...)); median islands, landscaping along Valentine, Madison, and Whitesbridge Avenues frontages of the developments.

JUNE 28, 2021  
Page 7 of 8

2. Installation of recycled water service(s), meter box(es), and reduced-pressure backflow device(s) shall be required.
3. All underground utilities shall be installed prior to permanent street paving.
4. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the Department of Public Utilities review and approvals for proposed additions to the City Recycled Water System.
5. All public recycled water facilities shall be constructed in accordance with City Standards, specifications, and policies.

**“Off-site” Recycled Water Facilities**

**“Off-site” Recycled Water Facilities Reimbursements (Actual costs dollar-for-dollar):**  
**Developer shall receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection of West Madison and South Valentine Avenues.
2. Construct an 8-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues.
3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
4. Construct an 8-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whitesbridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the recycled water transmission mains in West Madison, South Valentine, and West Whitesbridge Avenues as outlined above.

MEMORANDUM

WILL TACKETT, Planning Manager

Department of Development and Resource Management

DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

JUNE 28, 2021

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6. The 'off-site' Recycled Water Facilities shall be constructed in accordance with City Standards, specifications, and policies and previously approved construction plans. Note: the construction plans for these "off-site" facilities have been approved previously and the pipeline in Madison Avenue to the west of the above-described 16-inch pipeline in Madison Avenue, and the pipeline to the east of the above-described 16-inch pipeline in Valentine Avenue (at the intersection of Valentine and Whitesbridge Avenues) have been completed (or caused to be completed) by the City. The recycled water pipelines referenced above (and to be constructed by the Developer) have been removed from the previously completed scope of work to avoid conflict with other utilities in Madison, Valentine, and Whitesbridge Avenues (still being designed at the time of construction of now-completed recycled water pipes in Madison Avenue west of the Project and in Whitesbridge Avenue east of the Project).

**Solidwaste Requirements:**

1. Tract Maps 5456, 5463, 6183 and 6184 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.



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING  
MEMORANDUM**

**DATE:** June 21, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

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

**SUBJECT:** WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison and West Whites Bridge Avenues. The subdivision consist of 5 maps, Tracts #5463 and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted. Therefore, conditions regarding South Brawley and West Madison Avenues are only applicable if all 5 maps are built out to completion.

**Water Service**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whites Bridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants) from South Lead Avenue west to the westerly property line of Tract #6183.
2. Construct a 16-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants) from West Whites Bridge Avenue south to West Madison Avenue.
5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

Page 2 of 3

6. Installation of water service(s) & meter box(es) shall be required.  
If the proposed subdivision will be dual plumbed with recycled water, all potable water services will required installation of a reduced pressure backflow device.
7. Destroy any existing on-site wells 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. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Public Utilities Director.
9. Central Unified School District shall dedicate the existing water well located on the northeast corner of South Brawley Avenue and West Madison Avenue (Madison Elementary School). In turn, the Developer shall provide the school with domestic, irrigation and fire service from the water well discharge line adjacent to the school's east property line.
10. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 1,000 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Public Utilities Director. (Only if negotiations fail).
11. The existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards:
  - a. The well(s) shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 14,000 square feet (aprox. 100'x140') in size and acceptable to the Water Systems Manager.
  - c. Water well site shall have access to a public street.
  - d. Install a 12-inch discharge water main form the water well to the proposed 16-inch water main in West Madison Avenue.
12. Water well construction shall include wellhead treatment facilities, if required. Construction of the well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed by means of established Water Capacity Funds.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

Page 3 of 3

13. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
14. 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. However, vested maps #5456, and #5463 will be susceptible to the old UGM 401s fee whereas new maps #6183 and #6184 will be inclined to pay the new water capacity fees.
  - 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.



**DEPARTMENT OF PUBLIC UTILITIES  
MEMORANDUM**

**DATE:** June 17, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

**FROM:** KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities, Planning and Engineering 

**SUBJECT:** SANITARY SEWER AND RECYCLED WATER REQUIREMENTS FOR  
OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison, and West Whites Bridge Avenues. The subdivision consist of 4 maps, Tracts #5463, and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted.

**Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located at the intersection of West Madison and South Marks Avenues and a 66-inch sewer trunk line located in West Church Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
2. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities. House laterals shall be installed prior to paving. The cost of the laterals will be reimbursed upon sewer connection of adjacent properties.
3. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. According to Precision Engineering's master sewer plan dated 7/2/18,



*A Nationally Accredited Public Utility Agency*

there is a proposed 8-inch sewer main from the east property line of the easterly County parcel along the frontage of Tract #5456 and terminating at the intersection of West Madison and South Valentine Avenues. The installation of laterals to existing homes will only be required if the affective section of West Madison is to be repaved.

- b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the first entrance of Tract #6184.
  - c. Construct a 10-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of West Madison and South Brawley Avenues east to the intersection of West Madison and South Valentine Avenues (at build out of entire project).
  - d. Construct an 8-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the easterly property line of the Madison Elementary east to the first entrance of Map 6183.
4. Street easements shall be recorded prior to approval of improvement plans or dedicated by the previously mentioned Maps.
  5. All underground utilities shall be installed prior to permanent street paving.
  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. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
  9. Installation of sewer house branch(s) shall be required.
  10. Street work permit is required for any work in the Right-of-Way.
  11. Abandon any existing on-site private septic systems.

**Sanitary Sewer Facilities Reimbursements and Credits (\$1,000,000)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department.**

1. Construction of a sanitary sewer lift station to be located in South Valentine Avenue between West Madison Avenue and West Kearny Boulevard shall be required. The lift station shall be subject but not limited to the following requirements:
  - a. Acquisition and/or dedication of a separate parcel of land necessary to construct required lift or pump station facilities at a location and size acceptable to the Department of Public Utilities.
  - b. Depth of the sewer lift station shall not exceed a maximum depth of 24-feet with a 19-foot maximum flowline depth of the incoming sewer main.
  - c. Installation of permanently mounted auxiliary power supply. (Applicable permits required)
  - d. Installation of antenna for telemetry. (Applicable permits required)
2. Creation and adoption by Council Resolution of a Sewer Lift Station Service Area is require to establish a service boundary that includes all properties to be served by the proposed sewer lift station.
3. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues south connecting to the 66-inch sewer trunk at the intersection of West Church and South Valentine Avenues.

**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 #29.
3. Wastewater Facility Charge (Residential)

**Recycled Water Requirements and Credits(\$900,000)**

1. Construct reclaimed water distribution mains in public right-of-ways that will utilize future tertiary treated wastewater for landscape irrigation purposes. Design of the reclaimed water mains will be subject to the approval by the Director of Public Utilities.
2. Reclaimed water system should be operated and maintain by a Community Facilities District (CFD).
3. Recycled water mains shall be extended within the proposed tracts to provide service to all park strips and community green space.
4. Installation of recycled water service(s), master meter box(es), shall be required.
5. All underground utilities shall be installed prior to permanent street paving.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the 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.

**Recycled Water Requirements and Credits(\$1,664,630 per Precision Engineer's Estimate dated May 17, 2019)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department per Recycled Water Infrastructure Reimbursement Agreement dated xx/xx/2019. Agreement will require City Council approval.**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection West Madison and South Valentine Avenues.
2. Construct a 16-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues

MEMORANDUM  
WILL TACKETT, Supervising Planner  
Department of Development and Resource Management  
WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT  
AGREEMENT June 17, 2019  
Page 5 of 5

3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whites Bridge and South Valentine Avenues.
4. Construct a 16-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whites Bridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the 16-inch recycled water transmission main in West Madison, South Valentine, and West White Bridge Avenues.
6. The developer shall construct all improvements under these conditions and shall be reimbursed by a Developer Reimbursement Agreement which be negotiated subsequent to Planning Commission approval.

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

**PUBLIC AGENCY**

**DEVELOPER**

WILL TACKETT  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO STREET, ROOM 3043  
FRESNO, CA 93721-3604

NORMAN ALLINDER, FAGUNDES DAIRY  
PO BOX 2717  
MERCED, CA 95344

PROJECT NO: **5463rev**  
ADDRESS: **3425 W. WHITES BRIDGE**  
APN: **326-100-77, 78, 326-100-76**

SENT:

*1/23/2020*

| Drainage Area(s)                        | Preliminary Fee(s) | Development Review Service Charge(s)    | Fee(s)     |   |
|---|--------------------|---|------------|---|
| AS                                      | \$579,001.00       | NOR Review                              | \$2,567.00 | To be paid prior to release of District comments to Public Agency and Developer.  |
|   |                    | Grading Plan Review                     | \$7,163.00 | Amount to be submitted with first grading plan submittal.   |
|   |                    | Storm Drain Plan Review                 |            | For amount of fee, refer to <a href="http://www.fresnofloodcontrol.org">www.fresnofloodcontrol.org</a> for form to fill out and submit with first storm drain plan submittal (blank copy attached). |
| <b>Total Drainage Fee: \$579,001.00</b> |                    | <b>Total Service Charge: \$9,730.00</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 10/17/19 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. 5463rev**

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. 5463rev

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 5

FR TRACT No. 5463rev

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

  
\_\_\_\_\_  
Mark Will  
Project Engineer

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 4 of 5

CC:

JARED LINNEY, PRECISION CIVIL ENGINEERING, INC.

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1234 O STREET

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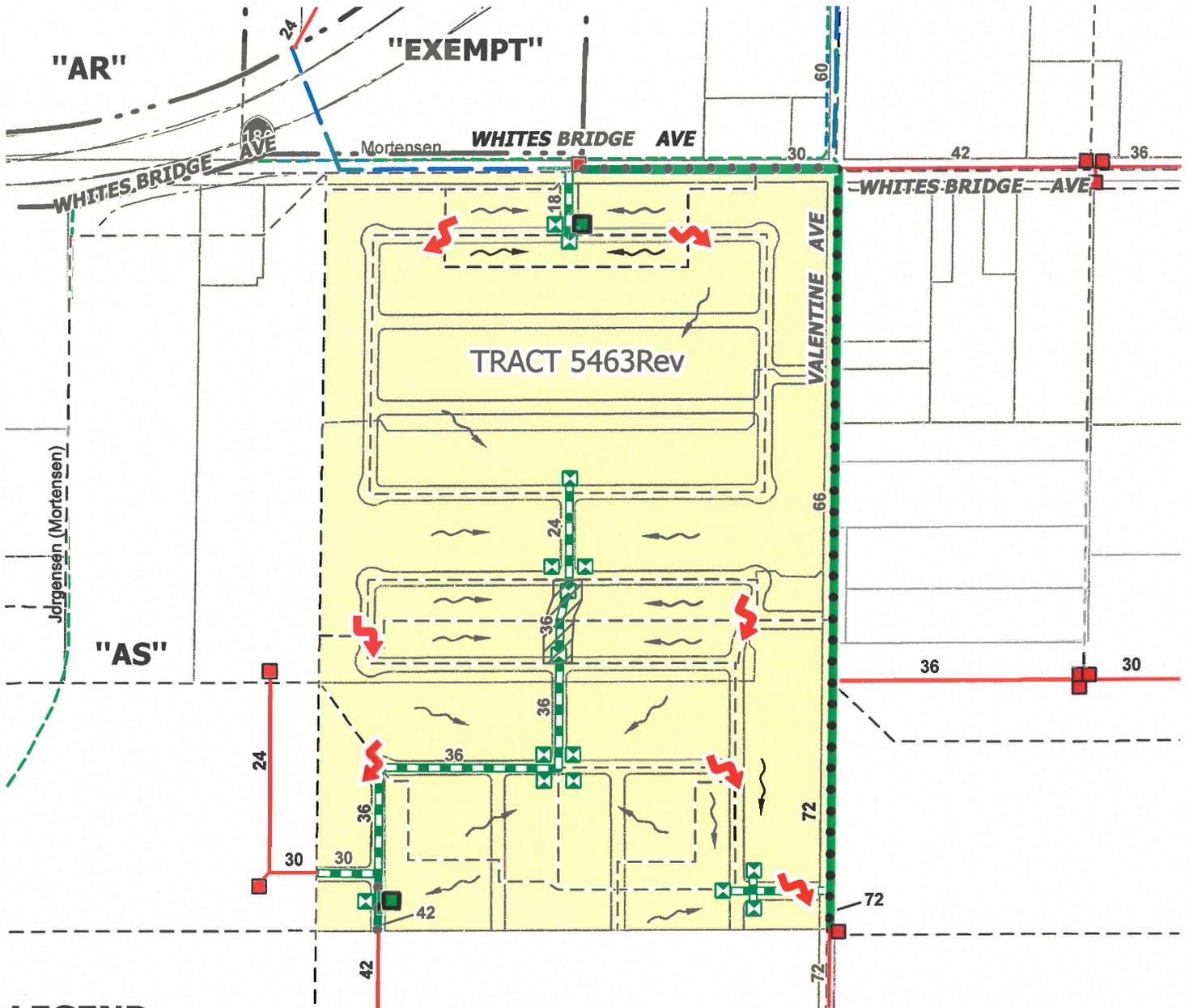
FRESNO, CA 93721

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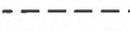
**FR TRACT No. 5463rev**



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) & Inlet
-  Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
-  Future Master Plan Facilities
-  Inlet Boundary
-  Direction Of Drainage
-  20' Wide Storm Drain Easement
-  Possible Major Storm Flowpath



1" = 400'

## TRACT 5463Rev DRAINAGE AREA "AS"

### EXHIBIT NO. 1

# FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: keithr  
Date: 1/21/2020

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**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 required 72" Master Plan facilities in Valentine Avenue have also been required of Tract 5456 rev. If the 72" Valentine Avenue facilities are completed prior to development of this site, the construction requirement will be dropped.

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.

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.

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.

Development No. Tract 5463 rev



## San Joaquin Valley Air Pollution Control District

September 6, 2005

Reference No. C200501024

City of Fresno  
Planning Division  
Attn: Kevin Fabino  
2600 Fresno Street  
Fresno, CA 93721-3604

RECEIVED

SEP 08 2005

Planning Division  
Development Department  
CITY OF FRESNO

Subject: T-5463, R-05-45, C-05-140 – APN: 326-100-8, 9, & 37

Dear Mr. Fabino:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM<sub>10</sub>). This project will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. This project may generate significant air emissions and it will reduce the air quality in the San Joaquin Valley. The project will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below:

Preliminary analysis indicated that the potential emissions from this project exceed the District's Thresholds of Significance for ozone precursors. These thresholds are 10 tons per year for either of the following two ozone precursor emissions: reactive organic gases (ROG) or oxides of nitrogen (NO<sub>x</sub>). The District recommends the preparation of an Air Quality Impact Assessment (AQIA) and a Traffic Impact Study to determine impacts when projects are of this size, unless an analysis has been accomplished for a recent previous approval such as a general plan amendment or zone change. Please indicate to the District if the project has been analyzed and what the results were from any previous study.

The District recommends using the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from [www.urbemis.com](http://www.urbemis.com) or the South Coast Air Quality Management District's website at <http://www.aqmd.gov/ceqa/urbemis.html>. If the analysis reveals that the emissions generated by this project will exceed the District's thresholds, this project may significantly impact the ambient air quality if not sufficiently mitigated. The project applicant or consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

**Regulation VIII** (Fugitive PM<sub>10</sub> Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM<sub>10</sub> emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, landfill operations, etc. If a residential project is 10.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk

materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.1).

The District's compliance assistance bulletin for construction sites can be found at: <http://www.valleyair.org/busind/comply/PM10/Reg%20VIII%20CAB.pdf>.

A template of the District's Dust Control Plan is available at:

<http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>

**Rule 4002** (National Emission Standards for Hazardous Air Pollutants). In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos-contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Mr. Brian Dodds of this office at (559) 230-5962, or contact CAL-OSHA at (559) 454-1295. An Asbestos Requirements Bulletin has been enclosed for the applicant.

**Rule 4102** (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

**Rule 4103** (Open Burning) regulates the burning of agricultural material. Agricultural material shall not be burned when the land use is converting from agriculture to nonagricultural purposes. In the event that the project applicant burned or burns agricultural material, it would violate Rule 4103 and be subject to District enforcement action.

**Rule 4601** (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

**Rule 4641** (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

**Rule 4901** (Wood Burning Fireplaces and Wood Burning Heaters) limits PM10 and PM2.5 emissions from residential development. Construction plans for residential developments may be affected by section 5.3, specifically:

§5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments.

Beginning January 1, 2004,

5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.

5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.

5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

More information about Rule 4901 can be found at our website- [www.valleyair.org](http://www.valleyair.org). For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at 230-5968.

**Rule 4902** (Residential Water Heaters) limits emission of NOx from residential developments.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider:

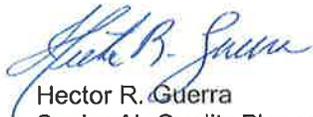
- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth. A brochure has been included for the applicant.  
For Structural Soil see <http://www.hort.cornell.edu/uhi/outreaci/csc/>  
For Tree Selection see <http://www.ufe.org/>  
For Urban Forestry see <http://www.coolcommunities.org> <http://wcufre.ucdavis.edu>  
[http://www.lgc.org/bookstore/energy/downloads/sjv\\_tree\\_guidelines.pdf](http://www.lgc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf)
- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures. Appropriations made to facilitate public or mass transit will help mitigate trips generated by the project.
- Sidewalks and bikeways should be installed throughout as much of the project as possible and should be connected to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas, etc., to encourage walking and bicycling. Connections to nearby public uses and commercial areas should be made as direct as possible to promote walking for some trips. Pedestrian and bike-oriented design reduces motor vehicle usage and their effects on air quality. Sidewalks and bikeways should be designed to separate pedestrian and bicycle pathways from vehicle paths. Sidewalks and bikeways should be designed to be accommodating and appropriately sized for anticipated future pedestrian and bicycle use. Such pathways should be easy to navigate, designed to facilitate pedestrian movement through the project, and create a safe environment for all potential users (pedestrian, bicycle and disabled) from obstacles and automobiles. Walkways should be installed to direct pedestrians from the street sidewalk to the residential units. Mid-block paths should be installed to facilitate pedestrian movement through long blocks (over 500' in length) and cul-de-sacs. Sidewalks should be designed for high visibility (brightly painted, different color of concrete, etc.) when crossing streets and similar vehicle paths. Clearly marked and highly visible pedestrian accesses create a safer environment for both pedestrians and vehicles. Pathways through the project should be built in anticipation of future growth/development.
- As many energy conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):
  - Increased energy efficiency (above California Title 24 Requirements)  
See <http://www.energy.ca.gov/title24/>.
  - Energy efficient windows (double pane and/or Low-E)
  - Use Low and No-VOC coatings and paints. See South Coast's site for No-VOC Coatings at [http://www.aqmd.gov/business/brochures/zerovoc.htm!](http://www.aqmd.gov/business/brochures/zerovoc.htm)
  - High-albedo (reflecting) roofing material. See <http://eetd.lbl.gov/coolroof/>
  - Radiant heat barrier.
  - Energy efficient lighting, appliances, heating and cooling systems. See <http://www.energystar.gov/>
  - Install solar water-heating system(s)
  - Install photovoltaic cells
  - Install geothermal heat pump system(s)

- Programmable thermostat(s) for all heating and cooling systems
  - Awnings or other shading mechanism for windows
  - Porch, patio and walkway overhangs
  - Ceiling fans, whole house fans
  - Utilize passive solar cooling and heating designs. (e.g. natural convection, thermal flywheels)  
See [http://www.eere.energy.gov/RE/solar\\_passive.html](http://www.eere.energy.gov/RE/solar_passive.html)
  - Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See <http://www.advancedbuildings.org>
  - Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment
  - Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edgers, etc.)
  - Pre-wire the unit(s) with high speed modem connections/DSL and extra phone lines
  - Natural gas fireplaces (instead of wood-burning fireplaces or heaters)
  - Natural gas lines (if available to this area) and electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues
  - Low or non-polluting incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)
  - Exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site
- More information can be found at:  
<http://www.lgc.org>, <http://www.sustainable.doe.gov/>, <http://www.consumerenergycenter.org/index.html>  
<http://www.ciwmb.ca.gov/GreenBuilding/>
- The applicant should implement measures to reduce the amount of vehicle traffic to and from the project area that further reduce air pollution in the valley. This could include providing an information center for residents to coordinate carpooling. Check out the "Spare the Air" section of our website [www.valleyair.org](http://www.valleyair.org)
  - Construction activity mitigation measures include:
    - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent
    - Limit area subject to excavation, grading, and other construction activity at any one time
    - Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use
    - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
    - Apply idling time limits or require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling.
    - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
    - Implement activity management (e.g. rescheduling activities to reduce short-term impacts)
    - During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
    - Off road trucks should be equipped with on-road engines when possible.
    - Minimize obstruction of traffic on adjacent roadways.
  - The applicant should use California Air Resources Board (CARB) certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Propane (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the California Air Resources Board, see their certification website <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. For more information on alternative fuel engines, please call Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5829.

- Construction equipment should have engines that meet the current off-road engine emission standard (as certified by the California Air Resources Board), or be repowered with an engine that meets this standard. Tier I and Tier II engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the California Air Resources Board, see <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. For more information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5820 and please provide the reference number at the top of this letter.

Sincerely,



Hector R. Guerra  
Senior Air Quality Planner  
Central Region

HRG:cxt  
Enclosures  
c: file



San Joaquin Valley  
Air Pollution Control District

COMPLIANCE ASSISTANCE BULLETIN  
October 2004

*Fugitive Dust Control at Construction Sites: New Requirements*

Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions, of the District's Rules and Regulations apply to activities that generate fugitive dust. Fugitive dust is emitted into the air by activities that disturb the soil, such as from earthmoving activities and vehicular/equipment traffic on unpaved surfaces. Windblown dust is also of concern at construction sites.

The District adopted Regulation VIII in 1993 and its most recent amendments became effective on October 1, 2004. This is a basic summary of the regulation's requirements as they apply to construction sites.

**Visible Dust Emissions (VDE)** may not exceed 20% opacity during periods when soil is being disturbed by equipment or by wind at any time. Visible Dust Emissions opacity of 20% means dust that would obstruct an observer's view of an object by 20%. District inspectors are state certified to evaluate visible emissions. Dust control may be achieved by applying water before/during earthwork and onto unpaved traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust.

**Soil Stabilization** is required at regulated construction sites after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil and restricting vehicle access are often effective for short-term stabilization of disturbed surface areas. Long-term methods including applying dust suppressants and establishing vegetative cover.

**Carryout and Trackout** occur when materials from emptied or loaded vehicles falls onto a paved surface or shoulder of a public road or when materials adhere to vehicle tires and are deposited onto a paved surface or shoulder of a public road. Should either occur, the material must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The appropriate clean-up methods require the complete removal and cleanup of mud and dirt from the paved surface and shoulder. Using a blower device or dry sweeping with any mechanical device other than a PM<sub>10</sub>-efficient street sweeper is a violation. Larger construction sites must prevent carryout and trackout from occurring by installing gravel pads, grizzlies, wheel washers, paved interior roads, or a combination thereof at each exit point from the site.

**Access and Haul Roads** that are unpaved, as well as unpaved vehicle and equipment traffic areas at construction sites must have dust control. Speed limit signs limiting vehicle speed to 15 mph or less at construction sites must be posted every 500 feet.

**Storage Piles and Bulk Materials** have handling, storage, and transportation requirements that include applying water when handling materials, wetting or covering stored materials, and installing wind barriers to limit VDE. Also, limiting vehicle speeds, loading haul trucks with a freeboard of six inches or greater along

Northern Region Office  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356-9321  
(209) 557-6400 ♦ FAX (209) 557-6475

Central Region Office  
1990 East Gettysburg Avenue  
Fresno, CA 93726-0244  
(559) 230-6000 ♦ FAX (559) 230-6062

Southern Region Office  
2700 "M" Street, Suite 275  
Bakersfield, CA 93301-2373  
(661) 326-6900 ♦ FAX (661) 326-6985

with applying water to the top of the load, and covering the cargo compartments are effective measures for reducing VDE and carryout from vehicles transporting bulk materials.

**Demolition** activities require the application of water to the exterior of the buildings and to unpaved surfaces where materials may fall. Consider all structures slated for demolition as possibly being regulated because of asbestos, per District Rule 4002 - *National Emission Standards for Hazardous Air Pollutants*. Contact the District well before starting because a 10 working day notice will likely be required before a demolition can begin.

**Dust Control Plans** identify the dust sources and describe the dust control measures that will be implemented before, during, and after any dust generating activity for the duration of the project. Owners or operators are required to submit plans to the District if, at anytime, the project involves:

- Residential developments of ten or more acres of disturbed surface area.
- Non-residential developments of five or more acres of disturbed surface area.
- Relocating more than 2,500 cubic yards per day of materials on at least three days.

Construction activities may not commence until the District has approved the Dust Control Plan.

**Notification** by owners or operators of construction projects that are at least one acre in size and where a Dust Control Plan is not required, must provide written notification to the District at least 48 hours in advance of any earthmoving activity.

**Record Keeping** is required to document compliance with the rules and must be kept for each day any dust control measure is used. The District has developed record forms for water application, street sweeping, and "permanent" controls such as applying long term dust palliatives, vegetation, ground cover materials, paving, or other durable materials. Records must be kept for one year after the end of dust generating activities (Title V sources must keep records for five years).

**Exemptions** exist for several activities. Those occurring above 3,000 feet in elevation are exempt from all Regulation VIII requirements and Rule 8021 - *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities* exempts the following construction and earthmoving activities:

- Blasting activities permitted by California Division of Industrial Safety.
- Maintenance or remodeling of existing buildings provided the addition is less than 50% of the size of the existing building or less than 10,000 square feet (due to asbestos concerns, contact the District at least two weeks ahead of time).
- Additions to single family dwellings.
- The disking of weeds and vegetation for fire prevention on sites smaller than ½ acre.
- Spreading of daily landfill cover to preserve public health and safety and to comply with California Integrated Waste Management Board requirements.

**Nuisances** are prohibited at all times because District Rule 4102 - *Nuisance* applies to all construction sources of fugitive dust, whether or not they are exempt from Regulation VIII. It is important to monitor dust-generating activities and implement appropriate dust control measures to limit the public's exposure to fugitive dust.

For more information please contact the Compliance Division of the District office nearest to you. Information on Regulation VIII, where you may obtain copies of record keeping forms, the Dust Control Plan template, and the Construction Notification form, is available on the District's website at:

[www.valleyair.org](http://www.valleyair.org)

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## Terms

**Bare Root** - Trees, usually sold in early spring, that have the soil removed from around the roots.

**Deciduous** - A tree that naturally loses all its leaves during dormancy.

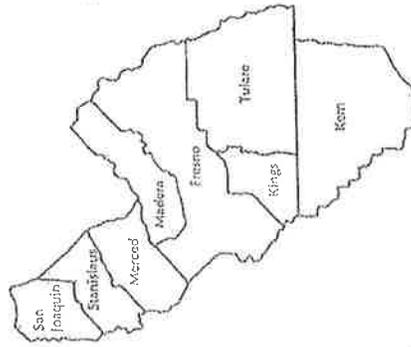
**Dormancy** - The annual time when growth slows or ceases. Usually during harsh conditions such as winter or dry summer.

**Evergreen** - A tree that retains its leaves year-round. An evergreen tree may still have a yearly leaf-drop or shed.

**SJVAPCD**

## PLANTING TREES

*SPARE the AIR*



Tel: (559) 230-6000

Newly planted trees usually require some extra help before they are rooted in. Many things can be used as tree ties: pieces of old hose with a rope threaded through, strong plastic strips, canvas strips, even strips of old tires (found at hardware and nursery stores.) Stakes can be metal or wood, as long as it can support the weight of the tree in wind.

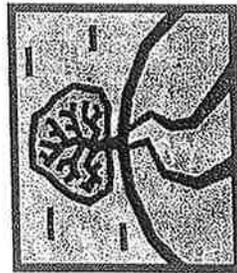
- Place stakes just outside the area that was disturbed by planting.
- For a tree that has a strong trunk, only the roots need supported. Tie the stakes to the tree about one foot above ground to support the root mass while the tree is 'rooting in.'
- For tree that has a weak trunk, tie higher up on the tree to support the trunk in wind. The tree should still be able to wiggle in the wind. This helps the trunk of the tree grow stronger.
- The ties should be examined and adjusted as needed to avoid damage to the bark and girdling. When the trunk grows with bulges around the ties.

## Pruning

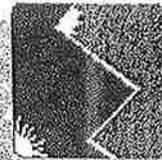
Most trees require only the three D's to be pruned: Dead, Diseased, Damaged.

Consult a Gardening book (such as books by Sunset or Ortho) for individualized information for your trees.

Never top a tree - reducing the height of a mature tree by sawing off the top limbs. This results in large wounds and a thick tangle of weak shoots. A good arborist will not top a tree.



San Joaquin Valley  
Air Pollution  
Control District



**SJVAPCD**

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1990 East Bettyburg Avenue  
Fresno, CA 93725-0244

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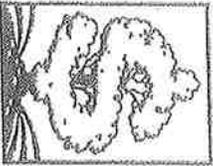
[www.valleyair.org](http://www.valleyair.org)

## Reasons to Plant Trees

We all know trees are important. They make oxygen and help filter particulates and carbon dioxide out of the air. But did you know that having two twenty-five foot tall trees on the west side of a home and one on the east— a person could save \$100 on their energy bill each year? Computer modeling for an energy efficient home in Fresno has shown that strategic planting can result in \$103 in annual energy savings.

Trees help out by:

- Shading the house and 'hot-spots' such as driveways and patios.
  - Shading the air conditioner to reduce its energy use.
  - Cooling ambient air up to 5 degrees F.
  - Absorbing pollutants.
  - Reducing ozone levels.
- Trees are beneficial in other areas:
- Help reduce storm water runoff
  - Increase property value (people are willing to pay 3-7% more for properties that have attractive large trees.)



Tree Savings

## LOCATION GUIDELINES

### Location

- To maximize summer shade and minimize winter shade, locate deciduous trees about 10-20 ft south and west of the home.
- Keep trees at least 5-10 ft from the home to avoid foundation damage.
- Shade patios and driveways, which are heat sinks, to make the area cooler and more comfortable.
- Shade the air conditioner to reduce its energy use, but do not plant so close that it will obstruct the flow of air around the unit.
- Plant only trees with a short mature height where there are power lines. Do not plant directly above underground, water or sewer lines. Contact your utility company before planting.
- Create a winter windbreak on the north side of the home by planting a row of evergreen trees perpendicular to the winter wind. The row should be longer than the building and 25-50 feet away. Trees chosen should have a mature height of at least twice as tall as the building.



## PLANTING

Fall and winter are ideal planting times in the valley. Trees are dormant and the weather is cool. Dig a hole twice as wide and just as deep as the pot that the tree came in. Dig through hardpan and remove junk soil. Line the bottom of the hole with gravel or soil. Loosen the outer roots of the tree by hand. Place the tree into the hole and make sure that the top of the root mass is even with the ground (DON'T bury the trunk.) Mix compost in with the soil as you fill in around the roots. Use the handle of the shovel to 'poke' any air pockets that may form as the hole fills in. Firm the soil and finish with a 'moat'. Water well. Trees need water even in winter.



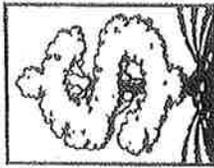
Planting for the future

## SIVAPCD

General Inquiries:  
1590 East Street, Suite 2000  
Fresno, CA 93702  
Phone: (559) 241-6000  
Fax: (559) 241-5900  
www.sivapcd.org

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- Shade the air conditioner to reduce its energy use, but do not plant so close that it will obstruct the flow of air around the unit.
- Plant only trees with a short mature height where there are power lines. Do not plant directly above underground, water or sewer lines. Contact your utility company before planting.

- Create a winter windbreak on the north side of the home by planting a row of evergreen trees perpendicular to the winter wind. The row should be longer than the building and 25-50 feet away. Trees chosen should have a mature height of at least twice as tall as the building.



## PLANTING

Fall and winter are ideal planting times in the valley. Trees are dormant and the weather is cool. Dig a hole twice as wide and just as deep as the pot that the tree came in. Dig through hardpan and remove junk soil. Line the bottom of the hole with gravel or soil. Loosen the outer roots of the tree by hand. Place the tree into the hole and make sure that the top of the root mass is even with the ground (DON'T bury the trunk.) Mix compost in with the soil as you fill in around the roots. Use the handle of the shovel to 'poke' any air pockets that may form as the hole fills in. Firm the soil and finish with a 'moat'. Water well. Trees need water even in winter.



Planting for the future

## SJVAPCD

Central Region Office  
1590 Edison Highway  
Fresno, CA 93726-0244  
Phone: (559) 230-6900  
Fax: (559) 230-5064  
www.valleyair.org

## THE ASBESTOS REGULATION

District Rule 4002 adopts the National Emission Standards for Hazardous Air Pollutants (NESHAP), an EPA regulation on asbestos. It covers several activities, including demolition and renovation projects.

## REGULATION REQUIREMENTS

### *Inspection*

The NESHAP requires that a thorough inspection for asbestos be conducted before any regulated facility (see definitions) is demolished or renovated.

Consultants who perform inspections must be certified by Cal-OSHA.

Inspections include the collection and microscopic analysis of samples of all materials that might contain asbestos.

A written report containing the inspection results is required.

### *Notification*

A written notification to the District is required for the following:

Any regulated demolition, whether or not asbestos is present (See the "Demolition Permit Release Form" section regarding the formal release needed for regulated and non-regulated demolitions.)

Any regulated renovation in which the following will be disturbed:

- 160 square feet or more of regulated asbestos-containing materials, or,
- 260 linear feet or more of regulated asbestos-containing pipe insulation.

The District's notification form must be used and all the required information provided. The form must be received by the District at least 10 working days before the demolition or renovation.

## HANDLING ASBESTOS-CONTAINING MATERIALS

### *Emission Controls*

The NESHAP requires that regulated asbestos-containing materials be removed under controlled conditions prior to demolitions or renovations so that asbestos fibers are not released into the air.

Cal-OSHA requires that employees be trained before removing asbestos-containing materials. Contractors with specialized asbestos training and who are registered with Cal-OSHA must be utilized for asbestos removal projects. Contractors without special asbestos training must ensure that the job site is free of asbestos-containing materials before starting renovation or demolition work.

### *Waste Disposal*

The NESHAP requires that asbestos-containing waste materials be sealed in leak-tight, properly labeled containers and disposed of only at approved sites.

## DEMOLITION PERMIT RELEASE FORM

A building official must receive a Demolition Permit Release Form before a demolition permit may be issued.

This District form certifies that the project complies with NESHAP requirements.

## FEES

Fees are required for demolition notifications. Additional fees for asbestos removal activities are based on the amount of material to be removed from the location.

## PENALTIES

Penalties for violations of the NESHAP regulation range from \$500 to \$50,000 per violation, per day.

## DEFINITIONS

The following definitions are helpful in understanding Rule 4002 and this brochure:

### *Demolition*

A demolition includes, but is not limited to:

- Removal of structural load-bearing members such as bearing walls, columns, or beams, or,
- Dismantling of equipment which is not portable, or,
- Destruction of a facility, including moving structures from one location to another, or,
- The intentional burning of a structure. (Only fire departments are allowed to do this for training purposes.)

### *Friable asbestos-containing materials*

Contain more than 1% asbestos and, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

Examples include acoustical ceiling material, thermal pipe insulation, and duct wrap.

### *Nonfriable asbestos-containing materials*

Cannot be crumbled, pulverized, nor reduced to powder by hand pressure.

Examples include most floor tiles, roofing products, and cement-asbestos products such as transit.

### *Regulated Asbestos-Containing Materials*

Friable asbestos-containing material and nonfriable materials which become friable are Regulated Asbestos-Containing Materials (RACM).

Nonfriable materials such as floor tiles or roofing products may become friable due to age and natural deterioration, heat or water damage, sanding, grinding, cutting, or abrading. Material such as plaster may be rendered friable by construction or demolition activities. Once these materials become friable they are subject to regulation.

#### *Regulated Facilities*

All buildings and structures, regardless of age, are subject to the regulation. These include all commercial buildings, apartments or condominiums with more than four units, public buildings and facilities such as bridges, large tanks, pipelines, boilers, and any industrial facility.

Single family dwellings and buildings with four or fewer dwelling units *may* be exempt, depending on circumstances.

Any building, including any dwelling, at the site of a proposed public or commercial project such as a new shopping mall or housing subdivision is a regulated facility subject to this regulation.

#### *Renovation*

Any construction activities other than demolitions are renovations, including clean-up activities after catastrophic events, such as structure fires.

---

*For additional information, contact the San Joaquin Valley Air Pollution Control District regional office nearest you:*

#### *Northern Region*

(Stanislaus, Merced and Kings Counties)  
4230 Kiernan Ave., #130, Modesto, CA 95356-9321  
(209) 557-6400 • FAX: (209) 557-6475

#### *Central Region*

(Madera, Fresno and Kings Counties)  
1990 E. Gettysburg Ave., Fresno, CA 93726-0244  
(559) 230-5950 • FAX: (559) 230-6062

#### *Southern Region*

(Tulare County and the Valley portion of Kern County)  
2700 M St., #275, Bakerfield, CA 93301-2370  
(661) 326-6900 • FAX: (661) 326-6985

[www.valleyair.org](http://www.valleyair.org)

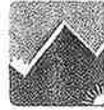
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# ASBESTOS: Requirements Applicable to RENOVATION and DEMOLITION Projects

Cancer-causing asbestos fibers may be emitted from demolition and renovation projects. This brochure explains an air pollution law you should be aware of before conducting any project.

---

San Joaquin Valley  
Air Pollution  
Control District



1990 E. Gettysburg Ave.  
Fresno, CA 93726-0244



San Joaquin Valley  
Air Pollution  
Control District

[www.valleyair.org](http://www.valleyair.org)

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(661) 326-6900 • FAX: (661) 326-6985

[www.valleyair.org](http://www.valleyair.org)

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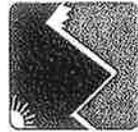
# ASBESTOS Requirements Applicable to RENOVATION and DEMOLITION Projects

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San Joaquin Valley  
Air Pollution  
Control District

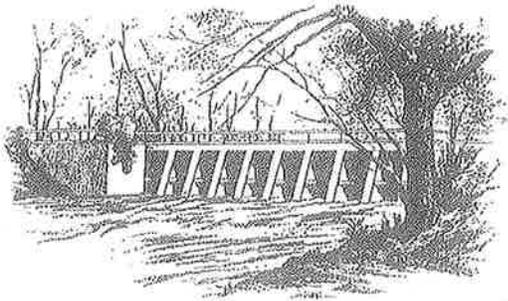


1990 E. Gettysburg Ave.  
Fresno, CA 93726-0244



San Joaquin Valley  
Air Pollution  
Control District

[www.valleyair.org](http://www.valleyair.org)



Your Most Valuable Resource - Water

OFFICES OF  
**FRESNO**  
**IRRIGATION DISTRICT**

PHONE (559) 233-7161  
FAX (559) 233-8227  
2907 SOUTH MAPLE AVENUE  
FRESNO, CALIFORNIA 93725-2218

August 26, 2005

Mr. Kevin Fabino  
City of Fresno  
Planning and Development Department  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

RE: VTTM No. 5463, RA No. R-05-45 & CUP No. C-05-140  
FID's Mortensen No. 80 Canal

Dear Mr. Fabino:

FID's comments and requests are as follows:

1. FID's Mortensen canal/pipeline traverses the north side of Whitesbridge Avenue as shown on the enclosed map. FID requests it review and approve all plans that affect its canal/pipeline.
2. A private irrigation control structure is located on the northeast corner of, and a private irrigation pipeline traverses the east side of APN: 326-100-09. These private facilities are active and will need to be incorporated into the proposed development.

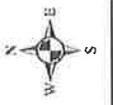
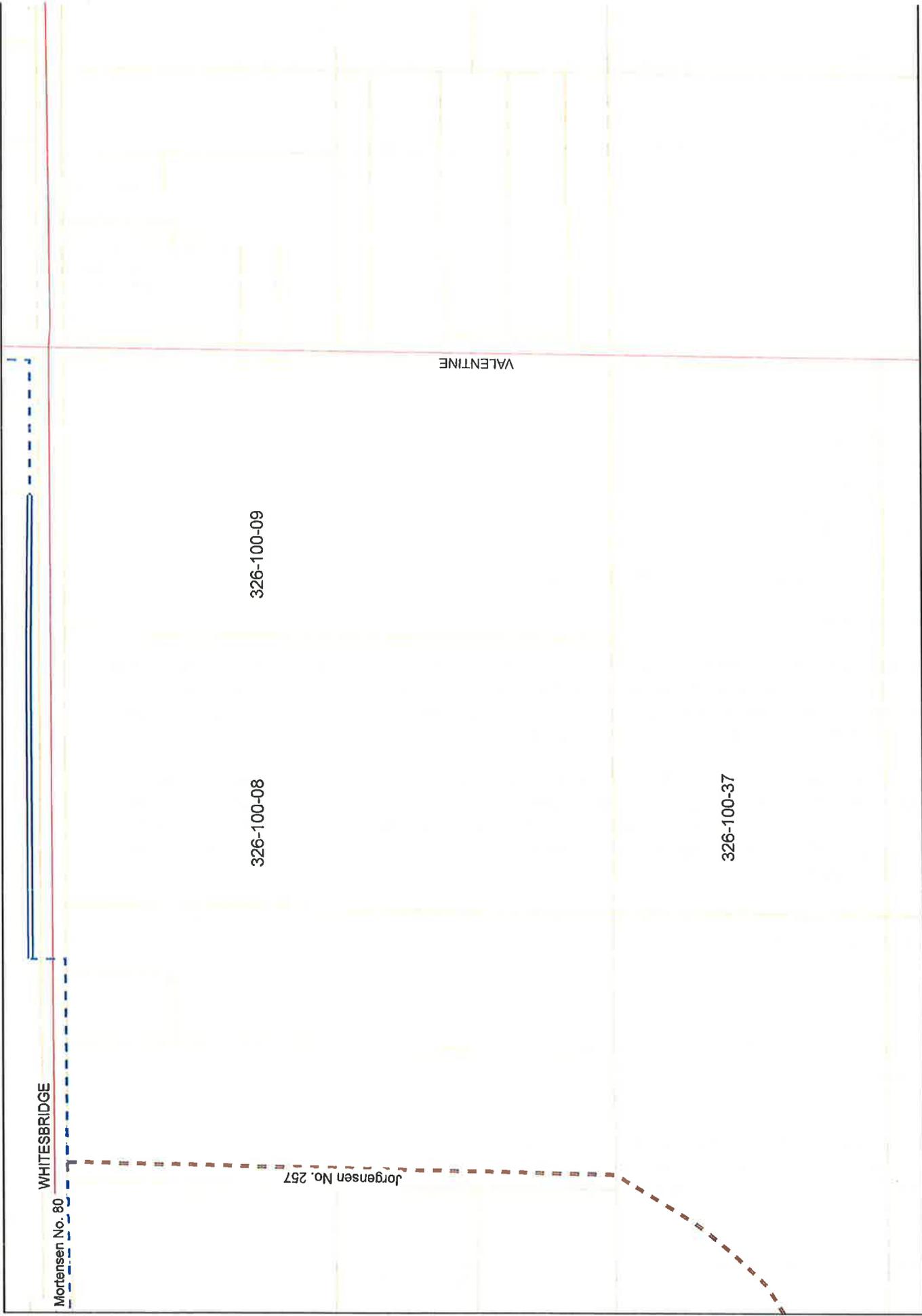
Thank you for submitting this for our review. Please feel free to contact me with any questions or concerns at 233-7161 extension 317 or [bjohnson@fresnoirrigation.com](mailto:bjohnson@fresnoirrigation.com).

Sincerely,

Bret Johnson  
Engineering Technician I

cc: Provost & Pritchard Inc.  
Granite Bay Capital Group, LLC

Agencies\City\TM5463 R-05-45 C-05-140



- Legend**
- FID Canal
  - FID Pipeline
  - Private Canal
  - Private Pipeline
  - Abandoned Canal
  - Abandoned Pipeline
  - Other-Creek/River
  - Other-Pipeline
  - Major Streets
  - Private
  - FIMCD Basins

FRESNO IRRIGATION DISTRICT





## CENTRAL UNIFIED SCHOOL DISTRICT

### OPERATIONAL SERVICES

4605 North Polk Avenue • Fresno California 93722  
Phone: (559) 276-5211 • FAX: (559) 276-5515

**Mike Berg, Director**

Jack McKee, Maintenance Supervisor  
Lodgerio Jorge, Custodial Supervisor  
LaVonda Johnson, Grounds Supervisor  
Dick Dailey, Transportation Manager  
, Facilities Planning

February 9, 2006

Mr. Nick Yovino, Director  
Development Department  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

**SUBJECT:** Access to Madison Elementary School

Dear Mr. Yovino:

I recently met with Mr. Dirk Poeschel, who represents the developer of City of Fresno Tentative Tract Map 5463. This tentative tract map abuts Madison Elementary School. In the course of our conversations, Mr. Poeschel inquired about the possibility of providing a "man gate" or other access means onto the Madison Elementary School campus from the subdivision.

It is the policy of Central Unified School District to limit the number and location of access points onto its campuses. Typically, access points are limited to the front entry area of the school. This is done for security purposes. Access points on the perimeter of the campus are difficult to monitor and control, which may result in unauthorized individuals entering the campus. For this reason, we denied Mr. Poeschel's request.

We appreciate your ongoing concerns regarding Central Unified School District. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Berg".

Mike Berg

c: Honorable Cynthia Sterling, Fresno City Council  
✓ Mr. Kevin Fabino, City of Fresno Development Department  
Mr. Dirk Poeschel, Dirk Poeschel Land Development Services

*District Administration*

# CENTRAL UNIFIED SCHOOL DISTRICT

4805 NORTH POLK AVE • FRESNO, CA 93722-6324 • (559) 276-5208 • [mryder@centralusd.k12.ca.us](mailto:mryder@centralusd.k12.ca.us)



## DISTRICT SUPERINTENDENT

Dr. Marilou Ryder

September 21, 2005

City of Fresno  
Planning Department  
2600 Fresno Street  
Fresno, CA 93721

Attn: Kevin Fabino

Subject: File No.: TT 5483

TRUSTEES:  
Cindy Gariba  
Terry Cox  
Judith Geringer  
Theresa Hagans  
Diana Mills  
Phil Rusconi  
Mike Yada

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SEP 21 2005

Planning Division  
Development Department  
CITY OF FRESNO

Central Unified School District has the following conditions/comments for the above project(s):

### Condition of approval:

1. School Developer Fees shall be paid on all new residential construction within the proposed subdivision, in accordance with a resolution adopted by the Central Unified School District, pursuant to Government Code section 65995 and Educational Code section 17620.
2. Install concrete sidewalks/curbs/gutters on both sides of the interior streets for the proposed project in a manner consistent with the existing subdivisions in the area and to City standards.
3. Install a permanent school bus pull-out located along S. Valentine Avenue (lots 57, 58, 79, 80) per the attached design drawing. The District is willing to work with the Developer to determine the location of this permanent school bus pull out.

### Comments:

The proposed project will add approximately 185 K-12 grade students to the District's average daily attendance.

|                          |                         |
|--------------------------|-------------------------|
| Number of lots / units = | 322                     |
| Grade Level:             | # of Students Generated |
| K-6 grade students       | 116                     |
| 7-8 grade students       | 31                      |
| 9-12 grade students      | 39                      |
| <b>TOTAL K-12 grade</b>  | <b>185</b>              |

JIM YOVINO  
Assistant Superintendent, Personnel  
(559) 276-5224  
FAX (559) 276-2983

JOHN MULLIGAN  
Chief Financial Officer  
(559) 276-5200  
FAX (559) 276-0394

SARAH KOLIGIAN  
Assistant Superintendent, Instruction  
(559) 276-3115  
FAX (559) 276-3102

September 21, 2005  
File No.: TT 5463

Page 2

The District will be able to accommodate these new students at the schools of attendance indicated below. To offset the cost to house these students, the District currently levies development fees of \$2.24 per square foot for residential development and \$0.36 per square foot for commercial / industrial development. As a point of information, development fees are subject to increase every two years by the State Allocation Board. Any new development on the property will be subject to the development fees in place at the time development fee certificates are obtained.

Sidewalks along interior neighborhood streets and major exterior streets provide the necessary identifiable boundary between students and traffic, and provide a safe place for students walking to and from existing school sites and bus stops.

Bus transportation is currently provided for:

- K-8<sup>th</sup> grade students residing at least *one mile or more* from their school of attendance;
- 9<sup>th</sup>-12<sup>th</sup> grade students residing at least *two miles or more* from their school of attendance.

At this time, however, an identifiable safe walking route does not exist to one or more schools of attendance and until such time that a safe walking route is established, bus transportation will be provided to those students. The District has concluded using interior subdivision streets are not adequate or safe for bus turning and/or navigation movements. Therefore, the District will require a permanent bus pull out, separated from traffic lanes by a decorative concrete median strip. Attached is a design drawing that meets approval by the City Traffic Engineering Manager.

The following school of attendance information is provided:

- Elementary School Information:

School Name: Madison Elementary  
Address: 330 S. Brawley

- Middle School Information:

School Name: El Capitan  
Address: 4443 W. Weldon Ave.

- High School Information:

School Name: Central High School – East Campus  
Address: 3535 N. Comelia Ave

Currently, Central High School - West Campus is a mandatory attendance 9<sup>th</sup> grade school with optional programs for grades 10<sup>th</sup> -12<sup>th</sup>.

The California Department of Education has current API scores - see: <http://www.cde.ca.gov/ta/ac/ap/index.asp> (however this site does not have current District enrollment data - see: <http://www.ed-data.k12.ca.us/>.)

September 21, 2005  
File No.: TT 5463

Page 3

The District appreciates the opportunity to comment on above project. Should you have questions or need additional information, please contact me at 559-276-5203 or [ddeel@centralusd.k12.ca.us](mailto:ddeel@centralusd.k12.ca.us).

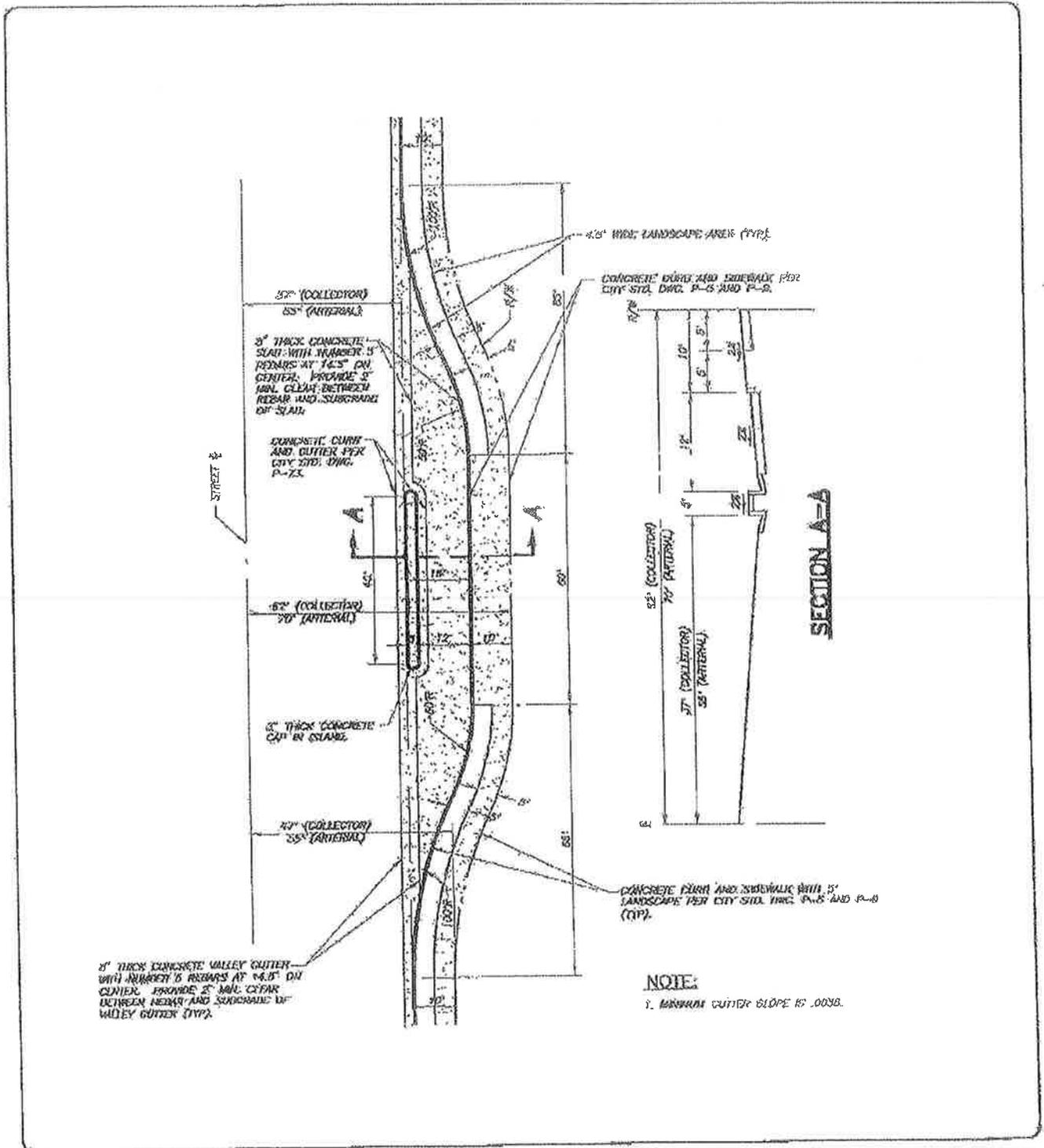
Sincerely,



David Deel  
Facilities Planning Manager

Attachment

*cc: Granite Bay Capital Group (fax: 916-773-0993)*



SCHOOL BUS TURNOUT  
FOR  
COLLECTOR AND LOCAL STREET

**BLAIR, CHURCH & FLYNN**  
CONSULTING ENGINEERS

TEL (660) 291-3307 FAX (660) 211-1090

DR. BY: P.C. DATE: 9-10-04

SCALE:  
NO SCALE

SHEET  
1 of 1

Drawn by: P:\204-0366\Draw-Site\Draw\Turnout.dwg Layout? (2)  
Plot by: paul sfor 29, 2005 - 9:35am.



September 19, 2005

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SEP 22 2005

Planning Division  
Development Department

999999999  
LU0010864  
PE 2602

Kevin Fabino  
City of Fresno  
Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Mr. Fabino:

**PROJECT NUMBER:** T-5463/R-05-45/C-05-140

**PROJECT DESCRIPTION AND LOCATION:** Proposes to rezone 58.3 acres located on the southwest corner of West Whitesbridge and South Valentine Avenues from AE-20 to R-1/UGM for a 322-lot single-family residential subdivision.

**LIST THE SPECIFIC ADVERSE IMPACTS IN YOUR AREA OF EXPERTISE WHICH MAY RESULT FROM APPROVAL OF THE PROPOSED PROJECT.**

**PLEASE LIST SPECIFIC MITIGATION MEASURES THAT YOU WOULD RECOMMEND AS CONDITIONS OF PROJECT APPROVAL TO REDUCE ANY SIGNIFICANT ADVERSE IMPACTS.**

- AN ENVIRONMENTAL IMPACT REPORT:** The project has the potential to result in significant adverse environmental impacts.
- A NEGATIVE DECLARATION:** The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environmental Impact Report.
- NEITHER OF THE ABOVE, INSUFFICIENT INFORMATION TO DRAW ANY CONCLUSIONS:** The following additional information should be provided:
- Construction permits for the 322-lot residential subdivision 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 322-lot residential subdivision 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 Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

- The Fresno County Department of Community Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

The Department of Community Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Ed Yamamoto, Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.
- The conditions as described in the "Conclusions" section on pages five (5) and six (6) of the Acoustical Analysis should be accepted as mitigation measures for the project. Without these measures the proposed noise sensitive receivers will be subjected to a level of noise in excess of the City of Fresno Noise Element standards.

Kevin Fabino  
T-5463/R-05-45/C-05-140  
September 19, 2005  
Page 3

- Although not specified in the "Conclusions and Recommendations" section, the Acoustical Analysis clearly indicates that the recommended sound wall will not mitigate noise impacts for two-story homes located in the first row of lots along West Whitesbridge Avenue. It is recommended that two-story homes not be built on lots 1-11 & 276-286. If two-story house are proposed for these lots, a detailed acoustical analysis should be required.

---

REVIEWED BY: 

Glenn Allen, Environmental Health Specialist II

---

(559) 445-3357

---

ga

cc: Ed Yamamoto, Environmental Health Division

T-5463 Granite Bay Capital



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING

Alan Weaver, Director

September 1, 2005

RECEIVED

City of Fresno, Development Department  
Planning Division  
Land Division Section  
2600 Fresno Street, Room 3043  
Fresno, CA 93721-3604

SEP 05 2005

Planning Division  
Development Department  
CITY OF FRESNO

Dear Mr. Fabino:

SUBJECT: Comments

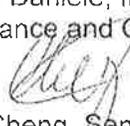
Fresno County has the following comments for Vesting Tentative Map of Tract No. 5463/UGM, Rezoning Application No. R-05-45 and CUP No. C-05-140.

1. Fresno County will need to review and approve the Grading and Drainage Plan to insure that the properties under the County's jurisdiction to the west and south are not adversely impacted by the increase in storm water runoff or alteration to the existing drainage patterns.
2. Valentine Avenue should be reconstructed with at least a 12-foot travel lane east of the centerline. Street Improvement plans of all new and/or reconstructed roads which are adjacent to County roads or properties under the County's jurisdiction should be reviewed and approved by the County.
3. Temporary timber barricades should be required at the end of streets which are proposed as through streets (Stanislaus Street and Marty Avenue).
4. The existing right-of-way on Valentine Avenue adjacent to this project site is mostly prescriptive. City of Fresno must obtain Fresno County consent for acquisition of right-of-way within County's jurisdiction for road construction purposes on Valentine Avenue.

Thank you for the opportunity to review this project. You can reach me at 262-4106 if you have any question regarding these comments.

Sincerely,

Frank L. Daniele, Interim Manager  
Maintenance and Operations Division

  
Casey Cheng, Senior Engineer  
Development Engineering Section

FLD:CC:bl

**DEPARTMENT OF TRANSPORTATION**

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-6666  
FAX (559) 488-4088  
TTY (559) 488-4066



*Flex your power!  
Be energy efficient!*

December 27, 2005

2131-IGR/CEQA  
FRE-180-54.1+/-  
R-05-43 & T-5456; LAGUNA LAKESIDE LLC  
T-5463; LAGUNA LAKESIDE LLC  
R-05-100 & T-5574; CENCAL HOLDINGS

Mr. Bruce Barnes  
City of Fresno Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Mr. Barnes:

Caltrans has received a letter from the applicant's representative (enclosed) regarding the three above-named developments. In this letter, the representative states that the applicant will pay mitigation for these development's impacts to the State Highway System. The total combined fair share for mitigation for all three developments is **\$23,688** (14 trips \* \$846/trip). We also calculated a fair share for each development, should the applicant wish to pay them separately.

1. R-05-43 & T-5456: **\$8,810**;
2. T-5463: **\$11,844**; and
3. R-05-100 & T-5574: **\$3,034**.

This mitigation satisfies Caltrans' concerns regarding the identified project-related impacts to State facilities.

In addition to these comments, the following comments still apply specifically to T-5463:

According to our Transportation Concept Report (TCR), this segment of SR 180 in the vicinity of the proposed project is planned for 110 feet. Caltrans right-of-way shows this segment existing at 60 feet. An irrevocable offer of dedication to Caltrans of 25 feet of right-of-way is needed to accommodate the ultimate configuration of SR 180. Dedications required by the Lead Agency need to be shown on a revised site plan and forwarded for our review. A summary of the requirements for right-of-way dedications is enclosed. Caltrans has met with City staff to discuss the design of Whites Bridge Road between Marks and Hughes Avenues and has agreed to changes to our design to accommodate the typical standard for a City of Fresno Arterial. We agreed to use the City's Collector geometric standards. Should the City's ultimate configuration for West Whitesbridge Road at this location be different than that planned by Caltrans, we are willing to discuss with both the City and the applicant the right-of-way dedication we have requested.

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work

Mr. Bruce Barnes  
December 27, 2005  
Page 2

planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application.

We request that a copy of this letter be included in the permanent public record for **each** of these projects and that a copy of our letter be included in any staff reports prepared for any of the three developments. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,

MOSES STITES  
Office of Transportation Planning  
District 6

Enclosure

C: Mr. Dirk Poeschel, Land Development Services, Inc.  
Mr. Kevin Fabino, City of Fresno Development Department  
Ms. Barbara Goodwin, Council of Fresno County Governments

## DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE  
P. O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-6666  
FAX (559) 488-4088  
TTY (559) 488-4066

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SEP 13 2005

Planning Division  
Development Department  
CITY OF FRESNO



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Be energy efficient!*

September 9, 2005

2131-IGR/CEQA  
6-FRE-180-54.1+/-  
T-5463  
LAGUNA LAKESIDE LLC

Mr. Kevin Fabino  
City of Fresno Development Department  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

Dear Mr. Fabino:

We have reviewed the proposed 322-lot single-family residential subdivision located on the west side of Valentine Avenue, adjacent to State Route (SR) 180. Caltrans has the following comments:

This letter supercedes our comments of July 18, 2005. The applicant's traffic consultant previously provided us with a copy of the Traffic Impact Study (TIS); however, this TIS was for 290 residential units and indicated that the tract was south of SR 180, not adjacent as shown in this site plan.

The development would generate 325 trips during the evening peak travel period. Some of these trips would impact the SR 180 intersections at Hughes Avenue. Improvements planned at this intersection to accommodate increased traffic generated by development include signals, right-turn lanes on all approaches, eastbound and westbound left-turn lanes. Total cost of these improvements is estimated to be \$1,050,000.

Based on the model data from the TIS, it has been determined that 14 project trips would impact the SR 180 intersection at Hughes Avenue during the evening peak travel period. Based on data from previous traffic studies, a cost-per-trip estimate has been established for the intersection. The per-trip cost is \$846. As this project will impact the intersection, it is recommended that this proposed development should contribute its proportional share for the improvements at the SR 180 intersections at Hughes Avenue. This is calculated to be 14 trips \* \$846/trip = **\$11,844**. This mitigation is based on the applicant's traffic study that identified project-related impacts to State facilities. The traffic study was prepared to support the City's environmental assessment of the project and, as such, represents the **City's** nexus study. We assume this will be the nexus the City uses to require the applicant to make improvements to local streets.

According to our Transportation Concept Report (TCR), this segment of SR 180 in the vicinity of the proposed project is planned for 110 feet. Caltrans right-of-way shows this segment existing at 60 feet. An irrevocable offer of dedication to Caltrans of 25 feet of right-of-way is needed to accommodate the ultimate configuration of SR 180. Dedications required by the Lead Agency need to be shown on a revised site plan and forwarded for our review. A summary of the requirements for right-of-way dedications is enclosed. Caltrans has met with City staff to discuss the design of Whites Bridge Road between Marks and Hughes Avenues and has agreed to changes to our design to accommodate the typical standard for a City of Fresno Arterial. We agreed to use the City's Collector geometric standards. Should the City's ultimate configuration for Kings Canyon Road at this location be different than that planned by Caltrans, we are willing to discuss with both the City and the applicant the right-of-way dedication we have requested.

Mr. Kevin Fabino  
September 9, 2005  
Page 2

An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application.

Caltrans notes that this project, Tract 5463, is adjacent to another subdivision, R-05-43 & T-5456. Combined, these two subdivisions include a total of 504 residential units. Both of these subdivisions have the same applicant and are separated only by a local street. In the interest of providing the most complete and accurate analysis of project impacts, these two should have been evaluated together. By preparing separate analyses, the full impact on infrastructure of approving these two developments may not be apparent.

When combined with other development in the area, this project's impacts to the transportation/circulation system and to air quality will be cumulatively significant. Cumulative impacts to these resources were not fully addressed in the General Plan Update Master EIR, but postponed to future studies. If the project's direct as well as cumulative impacts (including impacts to the State Highway System) cannot be reduced to a level of insignificance, a mitigated negative declaration is an inappropriate environmental document.

The City should consider a transit alternative for this project. There is sufficient development in the area to support transit and early planning could make such an alternative feasible. Caltrans recommends that this project be routed to Fresno Area Express (FAX) staff for their review and comment. Please see Attachment Number 1 for other recommended transportation alternatives.

We request that this letter be made a part of the permanent public record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



MOSES STITES  
Office of Transportation Planning  
District 06

Enclosures

C: Mr. Bob Hull, Caltrans Project Management  
Mr. John Rowland, P.E., Peters Engineering Group  
Ms Barbara Goodwin, Council of Fresno County Governments

## ATTACHMENT NUMBER 1

### CALTRANS RECOMMENDATIONS FOR TRANSPORTATION ALTERNATIVES:

Ongoing development throughout the City of Fresno, including this project, will make traffic operations significantly worse by adding considerably to delay and congestion. Transit alternatives can help reduce congestion and delay and reduce overall degradation of air quality and gridlocked intersections. The City of Fresno should focus on ways to eliminate trips in addition to enhancing capacity. Transportation alternatives the City should consider include standard highway solutions along with the following:

1. Park and ride facilities on site or within the proximity of this project.
2. A study of the general accommodation and provision of mass transit in this area to provide insight on ways of increasing transit usage.
3. Exploring the potential of commuter shuttles. The shuttle could be financed through an assessment district and provide a way for individuals to utilize a park-and-ride facility or commercial area parking lot and be shuttled to various commercial/office centers within the area. Commuters who need to go further could use City of Fresno transit if the City planned for convenient connections. This may help to reduce the Single Occupancy Vehicle (SOV) demand seeking to use the State Highway System.
4. Providing for continuity of non-motorized transportation.
5. Exploring the potential for employer-sponsored carpools/vanpools or monthly transit passes for employees as well as including as a condition of project approval a covered transit stop as mitigation for project-related impacts to the transportation/circulation system.
6. Exploring the potential for linking the purchase of a monthly transit pass with new residential development as partial mitigation for congestion and air quality impacts, and to ensure the long term viability of public transportation.

DEPARTMENT OF TRANSPORTATION  
CENTRAL REGION SOUTHEAST SURVEYS  
855 "M" STREET  
SUITE 200  
FRESNO, CA. 93721  
ATTN: Jerry Prigmore  
PHONE (559) 445-6573  
FAX (559) 445-6560  
E-mail: Jerry\_Prigmore@dot.ca.gov



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## CALTRANS DISTRICT 6 CENTRAL REGION SURVEYS OFFICE

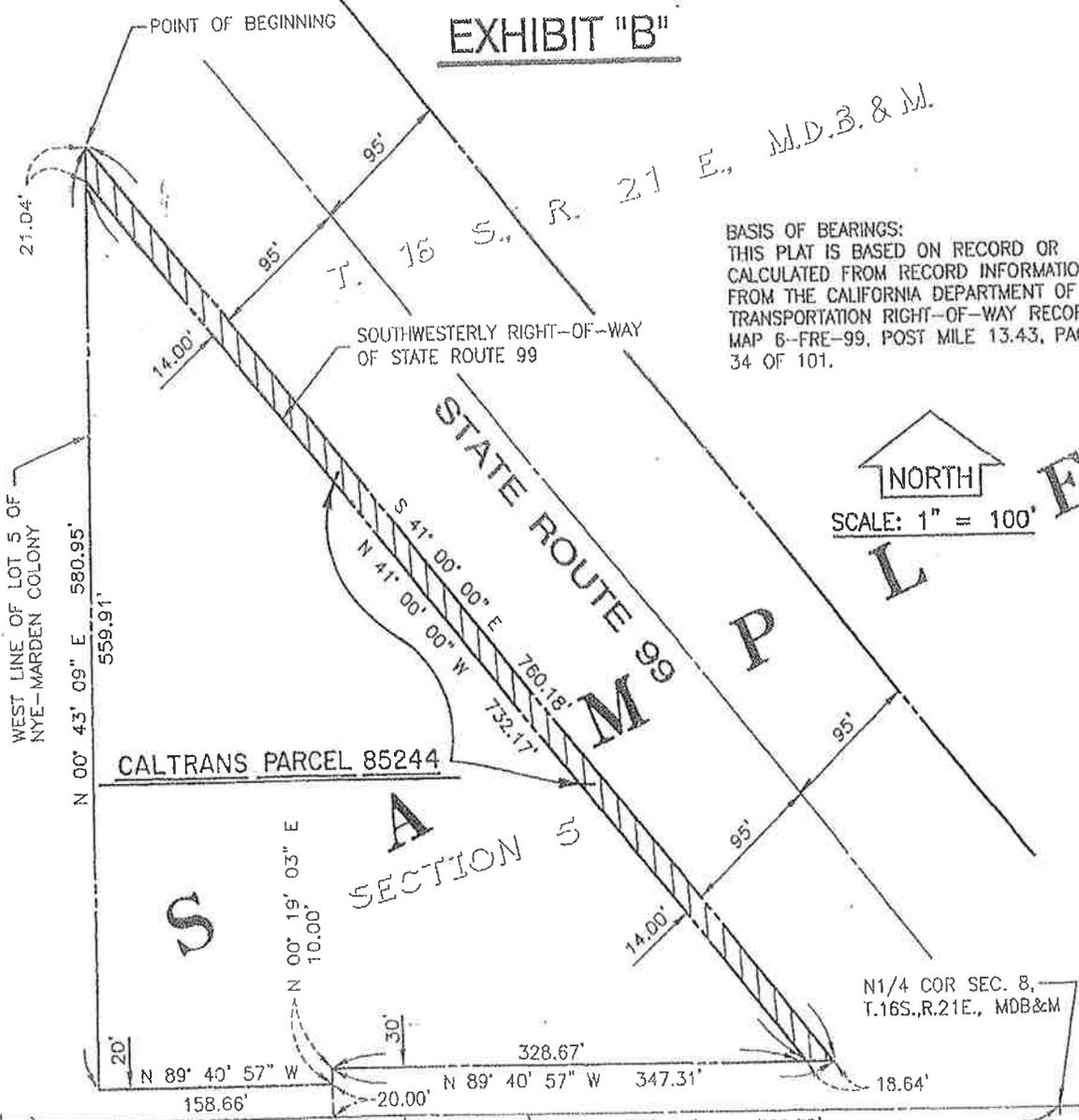
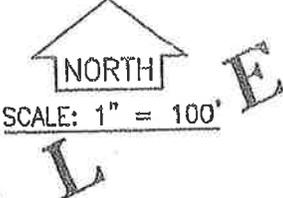
### REQUIRED INFORMATION FOR R/W DEDICATIONS

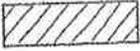
- 1) A Copy of the vesting deed(s) for the subject property.
- 2) Either a copy of a Title Report, or Guarantee of the subject property, **DATED WITHIN 30 DAYS OF SUBMITTAL** of the Dedication Package.
- 3) Copy of the Assessor's Map.
- 4) Assessor's Parcel Number (APN) of the property, if not stated in the Title Report.
- 5) State whether the property is within city limits or in an unincorporated area, if not stated in the Title Report.
- 6) If the property is a lot of a Tract or a parcel of a Parcel Map, provide the lot or parcel number and a copy of the recorded map(s).
- 7) Provide copies of any record map or deed cited in the documents provided.
- 8) If unsubdivided land, note the Section, Township, and Range where the property is located.
- 9) A Legal description of the dedication parcel signed and sealed by a Licensed Professional Land Surveyor or a Civil Engineer registered prior to 1982 on 8 1/2" X 11" paper. Letter EXHIBIT "A" at the top of the legal description (see attached sample legal).
- 10) A Plat showing pertinent survey data, such as bearings, distances, and curve data, where applicable, and the area of the dedication parcel on 8 1/2" X 11" paper. If the parcel is located in unsubdivided land, show ties to the nearest two section corners and/or quarter-section corners. Letter EXHIBIT "B" at the top of the Plat (see attached sample plat).
- 11) A Copy of the traverse calculations, if a metes and bounds description, for the dedication parcel to include error of closure and area.

**EXHIBIT "B"**

T. 16 S., R. 21 E., M.D.B. & M.

BASIS OF BEARINGS:  
THIS PLAT IS BASED ON RECORD OR  
CALCULATED FROM RECORD INFORMATION  
FROM THE CALIFORNIA DEPARTMENT OF  
TRANSPORTATION RIGHT-OF-WAY RECORD  
MAP 6-FRE-99, POST MILE 13.43, PAGE  
34 OF 101.



INDICATES AREA TO BE IRREVOCABLY OFFERED FOR DEDICATION. 

CONTAINS: 1,532± S.F.

Exhibit "F-3" (Tract 6183)

Required Tract Map Exactions

**CITY OF FRESNO  
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

OCTOBER 7, 2020

**REVISED SEPTEMBER 23, 2021**

**VESTING TENTATIVE TRACT MAP NO. 6183**

**NORTHWEST CORNER OF WEST MADISON AND SOUTH VALENTINE AVENUES**

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

**NOTICE TO PROJECT APPLICANT**

**In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.**

**GENERAL CONDITIONS**

1. Upon conditional approval of Vesting Tentative Tract Map No. 6183 dated April 20, 2020, the subdivider may prepare a Final Map in accordance with the approved tentative map.
2. Prior to final map approval, the subdivider shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and/or County of Fresno and that the residents of the subject property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of any Final Map of Vesting Tentative Tract Map No. 6183.
3. Submit grading plans and a soils report to the City of Fresno Planning and Development Department, Development Services (Planning) Division for verification prior to Final Map approval. Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape Outlots. Approval of the grading plan is required prior to Final Map approval.

4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.
5. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
6. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
7. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Part IV, Chapter 15, "Land Divisions;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
8. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to phased vesting tentative tract maps.
9. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.

10. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.
11. This application is subject to compliance with the mitigation measures established by the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. T-6183/T-6184 dated June 26, 2020.

### GENERAL INFORMATION

12. When the grading plan establishes a top of slope beyond the required landscape Outlot noted and the construction of the required wall is to be established coincident with the top of slope, then the required minimum Outlot width shall be expanded to include the full landscaped area up to the wall location.
13. The long term maintenance of all the items listed below is the ultimate responsibility of the landowner/developer:
  - a. The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping located within proposed Outlots associated with the proposed project.
  - b. The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping located in any entry median island or traffic medians located within the project.
  - c. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, valley gutter, sidewalks, street lights, and street signage within any local public street rights-of-way associated with the project.
  - d. The property owner shall be responsible for providing for the maintenance of all street trees within any local public street rights-of-way associated with the project.
14. Maintenance of the required landscape Outlots, streets, curbs and gutters, sidewalks, medians, and street furniture may be the responsibility of the City's Community Facilities District. Contact the Public Works Department, Engineering Services Division, at (559) 621-8695 for information regarding the City's Community Facilities District. The property owners may petition the City for annexation to the City's Community Facilities District prior to Final Map approval.

15. If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, the subdivider/owner shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgements from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The subdivider/owner shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.
16. Should the annexation of any or all of the maintenance items listed above, then the property owner/subdivider shall create a homeowner's association for the maintenance of these items and proposed private streets, utilities, and walls/gates. The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowner's association shall be submitted to the Planning and Development Department for review two weeks prior to Final Map approval. Said documents shall be recorded with the Final Map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowner's association for landscaping and other provisions as stated in the Planning and Development Department Guidelines preparation of CC&R's dated January 11, 1985.

#### Walls/Fences/Landscaping

17. Provide and dedicate a minimum 10-foot wide landscape outlot for public landscape purposes (and irrigation system) along the western property lines along all lots with frontage along South Valentine Avenue. The 10-foot wide landscape outlot shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.
18. Provide and dedicate a minimum 15-foot wide landscape outlot for public landscape purposes (and irrigation system) along the southern property lines along all lots with frontage along West Madison Avenue. The 15-foot wide landscape outlot shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.

19. Construct a 6-foot high decorative solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 of the FMC. The decorative wall shall be located along the rear property lines of all lots abutting West Madison and South Valentine Avenues, which consists of lots 8 through 30.
20. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
21. When the street side yard faces the front yard of a home across the street, a minimum landscape easement of 5 feet is required, unless a 4-foot park strip is provided between the curb and sidewalk. A minimum 6-foot masonry wall shall be placed at the rear of the landscape easement. An opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director. This requirement applies to lots 36, 37, 48, 49, 60, and 61 Pursuant to Section 15-4105.G.2.b of the FMC).

With the exception of those areas which may be eligible for inclusion within the Community Facilities District (CFD) as referenced hereinabove, obligations for retention and maintenance of required end-block landscaped areas or strips for all corner lots shall be the responsibility of the respective property owner(s) on which the landscaped area is located.

- a. Execute a covenant for all properties for which retention and maintenance of an end-block landscaped area or strip on a corner lot, in accordance with Section 15-4105-G-2-b of the FMC, is the responsibility of the respective property owner prior to recordation of a Final Map.
  - NOTE: The covenant shall disclose and acknowledge all responsibilities associated with these conditions of approval to prospective buyers when individual lots are sold and identify terms, as appropriate, to assure compliance. The covenant shall be prepared in a form approved by the City of Fresno.
22. When a Local Street intersects a Major Street and the corner lot sides onto the Local Street; the corner lot shall provide a 10-foot wide landscape outlot. A minimum 6-foot masonry wall shall also be placed at the rear of the landscape

outlot. This requirement applies to lots 15 and 16 (Pursuant to Section 15-4105.G.2.a).

23. The subdivider is required to provide street trees on all street frontages per Fresno Municipal Code standards and is responsible for the dedication of public planting and buffer landscape easements as determined by the Planning and Development and Public Works Departments.
  - a) Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer.
    - i) The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309.
      - NOTE: Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or California Plumbing Code as may be amended.
24. The proposed landscape and pedestrian easements along the major street frontages and major street entryways of the subdivision shall be identified as Outlots to be dedicated to the City of Fresno, in fee, for public landscape, pedestrian, and utility purposes on the Final Map. The City Engineer may discretionarily require modification to other public easements proposed when/where such easements are preferred to be identified as Outlots to be dedicated to the City, in fee.
25. Provide a corner cut-off area at all street intersections in accordance with the requirements of the Fresno Municipal Code. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection.

#### Lot Dimensions

26. Lot dimensions shall match those depicted on Vesting Tentative Tract Map No. 6183 dated April 20, 2020, excepting changes as required per the conditions of approval.

27. In any residential subdivision of five or more lots, maximum lot sizes can be exceeded when overall density does not fall below the approved General Plan density. Vesting Tentative Tract Map No. 6183 proposes 66 single-family residential lots on ±17.76 acres, providing a density of 3.72 d.u./ac., which is consistent with the Medium Low Density Residential (3.5-6 d.u./ac.) planned land use designation of the subject property.

Lots 1, 6, 8 through 30, 36, 37, 48, 49, 60 and 61 are proposed to be over 9,000 sq. ft.

#### Lot Coverage

28. The maximum lot coverage allowed is 50% pursuant to the requirements of the Fresno Municipal Code.

#### Building Height

29. The maximum building height allowed is 35 feet; pursuant to the requirements of the Fresno Municipal Code.

#### Building Setbacks

30. Building setbacks shall be in accordance with the RS-4 zone district noted below for parcels 1 through 66 inclusive, and the provisions of Table 15-903-2 of the Fresno Municipal Code:

Front yard: Front yard setbacks shall be a minimum of 13 feet. The setback to the garage from back of sidewalk (curb if no sidewalk; property line if no curb) must be a minimum of 18 feet.

Interior side yard: Interior side yard setbacks shall be a minimum of 4 feet per side, and a minimum of 10 feet total.

Street side yard:  
(standard lot) Street side yard setbacks shall be a minimum of 10 feet.

Rear yard: Rear yard setbacks shall be a minimum of 10 feet.

Garage from  
primary façade: Garage from primary façade shall be a minimum of 4 feet.

## INFORMATION

31. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the Central Unified School District in accordance with the school district's adopted fee schedule.
32. Contact the United States Postal Service for the location and type of mailboxes to be installed within this subdivision.
  1. It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct, and install all mail receptacle facilities for each location as specified and approved by the USPS.
33. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC Chapter 15, Articles 33 and 38.
34. The developer/owner shall obtain any and all permits required for the relocation, removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with the FMC.
35. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
36. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern

San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

37. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
38. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

- a. A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
  - b. A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
  - c. Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
  - d. The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.
39. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.

40. Solid waste disposal for the subdivision shall be provided by the City of Fresno. The method of collection to be utilized in this tract shall be subject to approval of the Solid Waste Manager (see below-noted conditions).

#### PARK SERVICE

41. Comply with the memorandum from the Public Works Department dated April 28, 2020.

#### FIRE SERVICE

42. Comply with the memorandum from the Fire Department dated June 26, 2020.

#### SOLID WASTE SERVICE

43. Comply with the memorandum from the Public Utilities Department dated June 30, 2020.

#### STREETS AND RIGHTS-OF-WAY

44. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
45. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement.
46. All of the required street improvements shall be constructed and/or installed in accordance with the City of Fresno Standard Specifications (2002 Edition). The following shall be submitted as a single package to the Public Works Department for review and approval:
  - a. Signing and striping plans (per current California Department of Transportation Standards);
  - b. Street Construction Plans; and,

c. Landscape and Irrigation Plans.

47. The subdivider shall underground all existing off-site overhead utilities and proposed utility systems in accordance with FMC Sections 12-1011 and Resolution No. 78-522, 88-229.
48. The subdivider shall construct an underground street lighting system per Public Works Standards within the limits of the tract. Spacing and design shall conform to Public Works Standards. Height, type, spacing, etc., of standards and luminaries shall be in accordance with Resolution No. 68-187, 78-522, 81-219, and 88-229 or any modification thereto approved by the City Traffic Engineer prior to Final Map approval. Upon completion of the work by the subdivider and acceptance of the work by the City, the street lighting system shall be dedicated to the City. Submit engineered construction plans to the Public Works Department for approval.
49. All dead end streets created by this subdivision shall be properly barricaded in accordance with City standards within seven days from the time the streets are surfaced or as directed by the City Engineer.
50. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
51. Comply with the memorandum from the Public Works Department dated July 9, 2020.

SANITARY SEWER SERVICE & RECYLED WATER

52. Comply with the memorandum from the Public Utilities Department dated ~~June 17, 2019~~ July 28, 2021.

WATER SERVICE

53. Comply with the memorandum from the Public Utilities Department dated ~~June 19, 2020~~ July 28, 2021.

RIGHT-OF-WAY ACQUISITION

54. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.

55. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.
56. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
57. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider shall request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
58. The subdivider/owner shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

#### FLOOD CONTROL AND DRAINAGE

59. Comply with the memorandum from the Fresno Metropolitan Flood Control District dated July 2, 2020.

#### FRESNO COUNTY ENVIRONMENTAL HEALTH

60. Comply with the memorandum from the Fresno County Environmental Health Department dated April 24, 2020.

#### FRESNO IRRIGATION DISTRICT

61. Comply with the memorandum from the Fresno Irrigation District dated May 22, 2020.

#### CENTRAL UNIFIED SCHOOL DISTRICT

62. Contact the Central Unified School District at (559) 276-3140 or (559) 274-4700 for all requirements of Vesting Tentative Tract Map No. 6183.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

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

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

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

| <u>WATER CONNECTION CHARGES</u>                                    | <u>FEE RATE</u>  |
|--|--|
| g. Service Connection Charge                                       | Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and meter(s) established by the Master Fee Schedule. |
| h. Frontage Charge [1]   | \$6.50/lineal foot   |
| i. Water Capacity Fee* [1]<br>Single Family Residential Irrigation | \$4,658/ 1" Meter/living unit<br>\$4,658/ 1" Meter<br>\$5,823/ 1½" Meter<br>\$11,642/ 2" Meter   |

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

| <u>CITYWIDE DEVELOPMENT IMPACT FEES</u>        | <u>FEE RATE</u>     |
|--|---------------------|
| j. Fire Facilities Impact Fee – Citywide [4]   | \$1,968/living unit |
| k. Park Facility Impact Fee – Citywide [4]     | \$2,922/living unit |
| l. Quimby Parkland Dedication Fee [2]          | \$1,264/living unit |
| m. Police Facilities Impact Fee – Citywide [4] | \$618/living unit   |
| n. Citywide Regional Street Fee [3]            | \$8,355/adj. acre   |
| o. New Growth Area Major Street Fee [3]        | \$22,998/adj. acre  |
| p. Traffic Signal Charge [1]                   | \$521/living unit   |

Notes:

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

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

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## DEPARTMENT OF PUBLIC WORKS

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TO: Robert Holt, Planner III  
Planning & Development Department

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)  
Public Works, Street Maintenance Division

DATE: April 28, 2020

SUBJECT: **Tract 6183**; (APN: 326-100-26) located on the northwest corner of West Madison and South Valentine Avenues. The Department of Public Works has reviewed the Tentative Tract Map submitted by Precision Engineering dated February 4, 2019. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, outlots and median islands:

### GENERAL REQUIREMENTS

#### STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 40' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with AB 1881.
2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 40' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.
  - a. Street tree inspection fees shall be collected for each 40' of public street frontage or one tree per lot whichever is greater.
  - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
  - c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.
  - d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.
  - e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.
  - f. There are no designated street trees for any of the streets on this project. Please choose appropriate trees from the list of Approved Street Trees.

## **BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS**

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

## **MEDIAN ISLAND LANDSCAPE REQUIREMENTS**

1. When median islands front onto the proposed development project, applicants shall submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.
2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.
3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards &

Specifications and AB 1881. The Public Works Department requires all proposed median islands to be constructed with a one foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet shall be capped with concrete as an integral part of the off site improvements, whether the median is landscaped or not.
5. The median island on the entry street, Selland Ave., has a ten foot width and shall be planted with street trees. The adjacent Lots #15 & #16 shall have 10'L.E. not 8.5 as proposed

### **OUTLOTS**

1. Outlots which are utilized for water well purposes **will not** be included in the CFD. The Water Division Department in Public Utilities will provide the maintenance of all plant material on the well site.



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

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## **Fire Department**

June 26, 2020  
Byron Beagles

### **Comments**

1. This 66 lot public street housing tract is within 3.0 miles of Fire Station 19 and there are no development restrictions regarding emergency response.
2. Each lot is subject to the City-wide fire service impact fee.
3. Install public water mains and fire hydrants per Fire and Public Utilities requirements with two sources of water. If adjacent Tract 5463 is not developed first, the details on a temporary or permanent second source of water will need further discussion with Fire and Public Utilities.
4. If Tract 5463 is not developed first, an approved temporary all-weather surface emergency access road (24-foot wide minimum) will be needed connecting South Valentine Avenue to South Marty, South Dewey, South Rafael, and South Malsbary. Multiple gates will be needed to deter use of the EVA by residents.
5. Provide red curbs for the traffic calming bulb outs and on the curbs opposite the median at the West Madison Avenue entrance.



&  
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Fresno, California 93721-3604  
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## **Public Utilities – Solid Waste Management**

June 30, 2020  
Kevin Gray

### **Comments**

#### General Requirements

1. Tract Map 6183 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.



DATE: July 9, 2020

TO: Robert Holt, Planner III  
Planning and Development Department

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

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

SUBJECT: Public Works Conditions of Approval  
**T-6183 / PZ17-4000009**, a **66**-lot single family subdivision  
3558 West Madison Avenue  
Fagundes Brothers Dairy / Precision Civil Engineering

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

Planner to verify that the applicant has provided the following information prior to the acceptance of the final map submittal. This can result in additional conditions of approval.

1. Revise all cross sections and notes on the map to comply with Public Works Standards:
  - Interior Streets: **56'** local per **P-56 (5.5' 4'-.5')**
  - Valentine: 2-way left turn: **P-54 (12-7-11-12-11-7-12)** Verify P.E. width. 21' or 15'-21'? Cross section should match dimensions on map.
  - Madison: **P-54 (12-7-11-6) (12-5)** Coordinate with F.I.D. Remove striping from the cross section. Striping to be approved with the street plans. Clearly identify the existing and proposed right of way on the map and cross section. Specify what is to be dedicated and vacated. (reserve the PE from the street easement)
  - Entry Streets: **P-86 (7-18-10-18-7)**
2. Identify and provide a temporary turn around adjacent to Lots **1/66, 54/55, 42/43** and **30/31**. If tract to the north (Tentative Tract Map 5463) is developed first, then temporary turn arounds not required.
3. Identify the second point of access.
4. Valentine:
  - show right turn lane
  - adjust the leaders for easement dimensions that are not shown correctly.

6. Identify city bus bay at the northwest corner of Madison and Valentine per P-69.
7. Identify all easements on the map and cross sections. Coordinate the pedestrian easements on the maps and cross sections of the following maps: T-5456, T-5463, T-6183 and T-6184. The Pedestrian Easements shown on the maps are in conflict.
8. Street Vacation: Provide details on the map. The City does not have the recorded documents. It appears that a 6-14' vacation is required, If there is an existing 50' street easement. Provide documentation. Reserve the pedestrian easement from the existing right of way.
9. Provide the address on the map.

### **General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
2. Street widening and transitions shall also include utility relocations and necessary dedications.
3. All right-of-way outside of the subdivision border shall either be acquired **prior** to recordation of Final Map, or a deposit equal to the value of the right-of-way and an estimate of the City staff time necessary to acquire the right-of-way shall be submitted **prior** to recordation of the Final Map.
4. Local to Collector Street Intersections: The intersection of two local continuous streets shall have a minimum of **160'** offset measured from center line to center line.
5. Local street lengths exceeding **800'** and four way intersections may require traffic calming measures.
6. Encroachment Covenants: The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Engineering Services Division, **(559) 621-8681**. Encroachment covenants must be approved prior to issuance of building permits.
7. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.
8. 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.
9. Backing onto a major street is prohibited.
10. 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.
11. Intersection Visibility: Maintain visibility at all intersections as described in the *Fresno Municipal Code Section 15-2018*.
12. When permanent facilities are not available from the Fresno Metropolitan Flood Control District, the applicant shall identify a temporary onsite storm water basin per Public Works Standard **P-97** for review and approval from Public Works.

## Frontage Improvement Requirements:

### Public Streets:

#### Madison Avenue: 3-lane Collector (coordinate with FID)

1. Dedication and Vacation Requirements:
  - a. Dedicate **36'- 44'** of property, from section line, for public street purposes, within the limits of this application, per *Public Works Standard P-54 and P-69*.
  - b. Dedicate a **7-15'** pedestrian easement to accommodate the proposed curvilinear sidewalk.
  - c. Dedicate corner cuts for public street purposes at all intersections.
  - d. A vacation of street right of way is required along the Madison Avenue frontage. A feasibility study for the required vacation of the existing public rights of way is required to be completed **prior** to the approval of the tentative map. Submit an application to Public Works to initiate a feasibility study for the proposed vacations. Contact Jason Camit at 621-8681 for details. Provide details on the map. The City does not have the recorded documents. It appears that a 6-14' vacation is required, If there is an existing 50' street easement. Provide documentation.
  - e. Relinquish direct access rights to Madison Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and an **8'** sidewalk to *Public Works Standard P-5, P-7 and P-54*. The curb shall be constructed to a **12'** pattern plus a pedestrian easement. (meandering walk shown) **P.E.=7'-15'**
  - b. Construct curb ramps per Public Works Standards at all intersections.
    - Major intersection, dual ramps : **R=30', P-30**
    - Entries: **R=20', P-28**
  - c. Identify and construct an **80'** bus bay curb and gutter at the northwest corner of Madison and Valentine to *Public Works Standard P-73*, complete with a **12'** monolithic sidewalk.
  - d. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
  - e. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. 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.

#### Valentine Avenue: 3-lane Collector

1. Dedication Requirements:
  - a. Dedicate **36'- 44'** of property, from section line, for public street purposes, within the limits of this application, per *Public Works Standards P-54 and P-69*.

- b. Dedicate a pedestrian easement to accommodate the proposed curvilinear sidewalk. Verify pedestrian easement dimension on map and cross section. **P.E.= 16'-21'**
  - c. Dedicate corner cuts for public street purposes at all intersections.
  - d. Relinquish direct access rights to Valentine Avenue from all lots within this subdivision.
2. Construction Requirements:
- a. Construct concrete curb, gutter and an **8'** sidewalk to *Public Works Standard P-5, P-7 and P-54*. The curb shall be constructed to a **12'** pattern. (meandering walk shown) **P.E. =16'-21'**
  - b. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
  - c. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. 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.

#### **Interior Streets:**

- 1. Entry Street: Parking is prohibited within the limits of the median. Construct the following intersections to *Public Works Standard P-86: (7-18-10-18-7)*
  - a. Madison and Selland
- 2. 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-1 and P-6*.
- 3. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
- 4. Provide a **12'** visibility triangle at all driveways.
- 5. Dead-end Streets **for all phases:** Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the *Public Works Standard P-100*.

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

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

- 1. Relinquish direct vehicular access rights to :
  - a. the east property line of lot 15.
  - b. the west property line of lot 16.
- 2. Traffic calming will be reviewed and approved with the street plans.

Outside of the subdivision border-

Safe Route to School:

Safe routes to schools shall be prioritized for all projects per the Complete Streets Policy 240.3, approved by Council on October 10, 2019 and Safer Routes to School Resolution 2020-012, approved by Council on January 16, 2020.

- ~~a. Madison: from T-5206 to T-6184—Construct a 5.5' concrete sidewalk (from face of curb to back of walk.~~
- ~~b. Madison from the eastern boundary of T-6184 to Valentine: Construct a 6' minimum concrete sidewalk and the curb return with a ramp at the ultimate location on the northeast corner of Madison and Valentine.~~
- c. Madison: from the western boundary of the map to an approved location along Madison near the school “drop-off”. Construct a **4'** minimum asphalt concrete path within the existing right of way and mitigate drainage issues for the path. Exact location to be coordinated with Madison School and the Public Works Department.

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit.** Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the Master Fee schedule. In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would 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. Madison Avenue: Install a signal pole with a 150-watt equivalent LED safety light and an oversize street sign to Public Works Standards at the northwest corner of Madison Avenue and Valentine Avenue.

**Fresno Major Street Impact (FMSI) Fee:** This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees. In some cases, center section improvements or bridges may be conditioned on multiple maps. If the improvements are existing at the time of the final map, the applicant would be not be required to construct them, but would be required to pay the applicable fee.

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

Madison Avenue: Collector (Growth Area Street) (To be completed with Phase I)

4. Dedicate and construct within the limits of this subdivision and continue east to the western limits of T-5206.
  - a. North Side: **24-32'** of permanent pavement with curb and gutter.
  - b. South Side: **17'** of permanent pavement.
  - c. 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.
  - d. Install curb return and accessible ramp at ultimate location on northeast corner of Valentine and Madison.

Valentine Avenue: Collector (Growth Area Street)

1. Dedicate and construct **(2) 12'** center section travel lanes with **5'** shoulders and a **12'** center two-way left turn lane within the limits of this subdivision. Were applicable, 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.

**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.

## **Fresno County Environmental Health**

April 24, 2020  
Public Health

### **Comments**

1. 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.
2. 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.
3. Should the applicant propose a pool/spa, they shall submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 600-3357 for more information.
4. Should the applicant propose a pool/spa, they shall obtain a permit to operate a public swimming pool/spa from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Recreational Health Program at (559) 600-3357 for more information.
5. The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City's municipal code and the Fresno County Ordinance Code.
6. Facilities that use and/or store hazardous materials, and/or hazardous wastes 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.

7. 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.
8. 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.

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** THOMAS C. ESQUEDA, City Manager  
City Manager's Office

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**SUBJECT:** REQUEST FOR CITY MANAGER'S SIGNATURE AUTHORIZING MODIFICATIONS TO CONDITIONS OF APPROVAL IN ACCORDANCE WITH SECTION 2-402(C) OF THE FRESNO MUNICIPAL CODE

The purpose of the Memorandum is to request approval of Conditions of Approval modifications in accordance with Section 2-402(C) of the City of Fresno Municipal Code.

On November 3, 2016, the Fresno City Council adopted Ordinance No. 2016-44 adding subsection (c) to Section 2-402 of the City of Fresno Municipal Code stating that no official, employee, or agent of the City is authorized to modify, amend, delay or waive any provision of a contract, development agreement, subdivision map, conditional use permit, or fee, without the express written approval of the City Manager, except where a provision of the Charter, Municipal Code, resolution, or an implementing document expressly provides such authority to a person other than the City Manager.

Vesting Tentative Map Nos. 5463, 5456, 6183, and 6184 were originally approved by Planning Commission on June 21, 2019 authorizing the development on the east and west sides of South Valentine from West Madison Avenue to West Whitesbridge Avenue.

On May 18, 2021, the Department of Public Utilities (DPU) determined the proposed development would be allowed to proceed with gravity sewer to the east (along Madison Avenue to Marks Avenue) instead of constructing sewer pipe in Valentine Avenue south to the existing 66-inch sewer trunk at Church Avenue. With these proposed modifications, Developer is required to construct sewer pipe easterly in Madison Avenue to the City's existing sewer main terminus in Madison Avenue just west of the existing lift station at the intersection of Kearney Boulevard and Marks Avenue. The existing lift station may need to be upgraded pending the conclusion of the engineer's analysis. Therefore, DPU has stricken conditions pertaining to the construction of sewer pipe from the intersection of West Madison and South Valentine Avenues to the intersection of South Valentine and West Church Avenues. In addition, DPU is also removing the construction of a new lift station at the intersection of South Valentine Avenue and West Kearny Boulevard. In lieu of constructing a new lift station, the developer shall make any necessary upgrades to the City's existing lift station at West Kearney Boulevard and Marks Avenue.

**MEMORANDUM**

THOMAS C. ESQUEDA, City Manager

Request for City Manager's signature authorizing modifications to Conditions of Approval

July 28, 2021

Page 2 of 2

In addition to the above-referenced modifications to the sewer infrastructure, several modifications (mostly reduction in scope) to the water and recycled water infrastructure conditions of approval are proposed. Staff requests to remove the attached original Conditions of Approval dated June 17, 2019, regarding Sewer and Recycled Water, and June 21, 2019, pertaining to Water and replace them with the attached Revised Conditions of Approval pertaining to Tract Maps #5456, #5463, #6183, and #6184 dated July 21, 2021.

These conditions were prepared by the Department of Public Utilities and in coordination with the Development Services Division.

**RECOMMEND:**

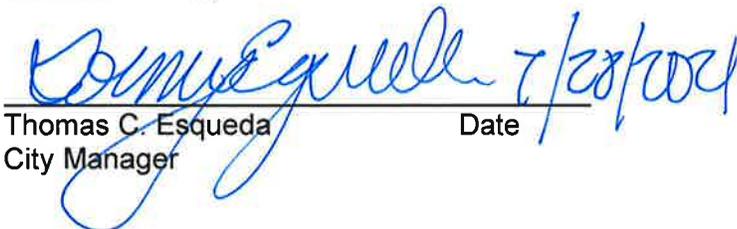
**APPROVAL**

**DENIAL**

 7/28/21  
Date  
Michael Carbajal  
Director  
Department of Public Utilities

**APPROVED**

**DENIED**

 7/28/2021  
Date  
Thomas C. Esqueda  
City Manager

- Attachment 1: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 17, 2019, for Sewer and Recycled Water
- Attachment 2: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water
- Attachment 3: Revised Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water, Sewer, and Recycled Water



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING**

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** WILL TACKETT, Planning Manager  
Department of Development and Resource Management

**FROM:** *AS FOR* KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities - Utilities, Planning & Engineering

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

**SUBJECT:** DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of S. Brawley, S. Marks, W. Madison, and W. Whitesbridge Avenues. The subdivision consists of 4 maps: Tracts 5463 and 5456 which are tentatively approved and Tracts 6183 and 6184 which have yet to be submitted.

**Water Service Requirements**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whitesbridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from South Lead Avenue west to South Brawley Avenue.
2. Construct a 16-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from West Whitesbridge Avenue south to West Madison Avenue.

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5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
6. Installation of water service(s) & meter box(es) shall be required.
7. Installation of water service(s) & meter box(es) shall be required to re-establish domestic water and fire service to Madison Elementary School and its facilities.
  - a. Frontage and Water Capacity fees shall be paid by the developer.
  - b. Water facilities and meters shall be sized appropriately to provide already established domestic and fire service.
8. Destruct any existing on-site wells 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.
9. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Department of Public Utilities Director or designee.
10. Central Unified School District shall dedicate to the City of Fresno, the existing water well located on the northeast corner of Madison Elementary School.
11. Prior to City acceptance of the dedicated water well, the existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards, including but not limited to the following:
  - a. The well shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 12,000 square feet (aprox. 100'x120') in size and acceptable to the Department of Public Utilities Director or designee.
  - c. A 30-foot easement shall be dedicated to the City from the Water well site to West Madison Avenue for water main discharge and access purposes.
  - d. Install a 12-inch discharge water main form the water well to the proposed 16-inch water main in West Madison Avenue.

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- e. Dedicated water well shall include wellhead treatment facilities, if required. Well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed from the Water Capacity Fees, in accordance with established City policies.
- 12. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
- 13. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

**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.

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### **Sanitary Sewer Requirements**

#### **Sanitary Sewer Facilities Reimbursements and Credits (not to exceed \$1M):**

**Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval). Note: as these reimbursements and credits were originally intended (and approved) for the costs of a proposed lift station at the intersection of Valentine and Madison Avenues, the 12-inch diameter sewer pipeline in Valentine Avenue from Madison Avenue to Church Avenue, and associated costs, which are now being eliminated from the required scope of improvements, the not-to-exceed \$1M reimbursement and credit may be used to offset the cost of improvements necessitated by the elimination of the above-referenced new lift station and related costs (i.e. the upsizing from the previously-required 8-inch to 12-inch diameter of the sewer pipeline between the intersection of Valentine and Madison Avenues to manhole #2749-06, the modification or upgrade of the existing Lift Station #2 (as described below), the upsizing from 8-inch to 12-inch diameter of the on-site (within the subdivision) pipeline segments (approximately 550 lineal feet) to facilitate gravity sewer and minimum coverage (west of Valentine Avenue) and, if necessary, the cost differential between 'regular' and ductile iron water pipes at the west end (northwesterly tier of lots) of the development (sewer/water crossings by house pads/raised lots to provide minimum coverage).**

The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in West Madison Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Provide an analysis of Lift Station #2 at Kearney Boulevard and Marks Avenue regarding additional flows and capacity from the proposed development. The lift station shall be modified or upgraded to handle the new flows per the required analysis.
  - a. Depth of the existing wet well shall be verified by the Engineer of Record per the proposed capacity.
  - b. Certify that the existing pumps are capable of handling flows from the proposed subdivision.
  - c. If revisions are deemed necessary than applicable permit shall be required from the Development Department.

MEMORANDUM  
WILL TACKETT, Planning Manager  
Department of Development and Resource Management  
DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

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2. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
3. The proposed tracts shall construct all sewer improvement as determined through the Sanitary Sewer Feasibility Study as approved by the Department of Public Utilities.
4. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities.
5. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the existing manhole #2749-06 west to the intersection of South Valentine and West Madison Avenues.
  - b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of South Valentine and West Madison to the west property line of proposed Tract Map #6183.
  - c. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
  - d. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Whitesbridge Avenue from the intersection of West Whitesbridge and South Valentine Avenues to the west property line of Future Tract Map #5463.
6. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
7. All underground utilities shall be installed prior to permanent street paving.
8. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed

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additions to the City Sewer System.

9. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
10. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
11. Installation of sewer house branch(es) shall be required.
12. Street work permit is required for any work in the Right-of-Way.
13. 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 #29.
3. Wastewater Facility Charge (Residential)

### **Recycled Water Requirements**

#### **"On-site" Recycled Water Facilities**

**"On-site" Recycled Water Facilities Reimbursements and Credits (not to exceed \$900K): Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or Designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Recycled water mains shall be extended within the proposed tracts to provide service to only public areas (parks - any size (large, strips, pocket, etc...)); median islands, landscaping along Valentine, Madison, and Whitesbridge Avenues frontages of the developments.

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2. Installation of recycled water service(s), meter box(es), and reduced-pressure backflow device(s) shall be required.
3. All underground utilities shall be installed prior to permanent street paving.
4. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the Department of Public Utilities review and approvals for proposed additions to the City Recycled Water System.
5. All public recycled water facilities shall be constructed in accordance with City Standards, specifications, and policies.

**“Off-site” Recycled Water Facilities**

**“Off-site” Recycled Water Facilities Reimbursements (Actual costs dollar-for-dollar):**  
**Developer shall receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection of West Madison and South Valentine Avenues.
2. Construct an 8-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues.
3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
4. Construct an 8-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whitesbridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the recycled water transmission mains in West Madison, South Valentine, and West Whitesbridge Avenues as outlined above.

MEMORANDUM

WILL TACKETT, Planning Manager

Department of Development and Resource Management

DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

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6. The 'off-site' Recycled Water Facilities shall be constructed in accordance with City Standards, specifications, and policies and previously approved construction plans. Note: the construction plans for these "off-site" facilities have been approved previously and the pipeline in Madison Avenue to the west of the above-described 16-inch pipeline in Madison Avenue, and the pipeline to the east of the above-described 16-inch pipeline in Valentine Avenue (at the intersection of Valentine and Whitesbridge Avenues) have been completed (or caused to be completed) by the City. The recycled water pipelines referenced above (and to be constructed by the Developer) have been removed from the previously completed scope of work to avoid conflict with other utilities in Madison, Valentine, and Whitesbridge Avenues (still being designed at the time of construction of now-completed recycled water pipes in Madison Avenue west of the Project and in Whitesbridge Avenue east of the Project).

**Solidwaste Requirements:**

1. Tract Maps 5456, 5463, 6183 and 6184 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.



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING  
MEMORANDUM**

**DATE:** June 21, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

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

**SUBJECT:** WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison and West Whites Bridge Avenues. The subdivision consist of 5 maps, Tracts #5463 and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted. Therefore, conditions regarding South Brawley and West Madison Avenues are only applicable if all 5 maps are built out to completion.

**Water Service**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whites Bridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants) from South Lead Avenue west to the westerly property line of Tract #6183.
2. Construct a 16-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants) from West Whites Bridge Avenue south to West Madison Avenue.
5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

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6. Installation of water service(s) & meter box(es) shall be required.  
If the proposed subdivision will be dual plumbed with recycled water, all potable water services will require installation of a reduced pressure backflow device.
7. Destroy any existing on-site wells 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. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Public Utilities Director.
9. Central Unified School District shall dedicate the existing water well located on the northeast corner of South Brawley Avenue and West Madison Avenue (Madison Elementary School). In turn, the Developer shall provide the school with domestic, irrigation and fire service from the water well discharge line adjacent to the school's east property line.
10. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 1,000 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Public Utilities Director. (Only if negotiations fail).
11. The existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards:
  - a. The well(s) shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 14,000 square feet (approx. 100'x140') in size and acceptable to the Water Systems Manager.
  - c. Water well site shall have access to a public street.
  - d. Install a 12-inch discharge water main from the water well to the proposed 16-inch water main in West Madison Avenue.
12. Water well construction shall include wellhead treatment facilities, if required. Construction of the well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed by means of established Water Capacity Funds.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

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13. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
14. 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. However, vested maps #5456, and #5463 will be susceptible to the old UGM 401s fee whereas new maps #6183 and #6184 will be inclined to pay the new water capacity fees.
  - 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.



**DEPARTMENT OF PUBLIC UTILITIES  
MEMORANDUM**

**DATE:** June 17, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

**FROM:** KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities, Planning and Engineering 

**SUBJECT:** SANITARY SEWER AND RECYCLED WATER REQUIREMENTS FOR  
OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison, and West Whites Bridge Avenues. The subdivision consist of 4 maps, Tracts #5463, and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted.

**Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located at the intersection of West Madison and South Marks Avenues and a 66-inch sewer trunk line located in West Church Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
2. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities. House laterals shall be installed prior to paving. The cost of the laterals will be reimbursed upon sewer connection of adjacent properties.
3. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. According to Precision Engineering's master sewer plan dated 7/2/18,



*A Nationally Accredited Public Utility Agency*

there is a proposed 8-inch sewer main from the east property line of the easterly County parcel along the frontage of Tract #5456 and terminating at the intersection of West Madison and South Valentine Avenues. The installation of laterals to existing homes will only be required if the affective section of West Madison is to be repaved.

- b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the first entrance of Tract #6184.
  - c. Construct a 10-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of West Madison and South Brawley Avenues east to the intersection of West Madison and South Valentine Avenues (at build out of entire project).
  - d. Construct an 8-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the easterly property line of the Madison Elementary east to the first entrance of Map 6183.
4. Street easements shall be recorded prior to approval of improvement plans or dedicated by the previously mentioned Maps.
  5. All underground utilities shall be installed prior to permanent street paving.
  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. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
  9. Installation of sewer house branch(s) shall be required.
  10. Street work permit is required for any work in the Right-of-Way.
  11. Abandon any existing on-site private septic systems.

**Sanitary Sewer Facilities Reimbursements and Credits (\$1,000,000)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department.**

1. Construction of a sanitary sewer lift station to be located in South Valentine Avenue between West Madison Avenue and West Kearny Boulevard shall be required. The lift station shall be subject but not limited to the following requirements:
  - a. Acquisition and/or dedication of a separate parcel of land necessary to construct required lift or pump station facilities at a location and size acceptable to the Department of Public Utilities.
  - b. Depth of the sewer lift station shall not exceed a maximum depth of 24-feet with a 19-foot maximum flowline depth of the incoming sewer main.
  - c. Installation of permanently mounted auxiliary power supply. (Applicable permits required)
  - d. Installation of antenna for telemetry. (Applicable permits required)
2. Creation and adoption by Council Resolution of a Sewer Lift Station Service Area is require to establish a service boundary that includes all properties to be served by the proposed sewer lift station.
3. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues south connecting to the 66-inch sewer trunk at the intersection of West Church and South Valentine Avenues.

**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 #29.
3. Wastewater Facility Charge (Residential)

**Recycled Water Requirements and Credits(\$900,000)**

1. Construct reclaimed water distribution mains in public right-of-ways that will utilize future tertiary treated wastewater for landscape irrigation purposes. Design of the reclaimed water mains will be subject to the approval by the Director of Public Utilities.
2. Reclaimed water system should be operated and maintain by a Community Facilities District (CFD).
3. Recycled water mains shall be extended within the proposed tracts to provide service to all park strips and community green space.
4. Installation of recycled water service(s), master meter box(es), shall be required.
5. All underground utilities shall be installed prior to permanent street paving.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the 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.

**Recycled Water Requirements and Credits(\$1,664,630 per Precision Engineer's Estimate dated May 17, 2019)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department per Recycled Water Infrastructure Reimbursement Agreement dated xx/xx/2019. Agreement will require City Council approval.**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection West Madison and South Valentine Avenues.
2. Construct a 16-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues

MEMORANDUM  
WILL TACKETT, Supervising Planner  
Department of Development and Resource Management  
WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT  
AGREEMENT June 17, 2019  
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3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whites Bridge and South Valentine Avenues.
4. Construct a 16-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whites Bridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the 16-inch recycled water transmission main in West Madison, South Valentine, and West White Bridge Avenues.
6. The developer shall construct all improvements under these conditions and shall be reimbursed by a Developer Reimbursement Agreement which be negotiated subsequent to Planning Commission approval.



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

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## **Public Utilities – Water Division**

June 19, 2020  
Robert Diaz

### **Comments**

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants) from South Lead Avenue west to North Valentine Avenue.
2. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants) from West Madison Avenue north to West Whites Bridge Avenue.
3. Construct a 16-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Marks Avenue west to North Valentine Avenue.
4. Construct a 12-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Valentine Avenue west to across the project frontage.
5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
6. Installation of water service(s) & meter box(es) shall be required.
7. Destroy any existing on-site wells 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. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Public Utilities Director.
9. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 1,000 gallons per minute, sufficient to serve peak water demand

for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Public Utilities Director. (Only if negotiations fail).

10. Water well construction shall include wellhead treatment facilities, if required. Construction of the well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed by means of established Water Capacity Funds.
11. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
12. 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. However, vested map #5463, will be susceptible to the old UGM 401s fee.
  - 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.

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

**PUBLIC AGENCY**

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

**DEVELOPER**

NORM ALLINDER, FAGUNDES DAIRY  
P.O. BOX 2717  
MERCED, CA 95344

PROJECT NO: **6183**

ADDRESS: **3558 W. MADISON AVE.**

APN: **326-100-36**

SENT: **July 02, 2020**

| Drainage Area(s)                        | Preliminary Fee(s) | Development Review Service Charge(s)    | Fee(s)     |   |
|---|--------------------|---|------------|---|
| AS                                      | \$197,083.00       | NOR Review                              | \$832.00   | To be paid prior to release of District comments to Public Agency and Developer.  |
|   |                    | Grading Plan Review                     | \$2,321.00 | Amount to be submitted with first grading plan submittal.   |
|   |                    | Storm Drain Plan Review                 |            | For amount of fee, refer to <a href="http://www.fresnofloodcontrol.org">www.fresnofloodcontrol.org</a> for form to fill out and submit with first storm drain plan submittal (blank copy attached). |
| <b>Total Drainage Fee: \$197,083.00</b> |                    | <b>Total Service Charge: \$3,153.00</b> |            |   |

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/21 based on the site plan submitted to the District on 4/21/20 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. 6183**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 5

FR  
TRACT No. 6183

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.
  
6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 5

FR  
TRACT No. 6183

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, RCE

Digitally signed by Peter Sanchez Date: 7/2/2020 10:45:28 AM



Rick Lyons  
Engineering Tech III

Digitally signed by Rick Lyons Date: 7/1/2020 4:19:47 PM

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

Page 4 of 5

CC:

JARED LINNEY, PRECISION CIVIL ENGINEERING

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1234 O STREET

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FRESNO, CA 93721

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BONIQUE EMERSON, PRECISION CIVIL ENGINEERING

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1234 O STREET

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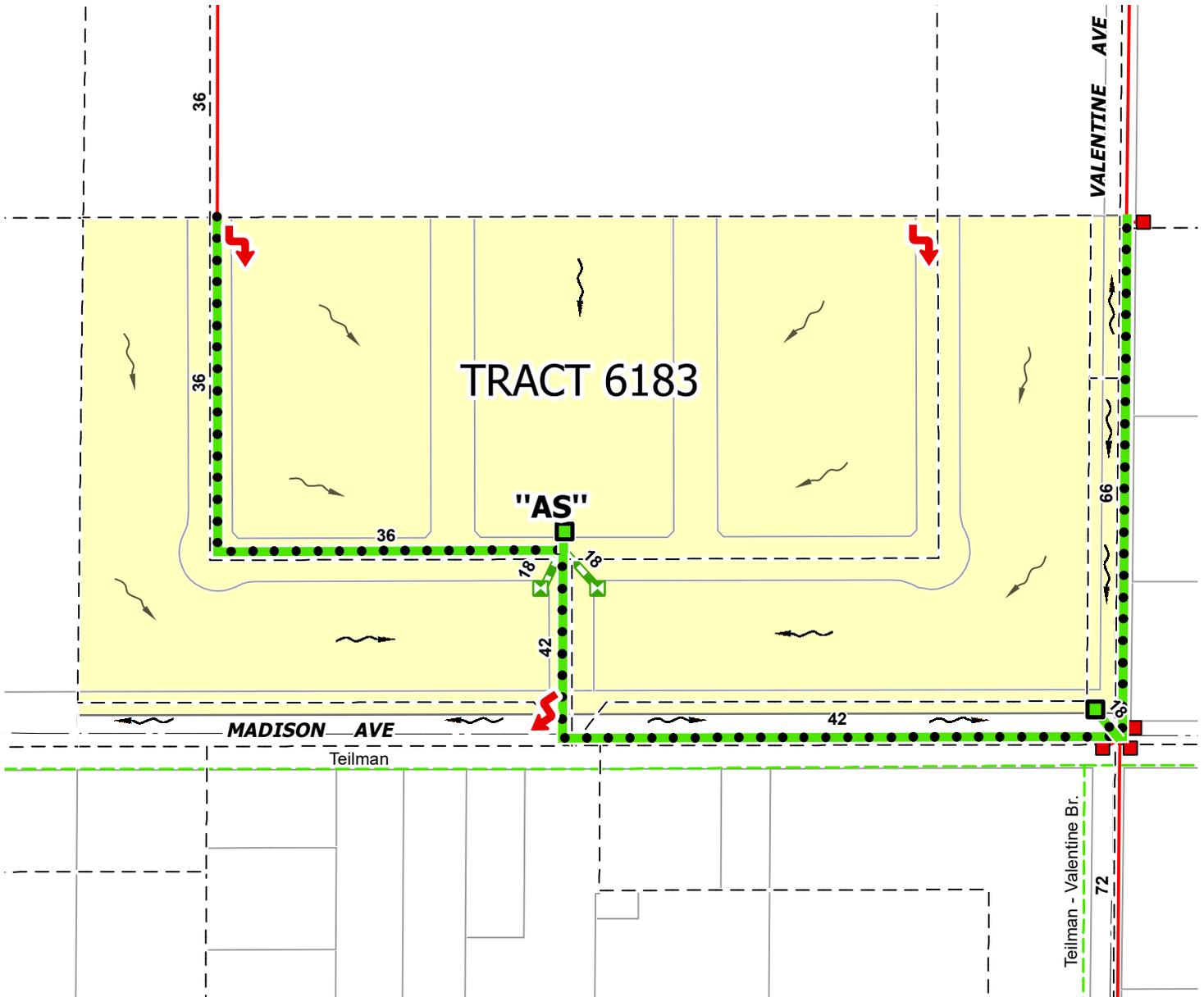
FRESNO, CA 93721

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**FR TRACT No. 6183**



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) & Inlet
- Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)
- Future Master Plan Facilities
- Inlet Boundary
- Direction Of Drainage
- Existing FID Facilities
- Possible Major Storm Flow Path



1" = 200'

## TRACT 6183 DRAINAGE AREA "AS"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



## **OTHER REQUIREMENTS**

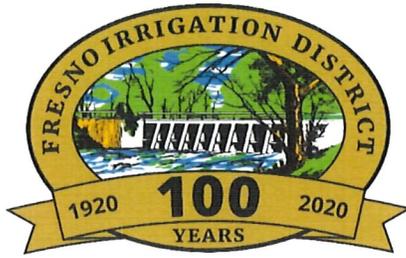
### **EXHIBIT NO. 2**

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 or District.

The required 66" Master Plan facilities in Valentine Avenue have also been required of Tract 5463Rev., Tract 5456Rev., and Tract 6184. If the 66" Valentine Avenue facilities are completed prior to development of this site, the construction requirement will be dropped.

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.



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

## A Century of Commitment, Conveyance & Customer Service

May 22, 2020

Will Tacket  
City of Fresno  
Department of Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

RE: Vesting Tentative Tract Map No. PZ17-40000009  
N/W Madison and Valentine avenues

Dear Mr. Tacket:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. PZ17-40000009 for which the applicant proposes to subdivide the existing property into an 66 lot single family subdivision, APN: 326-100-67. FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. Per the attached site plan, the applicant is proposing a right-of-way encroachment within FID's easement. FID would like to make the City and applicant aware of potential impacts the proposed development may cause.
3. Madison Avenue will not be able to be expanded to the south because of the Teilman No. 79 Canal. FID requires a 15 feet wide right-of-way for operations and maintenance on both sides of the canal (which currently FID does not fully have). As the area develops under the City of Fresno and the traffic increases, it will be significantly more difficult and hazardous for FID to maintain and operate the Teilman Canal without road closures and/or traffic control unless the canal right-of-way is in place. The City needs to consider these issues in development, traffic and road improvements, need for any turn lanes, etc. for the future growth in the area and the expansion of Madison Avenue. All right-of-way and easements necessary for the full build-out of the area must be acquired and reserved now by the City as a part of this development.
4. To help with the planning and engineering process for the upcoming tract, FID has provided the following additional comments and conditions:

### Summary of Requirements:

- FID Board Approval.
- Review and Approval of all Plans.

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- Substitute Open Channel for 42" ASTM C-361 B-25 RGRCP (with MacWrap).
- Execute Pipeline Substitution with 40' Easement Agreement.
- Existing Encroachments removed and/or relocated.
- Review and Approval of all Plans.
- Execute additional Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, City road R/W, etc.).

### Area of Concern

1. FID's Teilman No. 79 runs southwesterly, crosses Madison Avenue approximately 2,100 feet east of the subject property, continues westerly along the south side of Madison Avenue, crosses Valentine Avenue 100 feet southeast of the subject property, and crosses Brawley Avenue approximately 1,300 feet west of the subject property, as shown on the attached FID exhibit map, and may be impacted by the proposed development. FID records do not show recorded easement, however, FID does own an easement and the width is as shown on FID's attached Standard Detail Page No. P-03 – P-05 and 1-01. Should this project include any street and/or utility improvements along Madison Avenue, Valentine Avenue, or in the vicinity of the pipeline, FID requires it review and approve all plans.
2. The canal is currently an open channel and will need to be improved as part of the proposed project. FID's conditions are as follows:
  - a. Pipe Requirement – FID requires the applicant pipe the impacted section of the canal, approximately 1,300 feet or the limits of the impacted channel, whichever is greater, with 42-inch inside diameter ASTM B-25 C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the Developer enter into an agreement with FID for that purpose.
  - b. Easement Requirements - The applicant shall grant to FID an exclusive pipeline easement. The width of the easement depends on several factors including pipe size, alignment, depth, etc. The applicant can expect the easement to be a minimum of 40 feet wide.
  - c. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. FID may require external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is

known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.

3. FID requires the applicant and/or the applicant's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
4. FID does not allow FID owned property or easements to be in common use with public utility and/or road easements and right-of-ways, but will in certain instances allow for its property to be in common use with landscape easements if the City of Clovis enters into the appropriate agreement.
5. Should the applicant propose any improvements within FID's easement(s), FID requires it review and approve all Private facilities that encroach into FID's property/easement. For all encroachment(s), the applicant will be required to enter into the appropriate agreement to be determined by FID.

#### **General Comments**

1. The proposed project is located within Growth Area 1 of the Cooperative Water Utilization and Conveyance agreement between the City of Fresno and FID.
2. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
3. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
4. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.
5. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.
6. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.
7. Footings of retaining walls shall not encroach onto FID property/easement areas.
8. Trees will not be permitted within FID's property/easement areas.
9. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material,

and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing District facilities. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.

10. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area is currently open land with minimal to no water use, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Fresno require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
11. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
12. For informational purposes, FID's Teilman-Valentine Br. No. 297 runs southerly along the west side of Valentine Avenue approximately 100 feet south of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Madison Avenue, Valentine Avenue or in the vicinity of this canal, FID requires it review and approve all plans.
13. For informational purposes, a Private line known as the McCabe #2 No. 498 (Pvt.) runs southerly along the west side of Brawley Avenue approximately 1,400 feet west of the subject properties as shown on the attached FID exhibit map. FID does not own, operate or maintain this private line. FID's records indicate this this line is active and will need to be treated as such. FID can supply the City with a list of known users upon request.
14. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Fresno and FID service area. As this project will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.
15. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.

Mr. Will Tacket  
RE: PZ17-40000009  
May 22, 2020  
Page 5 of 5

16. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

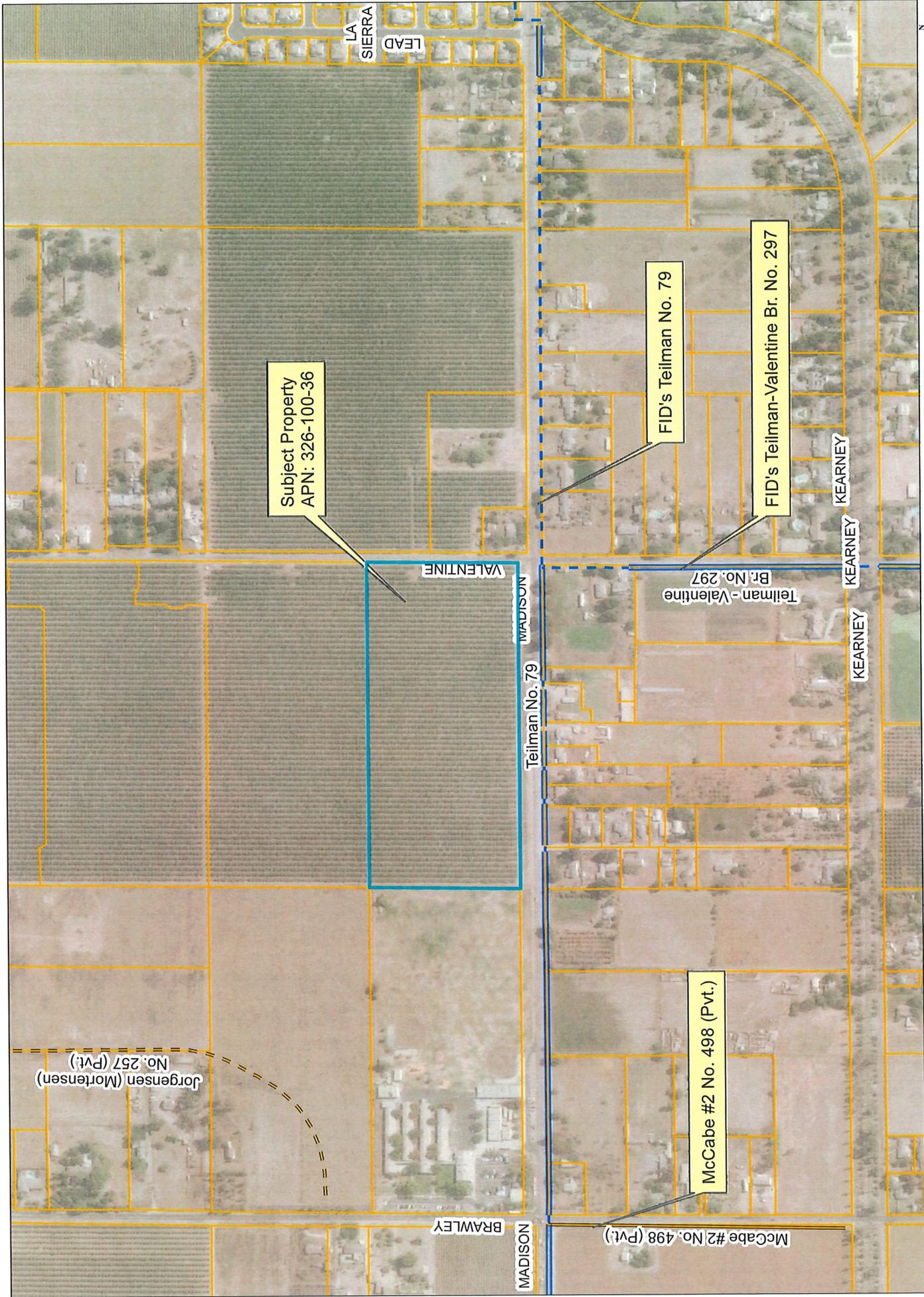
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



Subject Property  
APN: 326-100-36

FID's Teilman No. 79

FID's Teilman-Valentine Br. No. 297

McCabe #2 No. 498 (Pvt.)

McCabe #2 No. 498 (Pvt.)

Jorgensen (Mortensen)  
No. 257 (Pvt.)



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

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.



FRESNO IRRIGATION DISTRICT

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Exhibit "F-4" (Tract 6184)

Required Tract Map Exactions

**CITY OF FRESNO  
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

OCTOBER 7, 2020

**REVISED SEPTEMBER 23, 2021**

**VESTING TENTATIVE TRACT MAP NO. 6184**

**NORTHEAST CORNER OF WEST MADISON AND SOUTH VALENTINE AVENUES**

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

**NOTICE TO PROJECT APPLICANT**

**In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.**

**GENERAL CONDITIONS**

1. Upon conditional approval of Vesting Tentative Tract Map No. 6184 dated April 20, 2020, the subdivider may prepare a Final Map in accordance with the approved tentative map.
2. Prior to final map approval, the subdivider shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and/or County of Fresno and that the residents of the subject property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of any Final Map of Vesting Tentative Tract Map No. 6184.
3. Vesting Tentative Tract Map No. 5456 shall record prior to Vesting Tentative Tract Map No. 6184. If Vesting Tentative Tract Map No. 5456 does not record prior to Vesting Tentative Tract Map No. 6184, the remainder shall be shown on the subject map, as appropriate.

4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department, Development Services (Planning) Division for verification prior to Final Map approval. Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape Outlots. Approval of the grading plan is required prior to Final Map approval.
5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.
6. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
7. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Part IV, Chapter 15, "Land Divisions;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative tract maps.
10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map

Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.

11. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.
12. This application is subject to compliance with the mitigation measures established by the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. T-6183/T-6184 dated June 26, 2020.

#### GENERAL INFORMATION

13. When the grading plan establishes a top of slope beyond the required landscape Outlot noted and the construction of the required wall is to be established coincident with the top of slope, then the required minimum Outlot width shall be expanded to include the full landscaped area up to the wall location.
14. The long term maintenance of all the items listed below is the ultimate responsibility of the landowner/developer:
  - a. The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping located within proposed Outlots associated with the proposed project.
  - b. The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping located in any entry median island or traffic medians located within the project.
  - c. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, valley gutter, sidewalks, street lights, and street signage within any local public street rights-of-way associated with the project.
  - d. The property owner shall be responsible for providing for the maintenance of all street trees within any local public street rights-of-way associated with the project.

15. Maintenance of the required landscape Outlots, streets, curbs and gutters, sidewalks, medians, and street furniture may be the responsibility of the City's Community Facilities District. Contact the Public Works Department, Engineering Services Division, at (559) 621-8695 for information regarding the City's Community Facilities District. The property owners may petition the City for annexation to the City's Community Facilities District prior to Final Map approval.
16. If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, the subdivider/owner shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgements from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The subdivider/owner shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.
17. Should the annexation of any or all of the maintenance items listed above, then the property owner/subdivider shall create a homeowner's association for the maintenance of these items and proposed private streets, utilities, and walls/gates. The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowner's association shall be submitted to the Planning and Development Department for review two weeks prior to Final Map approval. Said documents shall be recorded with the Final Map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowner's association for landscaping and other provisions as stated in the Planning and Development Department Guidelines preparation of CC&R's dated January 11, 1985.

#### Walls/Fences/Landscaping

18. Provide and dedicate a minimum 10-foot wide landscape outlot for public landscape purposes (and irrigation system) along the eastern property lines along all lots with frontage along South Valentine Avenue. The 10-foot wide landscape outlot shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.
19. Provide and dedicate a minimum 15-foot wide landscape outlot for public landscape purposes (and irrigation system) along the southern property lines

along all lots with frontage along West Madison Avenue. The 15-foot wide landscape outlot shall be located adjacent to the “sidewalk pattern” within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.

20. Construct a 6-foot high decorative solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 of the FMC. The decorative wall shall be located along the rear property lines of all lots abutting West Madison and South Valentine Avenues, which consists of lots 1, 2, and 3 through 8.
21. There was no use given for proposed Outlots A and B. Any use proposed for said Outlots shall be reviewed and approved by the Planning and Development Department.
22. Landscaping, which is compliant with the City of Fresno “Anti-Graffiti Landscaped Buffer Development and Planting Standards,” shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
23. When the street side yard faces the front yard of a home across the street, a minimum landscape easement of 5 feet is required, unless a 4-foot park strip is provided between the curb and sidewalk. A minimum 6-foot masonry wall shall be placed at the rear of the landscape easement. An opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director. This requirement applies to lots 14 and 18 Pursuant to Section 15-4105.G.2.b of the FMC).

With the exception of those areas which may be eligible for inclusion within the Community Facilities District (CFD) as referenced hereinabove, obligations for retention and maintenance of required end-block landscaped areas or strips for all corner lots shall be the responsibility of the respective property owner(s) on which the landscaped area is located.

- a. Execute a covenant for all properties for which retention and maintenance of an end-block landscaped area or strip on a corner lot, in accordance with Section 15-4105-G-2-b of the FMC, is the responsibility of the respective property owner prior to recordation of a Final Map.

- NOTE: The covenant shall disclose and acknowledge all responsibilities associated with these conditions of approval to prospective buyers when individual lots are sold and identify terms, as appropriate, to assure compliance. The covenant shall be prepared in a form approved by the City of Fresno.
24. The subdivider is required to provide street trees on all street frontages per Fresno Municipal Code standards and is responsible for the dedication of public planting and buffer landscape easements as determined by the Planning and Development and Public Works Departments.
- a) Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer.
- i) The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309.
- NOTE: Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or California Plumbing Code as may be amended.
25. The proposed landscape and pedestrian easements along the major street frontages and major street entryways of the subdivision shall be identified as Outlots to be dedicated to the City of Fresno, in fee, for public landscape, pedestrian, and utility purposes on the Final Map. The City Engineer may discretionarily require modification to other public easements proposed when/where such easements are preferred to be identified as Outlots to be dedicated to the City, in fee.
26. Provide a corner cut-off area at all street intersections in accordance with the requirements of the Fresno Municipal Code. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection.

### Lot Dimensions

27. Lot dimensions shall match those depicted on Vesting Tentative Tract Map No. 6184 dated April 20, 2020, excepting changes as required per the conditions of approval.
28. In any residential subdivision of five or more lots, maximum lot sizes can be exceeded when overall density does not fall below the approved General Plan density. Vesting Tentative Tract Map No. 6184 proposes 18 single-family residential lots on ±3.77 acres, providing a density of 4.77 d.u./ac., which is consistent with the Medium Low Density Residential (3.5-6 d.u./ac.) planned land use designation of the subject property.

Lot 8 is proposed to be over 9,000 sq. ft.

#### Lot Coverage

29. The maximum lot coverage allowed is 50% pursuant to the requirements of the Fresno Municipal Code.

#### Building Height

30. The maximum building height allowed is 35 feet; pursuant to the requirements of the Fresno Municipal Code.

#### Building Setbacks

31. Building setbacks shall be in accordance with the RS-4 zone district noted below for parcels 1 through 18 inclusive, and the provisions of Table 15-903-2 of the Fresno Municipal Code:

Front yard: Front yard setbacks shall be a minimum of 13 feet. The setback to the garage from back of sidewalk (curb if no sidewalk; property line if no curb) must be a minimum of 18 feet.

Interior side yard: Interior side yard setbacks shall be a minimum of 4 feet per side, and a minimum of 10 feet total.

Street side yard: Street side yard setbacks shall be a minimum of 10 feet.  
(standard lot)

Rear yard: Rear yard setbacks shall be a minimum of 10 feet.

Garage from  
primary façade: Garage from primary façade shall be a minimum of 4 feet.

## INFORMATION

32. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the Central Unified School District in accordance with the school district's adopted fee schedule.
33. Contact the United States Postal Service for the location and type of mailboxes to be installed within this subdivision.
  1. It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct, and install all mail receptacle facilities for each location as specified and approved by the USPS.
34. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC Chapter 15, Articles 33 and 38.
35. The developer/owner shall obtain any and all permits required for the relocation, removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with the FMC.
36. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
37. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If

remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

38. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
39. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

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

40. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
41. Solid waste disposal for the subdivision shall be provided by the City of Fresno. The method of collection to be utilized in this tract shall be subject to approval of the Solid Waste Manager (see below-noted conditions).

#### PARK SERVICE

42. Comply with the memorandum from the Public Works Department dated April 28, 2020.

#### FIRE SERVICE

43. Comply with the memorandum from the Fire Department dated June 26, 2020.

#### SOLID WASTE SERVICE

44. Comply with the memorandum from the Public Utilities Department dated June 30, 2020.

#### STREETS AND RIGHTS-OF-WAY

45. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
46. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement.
47. All of the required street improvements shall be constructed and/or installed in accordance with the City of Fresno Standard Specifications (2002 Edition). The following shall be submitted as a single package to the Public Works Department for review and approval:

- a. Signing and striping plans (per current California Department of Transportation Standards);
  - b. Street Construction Plans; and,
  - c. Landscape and Irrigation Plans.
48. The subdivider shall underground all existing off-site overhead utilities and proposed utility systems in accordance with FMC Sections 12-1011 and Resolution No. 78-522, 88-229.
  49. The subdivider shall construct an underground street lighting system per Public Works Standards within the limits of the tract. Spacing and design shall conform to Public Works Standards. Height, type, spacing, etc., of standards and luminaries shall be in accordance with Resolution No. 68-187, 78-522, 81-219, and 88-229 or any modification thereto approved by the City Traffic Engineer prior to Final Map approval. Upon completion of the work by the subdivider and acceptance of the work by the City, the street lighting system shall be dedicated to the City. Submit engineered construction plans to the Public Works Department for approval.
  50. All dead end streets created by this subdivision shall be properly barricaded in accordance with City standards within seven days from the time the streets are surfaced or as directed by the City Engineer.
  51. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
  52. Comply with the memorandum from the Public Works Department dated June 30, 2020.

#### SANITARY SEWER SERVICE & RECYCLED WATER

53. Comply with the memorandum from the Public Utilities Department dated ~~June 17, 2019~~ July 28, 2021.

#### WATER SERVICE

54. Comply with the memorandum from the Public Utilities Department dated ~~June 19, 2020~~ July 28, 2021.

### RIGHT-OF-WAY ACQUISITION

55. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
56. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.
57. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
58. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider shall request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
59. The subdivider/owner shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

### FLOOD CONTROL AND DRAINAGE

60. Comply with the memorandum from the Fresno Metropolitan Flood Control District dated July 2, 2020.

### FRESNO COUNTY ENVIRONMENTAL HEALTH

61. Comply with the memorandum from the Fresno County Environmental Health Department dated April 24, 2020.

### FRESNO IRRIGATION DISTRICT

62. Comply with the memorandum from the Fresno Irrigation District dated May 22, 2020.

CENTRAL UNIFIED SCHOOL DISTRICT

63. Contact the Central Unified School District at (559) 276-3140 or (559) 274-4700 for all requirements of Vesting Tentative Tract Map No. 6184.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

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

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

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

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

|                                      |                               |
|--------------------------------------|-------------------------------|
| Single Family Residential Irrigation | \$4,658/ 1" Meter/living unit |
|                                      | \$4,658/ 1" Meter             |
|                                      | \$5,823/ 1½" Meter            |
|                                      | \$11,642/ 2" Meter            |

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

| <u>CITYWIDE DEVELOPMENT IMPACT FEES</u>        | <u>FEE RATE</u>     |
|--|---------------------|
| j. Fire Facilities Impact Fee – Citywide [4]   | \$1,968/living unit |
| k. Park Facility Impact Fee – Citywide [4]     | \$2,922/living unit |
| l. Quimby Parkland Dedication Fee [2]          | \$1,264/living unit |
| m. Police Facilities Impact Fee – Citywide [4] | \$618/living unit   |
| n. Citywide Regional Street Fee [3]            | \$8,355/adj. acre   |
| o. New Growth Area Major Street Fee [3]        | \$22,998/adj. acre  |
| p. Traffic Signal Charge [1]                   | \$521/living unit   |

**Notes:**

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

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

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## DEPARTMENT OF PUBLIC WORKS

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TO: Robert Holt, Planner III  
Planning & Development Department

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)  
Public Works, Street Maintenance Division

DATE: April 28, 2020

SUBJECT: **Tract 6184**; (APN: 326-100-27) located on the northeast corner of West Madison and South Valentine Avenues. The Department of Public Works has reviewed the Tentative Tract Map submitted by Precision Engineering dated February 4, 2019. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, outlots and median islands:

### GENERAL REQUIREMENTS

#### STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 40' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with AB 1881.
2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 40' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.
  - a. Street tree inspection fees shall be collected for each 40' of public street frontage or one tree per lot whichever is greater.
  - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
  - c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.
  - d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.
  - e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.
  - f. There are no designated street trees for any of the streets on this project. Please choose appropriate trees from the list of Approved Street Trees.

## **BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS**

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

## **MEDIAN ISLAND LANDSCAPE REQUIREMENTS**

1. When median islands front onto the proposed development project, applicants shall submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.
2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.
3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards &

Specifications and AB 1881. The Public Works Department requires all proposed median islands to be constructed with a one foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet shall be capped with concrete as an integral part of the off site improvements, whether the median is landscaped or not.
5. The median island on the entry street has no scale drawing but should be 10' in width and the adjacent lots (no Lot numbers), should also be 10' in width, not 8.5 feet.

### **OUTLOTS**

1. The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require approved landscape and irrigation plans to be submitted with landscape buffer plans prior to inclusion into the CFD.
2. Outlots which are utilized for water well purposes **will not** be included in the CFD. The Water Division Department in Public Utilities will provide the maintenance of all plant material on the well site.



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

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## **Fire Department**

June 26, 2020  
Byron Beagles

### **Comments**

1. This 18 lot public street housing tract is within 3.0 miles of Fire Station 19 and there are no development restrictions regarding emergency response.
2. Each lot is subject to the City-wide fire service impact fee.
3. Install public water mains and fire hydrants per Fire and Public Utilities requirements with two sources of water.
4. As currently designed, this tract is a minor perimeter extension of the much larger Tract 5456 to the north and east, both water supply and access are dependent on that tract developing first.
5. No delivery of combustible material to the jobsite is allowed until fire hydrants are in service and all-weather fire access is provided.



&  
2600 Fresno Street  
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## **Public Utilities – Solid Waste Management**

June 30, 2020  
Kevin Gray

### **Comments**

#### General Requirements

1. Tract Map 6184 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.



DATE: June 30, 2020

TO: Robert Holt, Planner III  
Planning and Development Department

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

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

SUBJECT: Public Works Conditions of Approval  
**T-6184 / PZ17-4000010**, 18-lot single family subdivision  
3338 West Madison Avenue  
Fagundes Brothers Dairy / Precision Civil Engineering

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

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

1. Redesign is required. This map requires connectivity by obtaining the corner parcel or permanent cul-se-sacs. Blind cul-de-sacs are not an option.
2. Construction of T-5456 is required prior to this map moving forward.
3. Verify that the border is correct. Incorrect boundaries could result in extending timelines due to the need for separate processes, timelines and fees.
4. Revise local street cross sections to Public Works Standards or resubmit cross sections to meet our minimum requirements as shown on the standards. Provide cross sections on the map for all streets that are not proposed to a Public Works Standard. Sidewalk pattern (5.5-4-.5)
5. Modify the map and cross sections for Valentine and Madison to Public Works Standard P-54 and identify 72'-88' of right of way. Show all right turn lanes and bus bays. Valentine, mid-block: (12-7-11-12-11-7-12) Madison, mid-block: (12-7-11-6)(12+5)
6. When permanent facilities are not available from the Fresno Metropolitan Flood Control District, the applicant shall identify a temporary onsite storm water basin per Public Works Standard **P-97** for review and approval from Public Works.
7. Identify and verify all easements on the map. Coordinate the pedestrian easements on the maps and cross sections of the following maps: T-5456, T-5463, T-6183 and T-6184. The Pedestrian Easements shown on the maps are in conflict.
8. Madison: delete reference to striping from the cross sections.

9. Identify the second point of access.
10. Identify the proposed ingress / egress locations for all buildings to remain on parcel 326-100-46.
11. Delete the dimension on Valentine that indicates 76' proposed.
12. Delete the dimension on Madison that indicates 80' future right of way.
13. Provide the address on the map.
14. Delete "Phase I" reference. Not applicable.
15. Outlots A and B: Provide a note to describe all proposed outlots.
16. Revise the entry to Public Works Standard P-86.
17. Identify the proposed P.E. for both Madison cross sections.

### **General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
2. All right-of-way outside of the subdivision border shall either be acquired **prior** to recordation of Final Map, or a deposit equal to the value of the right-of-way and an estimate of the City staff time necessary to acquire the right-of-way shall be submitted **prior** to recordation of the Final Map.
3. Local to Collector Street Intersections: The intersection of two local continuous streets shall have a minimum of **160'** offset measured from center line to center line.
4. Local street lengths exceeding **800'** and four way intersections may require traffic calming measures.
5. 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.
6. Encroachment Covenants: The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Engineering Services Division, **(559) 621-8681**. Encroachment covenants must be approved prior to issuance of building permits.
7. Street widening and transitions shall also include utility relocations and necessary dedications.
8. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.

9. 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.
10. Backing onto a major street is prohibited.
11. The first order of work shall include a minimum of two points of vehicular access to the major streets for **any** phase of this development.
12. Intersection Visibility: Maintain visibility at all intersections as described in the *Fresno Municipal Code Section 15-2018*.

**Frontage Improvement Requirements:**

**Public Streets:**

Madison Avenue: 3-lane Collector

1. Dedication Requirements:
  - a. Dedicate **36'- 44'** of property, from section line, for public street purposes, within the limits of this application, per Public Works Standard **P-54** and **P-69**.
  - b. Dedicate a 15' pedestrian easement to accommodate the proposed curvilinear sidewalk per *Public Works Standard P-7*.
  - c. Dedicate corner cuts for public street purposes at all intersections.
  - d. Relinquish direct access rights to Madison Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and an **8'** sidewalk to *Public Works Standard P-5, P-7 and P-53*. The curb shall be constructed to a **12'** residential pattern. Curvilinear sidewalk shown. **(12') + (15' P.E.)**
  - b. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
  - c. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. 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.
  - d. If applicable, construct a concrete Emergency Vehicle Access (EVA) per *Public Works Standard P-67*.

Valentine Avenue: 3-lane Collector

1. Dedication Requirements:
  - a. Dedicate **36'- 44'** of property, from section line, for public street purposes, within the limits of this application, per Public Works Standard **P-54** and **P-69**.
  - b. Dedicate an **11'** pedestrian easement to accommodate the proposed curvilinear sidewalk per Public Works Standard **P-7**.
  - c. Dedicate corner cuts for public street purposes at all intersections.

- d. Relinquish direct access rights to Valentine Avenue from all lots within this subdivision.
2. Construction Requirements:
    - a. Construct concrete curb, gutter and an 8' sidewalk to *Public Works Standard P-5, P-7 and P-53*. The curb shall be constructed to a 12' pattern (12') + (11' P.E.) Curvilinear sidewalk shown.
    - b. Construct standard curb ramps per Public Works Standards at all intersections.
      - Entry: R=20', P-28
    - c. Construct 20' of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
    - d. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. 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.

### **Entry**

1. **T-5456** is required to be constructed prior to this map to accommodate the existing design.

### **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-1 and P-6*.
2. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
3. Provide a 10' visibility triangle at all driveways.
4. Design local streets with a minimum of 250' radius.
5. 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:**

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

1. If applicable, construct a concrete EVA per *Public Works Standard P-67*. (A second point of access not shown).

#### **Outside of the subdivision border-**

1. Identify the proposed ingress / egress locations for all buildings to remain. Construct circular or hammerhead driveways, where not existing and construct concrete driveway approaches to *Public Works Standards P-1 and P-6*.
2. Dedications:
  - Dedicate to the ultimate street right of way (36'-44') adjacent to parcel 326-100-46. Right of way to include a right turn lane and bus bay.
3. Safe Route to School:
 

Safe routes to schools shall be prioritized for all projects per the Complete Streets Policy 240.3, approved by Council on October 10, 2019 and Safer Routes to School Resolution 2020-012, approved by Council on January 16, 2020.

  - a. Construct a **4'** minimum asphalt concrete path within the existing right of way and mitigate drainage issues for the path on Madison: from Valentine to an approved location along Madison near the school "drop-off". Exact location to be coordinated with Madison School and the Public Works Department.
  - b. Construct a **4'** minimum asphalt concrete path and construct concrete curb and gutter on Madison from the eastern boundary of this map to the western boundary of **T-5206**.
  - c. Dedicate to the ultimate right of way and construct full the return at the ultimate location with permanent curb, gutter, sidewalk and bus bay, adjacent to APN: **326-100-46**. Construct standard curb ramps per Public Works Standards at the northeast corner of Madison and Valentine.
    - **Major street intersections**, dual ramps per **P-30**

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit**. Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the Master Fee schedule. In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would 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. Valentine Avenue: If not existing, install a signal pole with a 150-watt equivalent LED safety light and an oversize street sign to Public Works Standards at the northeast corner of Valentine Avenue and Madison Avenue.

**Fresno Major Street Impact (FMSI) Fee:** This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees. In some cases, center section improvements or bridges may be conditioned on multiple maps. If the improvements are existing at the time of the final map, the applicant would not be required to construct them, but would be required to pay the applicable fee.

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

Madison: Collector (Growth Area Street)

1. Dedicate and construct **(2) 12'** center section travel lanes with **5'** shoulders and an additional **6'** on the north side for a future center two-way left turn lane within the limits of this subdivision. 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.

Valentine: Collector (Growth Area Street)

1. Dedicate and construct **(2) 12'** center section travel lanes with **5'** shoulders and a **12'** center two-way left turn lane within the limits of this subdivision and continue to Madison. 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.

**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.

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** THOMAS C. ESQUEDA, City Manager  
City Manager's Office

**FROM:** MICHAEL CARBAJAL, Director  
Department of Public Utilities

**SUBJECT:** REQUEST FOR CITY MANAGER'S SIGNATURE AUTHORIZING MODIFICATIONS TO CONDITIONS OF APPROVAL IN ACCORDANCE WITH SECTION 2-402(C) OF THE FRESNO MUNICIPAL CODE

The purpose of the Memorandum is to request approval of Conditions of Approval modifications in accordance with Section 2-402(C) of the City of Fresno Municipal Code.

On November 3, 2016, the Fresno City Council adopted Ordinance No. 2016-44 adding subsection (c) to Section 2-402 of the City of Fresno Municipal Code stating that no official, employee, or agent of the City is authorized to modify, amend, delay or waive any provision of a contract, development agreement, subdivision map, conditional use permit, or fee, without the express written approval of the City Manager, except where a provision of the Charter, Municipal Code, resolution, or an implementing document expressly provides such authority to a person other than the City Manager.

Vesting Tentative Map Nos. 5463, 5456, 6183, and 6184 were originally approved by Planning Commission on June 21, 2019 authorizing the development on the east and west sides of South Valentine from West Madison Avenue to West Whitesbridge Avenue.

On May 18, 2021, the Department of Public Utilities (DPU) determined the proposed development would be allowed to proceed with gravity sewer to the east (along Madison Avenue to Marks Avenue) instead of constructing sewer pipe in Valentine Avenue south to the existing 66-inch sewer trunk at Church Avenue. With these proposed modifications, Developer is required to construct sewer pipe easterly in Madison Avenue to the City's existing sewer main terminus in Madison Avenue just west of the existing lift station at the intersection of Kearney Boulevard and Marks Avenue. The existing lift station may need to be upgraded pending the conclusion of the engineer's analysis. Therefore, DPU has stricken conditions pertaining to the construction of sewer pipe from the intersection of West Madison and South Valentine Avenues to the intersection of South Valentine and West Church Avenues. In addition, DPU is also removing the construction of a new lift station at the intersection of South Valentine Avenue and West Kearny Boulevard. In lieu of constructing a new lift station, the developer shall make any necessary upgrades to the City's existing lift station at West Kearney Boulevard and Marks Avenue.

**MEMORANDUM**

THOMAS C. ESQUEDA, City Manager

Request for City Manager's signature authorizing modifications to Conditions of Approval

July 28, 2021

Page 2 of 2

In addition to the above-referenced modifications to the sewer infrastructure, several modifications (mostly reduction in scope) to the water and recycled water infrastructure conditions of approval are proposed. Staff requests to remove the attached original Conditions of Approval dated June 17, 2019, regarding Sewer and Recycled Water, and June 21, 2019, pertaining to Water and replace them with the attached Revised Conditions of Approval pertaining to Tract Maps #5456, #5463, #6183, and #6184 dated July 21, 2021.

These conditions were prepared by the Department of Public Utilities and in coordination with the Development Services Division.

**RECOMMEND:**

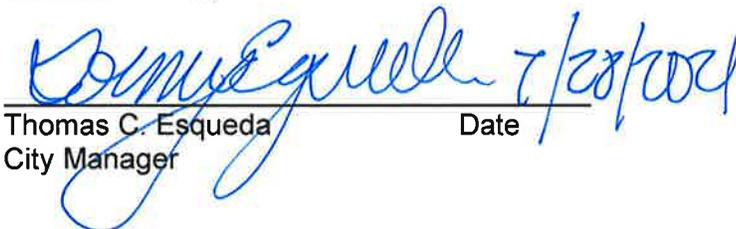
**APPROVAL**

**DENIAL**

 7/28/21  
Date  
Michael Carbajal  
Director  
Department of Public Utilities

**APPROVED**

**DENIED**

 7/28/2021  
Date  
Thomas C. Esqueda  
City Manager

- Attachment 1: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 17, 2019, for Sewer and Recycled Water
- Attachment 2: Original Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water
- Attachment 3: Revised Conditions of Approval for Application Vesting Tentative Tract Maps #5463, #5456, #6183, and #6184 dated June 21, 2019, for Water, Sewer, and Recycled Water



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING**

**MEMORANDUM**

**DATE:** July 28, 2021

**TO:** WILL TACKETT, Planning Manager  
Department of Development and Resource Management

**FROM:** *AS FOR* KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities - Utilities, Planning & Engineering

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

**SUBJECT:** DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of S. Brawley, S. Marks, W. Madison, and W. Whitesbridge Avenues. The subdivision consists of 4 maps: Tracts 5463 and 5456 which are tentatively approved and Tracts 6183 and 6184 which have yet to be submitted.

**Water Service Requirements**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whitesbridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from South Lead Avenue west to South Brawley Avenue.
2. Construct a 16-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whitesbridge Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants, as well as water services and meter boxes to adjacent properties) from West Whitesbridge Avenue south to West Madison Avenue.

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Page 2 of 8

5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
6. Installation of water service(s) & meter box(es) shall be required.
7. Installation of water service(s) & meter box(es) shall be required to re-establish domestic water and fire service to Madison Elementary School and its facilities.
  - a. Frontage and Water Capacity fees shall be paid by the developer.
  - b. Water facilities and meters shall be sized appropriately to provide already established domestic and fire service.
8. Destruct any existing on-site wells 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.
9. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Department of Public Utilities Director or designee.
10. Central Unified School District shall dedicate to the City of Fresno, the existing water well located on the northeast corner of Madison Elementary School.
11. Prior to City acceptance of the dedicated water well, the existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards, including but not limited to the following:
  - a. The well shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 12,000 square feet (aprox. 100'x120') in size and acceptable to the Department of Public Utilities Director or designee.
  - c. A 30-foot easement shall be dedicated to the City from the Water well site to West Madison Avenue for water main discharge and access purposes.
  - d. Install a 12-inch discharge water main form the water well to the proposed 16-inch water main in West Madison Avenue.

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- e. Dedicated water well shall include wellhead treatment facilities, if required. Well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed from the Water Capacity Fees, in accordance with established City policies.
- 12. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
- 13. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

**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.

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### **Sanitary Sewer Requirements**

#### **Sanitary Sewer Facilities Reimbursements and Credits (not to exceed \$1M):**

**Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval). Note: as these reimbursements and credits were originally intended (and approved) for the costs of a proposed lift station at the intersection of Valentine and Madison Avenues, the 12-inch diameter sewer pipeline in Valentine Avenue from Madison Avenue to Church Avenue, and associated costs, which are now being eliminated from the required scope of improvements, the not-to-exceed \$1M reimbursement and credit may be used to offset the cost of improvements necessitated by the elimination of the above-referenced new lift station and related costs (i.e. the upsizing from the previously-required 8-inch to 12-inch diameter of the sewer pipeline between the intersection of Valentine and Madison Avenues to manhole #2749-06, the modification or upgrade of the existing Lift Station #2 (as described below), the upsizing from 8-inch to 12-inch diameter of the on-site (within the subdivision) pipeline segments (approximately 550 lineal feet) to facilitate gravity sewer and minimum coverage (west of Valentine Avenue) and, if necessary, the cost differential between 'regular' and ductile iron water pipes at the west end (northwesterly tier of lots) of the development (sewer/water crossings by house pads/raised lots to provide minimum coverage).**

The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in West Madison Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Provide an analysis of Lift Station #2 at Kearney Boulevard and Marks Avenue regarding additional flows and capacity from the proposed development. The lift station shall be modified or upgraded to handle the new flows per the required analysis.
  - a. Depth of the existing wet well shall be verified by the Engineer of Record per the proposed capacity.
  - b. Certify that the existing pumps are capable of handling flows from the proposed subdivision.
  - c. If revisions are deemed necessary than applicable permit shall be required from the Development Department.

MEMORANDUM  
WILL TACKETT, Planning Manager  
Department of Development and Resource Management  
DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

JUNE 28, 2021  
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2. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
3. The proposed tracts shall construct all sewer improvement as determined through the Sanitary Sewer Feasibility Study as approved by the Department of Public Utilities.
4. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities.
5. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the existing manhole #2749-06 west to the intersection of South Valentine and West Madison Avenues.
  - b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of South Valentine and West Madison to the west property line of proposed Tract Map #6183.
  - c. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
  - d. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in West Whitesbridge Avenue from the intersection of West Whitesbridge and South Valentine Avenues to the west property line of Future Tract Map #5463.
6. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
7. All underground utilities shall be installed prior to permanent street paving.
8. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed

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additions to the City Sewer System.

9. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
10. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
11. Installation of sewer house branch(es) shall be required.
12. Street work permit is required for any work in the Right-of-Way.
13. 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 #29.
3. Wastewater Facility Charge (Residential)

### **Recycled Water Requirements**

#### **"On-site" Recycled Water Facilities**

**"On-site" Recycled Water Facilities Reimbursements and Credits (not to exceed \$900K): Developer to receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or Designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Recycled water mains shall be extended within the proposed tracts to provide service to only public areas (parks - any size (large, strips, pocket, etc...)); median islands, landscaping along Valentine, Madison, and Whitesbridge Avenues frontages of the developments.

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2. Installation of recycled water service(s), meter box(es), and reduced-pressure backflow device(s) shall be required.
3. All underground utilities shall be installed prior to permanent street paving.
4. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the Department of Public Utilities review and approvals for proposed additions to the City Recycled Water System.
5. All public recycled water facilities shall be constructed in accordance with City Standards, specifications, and policies.

**“Off-site” Recycled Water Facilities**

**“Off-site” Recycled Water Facilities Reimbursements (Actual costs dollar-for-dollar):**  
**Developer shall receive a dollar-for-dollar credit for eligible costs, which eligible costs shall be determined by the Department of Public Utilities Director or designee (pending an Infrastructure Reimbursement Agreement requiring City Council approval).**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection of West Madison and South Valentine Avenues.
2. Construct an 8-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues.
3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whitesbridge and South Valentine Avenues.
4. Construct an 8-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whitesbridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the recycled water transmission mains in West Madison, South Valentine, and West Whitesbridge Avenues as outlined above.

MEMORANDUM

WILL TACKETT, Planning Manager

Department of Development and Resource Management

DPU REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

JUNE 28, 2021

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6. The 'off-site' Recycled Water Facilities shall be constructed in accordance with City Standards, specifications, and policies and previously approved construction plans. Note: the construction plans for these "off-site" facilities have been approved previously and the pipeline in Madison Avenue to the west of the above-described 16-inch pipeline in Madison Avenue, and the pipeline to the east of the above-described 16-inch pipeline in Valentine Avenue (at the intersection of Valentine and Whitesbridge Avenues) have been completed (or caused to be completed) by the City. The recycled water pipelines referenced above (and to be constructed by the Developer) have been removed from the previously completed scope of work to avoid conflict with other utilities in Madison, Valentine, and Whitesbridge Avenues (still being designed at the time of construction of now-completed recycled water pipes in Madison Avenue west of the Project and in Whitesbridge Avenue east of the Project).

**Solidwaste Requirements:**

1. Tract Maps 5456, 5463, 6183 and 6184 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.



**DEPARTMENT OF PUBLIC UTILITIES – UTILITIES PLANNING & ENGINEERING  
MEMORANDUM**

**DATE:** June 21, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

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

**SUBJECT:** WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison and West Whites Bridge Avenues. The subdivision consist of 5 maps, Tracts #5463 and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted. Therefore, conditions regarding South Brawley and West Madison Avenues are only applicable if all 5 maps are built out to completion.

**Water Service**

The nearest water mains to serve the proposed project are a 14-inch main located in West Whites Bridge Avenue and a 14-inch main located in West Madison Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Construct a 16-inch water main in West Madison Avenue (including installation of City fire hydrants) from South Lead Avenue west to the westerly property line of Tract #6183.
2. Construct a 16-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Marks Avenue west to North Valentine Avenue.
3. Construct a 12-inch water main in West Whites Bridge Avenue (including installation of City fire hydrants) from North Valentine Avenue west to across the project frontage.
4. Construct a 12-inch water main in South Valentine Avenue (including installation of City fire hydrants) from West Whites Bridge Avenue south to West Madison Avenue.
5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

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6. Installation of water service(s) & meter box(es) shall be required.  
If the proposed subdivision will be dual plumbed with recycled water, all potable water services will required installation of a reduced pressure backflow device.
7. Destroy any existing on-site wells 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. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Public Utilities Director.
9. Central Unified School District shall dedicate the existing water well located on the northeast corner of South Brawley Avenue and West Madison Avenue (Madison Elementary School). In turn, the Developer shall provide the school with domestic, irrigation and fire service from the water well discharge line adjacent to the school's east property line.
10. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 1,000 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well site(s) shall be of a size(s) and at a location(s) acceptable to the Public Utilities Director. (Only if negotiations fail).
11. The existing water well dedicated to the City of Fresno by Central Unified School District, shall be improved to City Standards:
  - a. The well(s) shall be capable of producing a total of 800 gallons per minute.
  - b. Well site shall be 14,000 square feet (aprox. 100'x140') in size and acceptable to the Water Systems Manager.
  - c. Water well site shall have access to a public street.
  - d. Install a 12-inch discharge water main form the water well to the proposed 16-inch water main in West Madison Avenue.
12. Water well construction shall include wellhead treatment facilities, if required. Construction of the well and site improvements shall be completed prior to issuance of home occupancy permits. The cost for constructing wellhead treatment facilities shall be reimbursed by means of established Water Capacity Funds.

MEMORANDUM

WILL TACKETT, Supervising Planner

Department of Development and Resource Management

WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT AGREEMENT

June 21, 2019

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13. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.
14. 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. However, vested maps #5456, and #5463 will be susceptible to the old UGM 401s fee whereas new maps #6183 and #6184 will be inclined to pay the new water capacity fees.
  - 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.



**DEPARTMENT OF PUBLIC UTILITIES  
MEMORANDUM**

**DATE:** June 17, 2019

**TO:** WILL TACKETT, Supervising Planner  
Department of Development and Resource Management

**FROM:** KEVIN GRAY, Supervising Engineering Technician  
Department of Public Utilities, Planning and Engineering 

**SUBJECT:** SANITARY SEWER AND RECYCLED WATER REQUIREMENTS FOR  
OASIS SUBDIVISION DEVELOPMENT AGREEMENT

**General**

The Oasis subdivision is located within the boundaries of South Brawley, South Marks, West Madison, and West Whites Bridge Avenues. The subdivision consist of 4 maps, Tracts #5463, and #5456 which are tentatively approved and Tracts #6183 and #6184 which have yet to be submitted.

**Sewer Requirements**

The nearest sanitary sewer main to serve the proposed project is an 8-inch sewer main located at the intersection of West Madison and South Marks Avenues and a 66-inch sewer trunk line located in West Church Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. A preliminary design and Sanitary Sewer Feasibility Study shall be prepared and submitted for the Department of Public Utilities review and obtain approval prior to final map submittal.
2. Sanitary sewer improvements to be constructed shall include, but not limited to sanitary sewer mains, house laterals to all existing and proposed lots, lift or pump station(s) and force mains as directed by the Departments of Public Utilities. House laterals shall be installed prior to paving. The cost of the laterals will be reimbursed upon sewer connection of adjacent properties.
3. The following off-site sanitary sewer mains extensions are required. Final sewer main sizes shall be determined through the required Sewer Feasibility Study. Therefore, all required sewer mains sizes are subject to change:
  - a. According to Precision Engineering's master sewer plan dated 7/2/18,



*A Nationally Accredited Public Utility Agency*

there is a proposed 8-inch sewer main from the east property line of the easterly County parcel along the frontage of Tract #5456 and terminating at the intersection of West Madison and South Valentine Avenues. The installation of laterals to existing homes will only be required if the affective section of West Madison is to be repaved.

- b. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the first entrance of Tract #6184.
  - c. Construct a 10-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the intersection of West Madison and South Brawley Avenues east to the intersection of West Madison and South Valentine Avenues (at build out of entire project).
  - d. Construct an 8-inch gravity sewer main (including sewer house branches to adjacent properties) in West Madison Avenue from the easterly property line of the Madison Elementary east to the first entrance of Map 6183.
4. Street easements shall be recorded prior to approval of improvement plans or dedicated by the previously mentioned Maps.
  5. All underground utilities shall be installed prior to permanent street paving.
  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. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
  9. Installation of sewer house branch(s) shall be required.
  10. Street work permit is required for any work in the Right-of-Way.
  11. Abandon any existing on-site private septic systems.

**Sanitary Sewer Facilities Reimbursements and Credits (\$1,000,000)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department.**

1. Construction of a sanitary sewer lift station to be located in South Valentine Avenue between West Madison Avenue and West Kearny Boulevard shall be required. The lift station shall be subject but not limited to the following requirements:
  - a. Acquisition and/or dedication of a separate parcel of land necessary to construct required lift or pump station facilities at a location and size acceptable to the Department of Public Utilities.
  - b. Depth of the sewer lift station shall not exceed a maximum depth of 24-feet with a 19-foot maximum flowline depth of the incoming sewer main.
  - c. Installation of permanently mounted auxiliary power supply. (Applicable permits required)
  - d. Installation of antenna for telemetry. (Applicable permits required)
2. Creation and adoption by Council Resolution of a Sewer Lift Station Service Area is require to establish a service boundary that includes all properties to be served by the proposed sewer lift station.
3. Construct a 12-inch gravity sewer main (including sewer house branches to adjacent properties) in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues south connecting to the 66-inch sewer trunk at the intersection of West Church and South Valentine Avenues.

**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 #29.
3. Wastewater Facility Charge (Residential)

**Recycled Water Requirements and Credits(\$900,000)**

1. Construct reclaimed water distribution mains in public right-of-ways that will utilize future tertiary treated wastewater for landscape irrigation purposes. Design of the reclaimed water mains will be subject to the approval by the Director of Public Utilities.
2. Reclaimed water system should be operated and maintain by a Community Facilities District (CFD).
3. Recycled water mains shall be extended within the proposed tracts to provide service to all park strips and community green space.
4. Installation of recycled water service(s), master meter box(es), shall be required.
5. All underground utilities shall be installed prior to permanent street paving.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for the 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.

**Recycled Water Requirements and Credits(\$1,664,630 per Precision Engineer's Estimate dated May 17, 2019)**

**Developer shall receive a dollar-for-dollar credit for eligible costs, in which case eligibility shall be determined by the Director of Public Utilities Department per Recycled Water Infrastructure Reimbursement Agreement dated xx/xx/2019. Agreement will require City Council approval.**

1. Construct a 16-inch recycled water main in West Madison Avenue from the west property line of Subdivision Tract #6183 to the intersection West Madison and South Valentine Avenues.
2. Construct a 16-inch recycled water main in West Madison Avenue from the east property line of Subdivision Tract #5456 to the intersection West Madison and South Valentine Avenues

MEMORANDUM  
WILL TACKETT, Supervising Planner  
Department of Development and Resource Management  
WATER REQUIREMENTS FOR THE OASIS SUBDIVISION DEVELOPMENT  
AGREEMENT June 17, 2019  
Page 5 of 5

3. Construct a 16-inch recycled water main in South Valentine Avenue from the intersection of West Madison and South Valentine Avenues to the intersection of West Whites Bridge and South Valentine Avenues.
4. Construct a 16-inch recycled water main in West Whites Bridge Avenue from the west property line of Subdivision Tract #5463 to the intersection West Whites Bridge and South Valentine Avenues.
5. The City shall reimburse the developer for the construction of the 16-inch recycled water transmission main in West Madison, South Valentine, and West White Bridge Avenues.
6. The developer shall construct all improvements under these conditions and shall be reimbursed by a Developer Reimbursement Agreement which be negotiated subsequent to Planning Commission approval.

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

**PUBLIC AGENCY**

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

**DEVELOPER**

NORM ALLINDER, FAGUNDES DAIRY  
P.O. BOX 2717  
MERCED, CA 92344

PROJECT NO: **6184**

ADDRESS: **3338 W. MADISON AVE.**

APN: **326-100-69, 326-100-67**

SENT: **July 02, 2020**

| Drainage Area(s)                       | Preliminary Fee(s) | Development Review Service Charge(s)  | Fee(s)   |   |
|--|--------------------|---------------------------------------|----------|---|
| AS                                     | \$48,812.00        | NOR Review                            | \$206.00 | To be paid prior to release of District comments to Public Agency and Developer.  |
|  |                    | Grading Plan Review                   | \$575.00 | Amount to be submitted with first grading plan submittal.   |
|  |                    | Storm Drain Plan Review               |          | For amount of fee, refer to <a href="http://www.fresnofloodcontrol.org">www.fresnofloodcontrol.org</a> for form to fill out and submit with first storm drain plan submittal (blank copy attached). |
| <b>Total Drainage Fee: \$48,812.00</b> |                    | <b>Total Service Charge: \$781.00</b> |          |   |

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/21 based on the site plan submitted to the District on 4/21/20 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. 6184**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 5

FR  
TRACT No. 6184

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

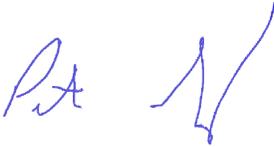
1.  a. Drainage from the site shall  
 b. Grading and drainage patterns shall be as identified on Exhibit No. 1  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate 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.
  
6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 5

FR  
TRACT  
No. 6184

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, RCE

Digitally signed by Peter Sanchez Date: 7/2/2020 10:47:07 AM



Gary W. Chapman  
Engineering Tech III

Digitally signed by Gary W. Chapman Date: 7/1/2020 8:20:10 AM

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

Page 4 of 5

CC:

JARED LINNEY, PRECISION CIVIL ENGINEERING

1234 O STREET

FRESNO, CA 93721

BONIQUE EMERSON, PRECISION CIVIL ENGINEERING

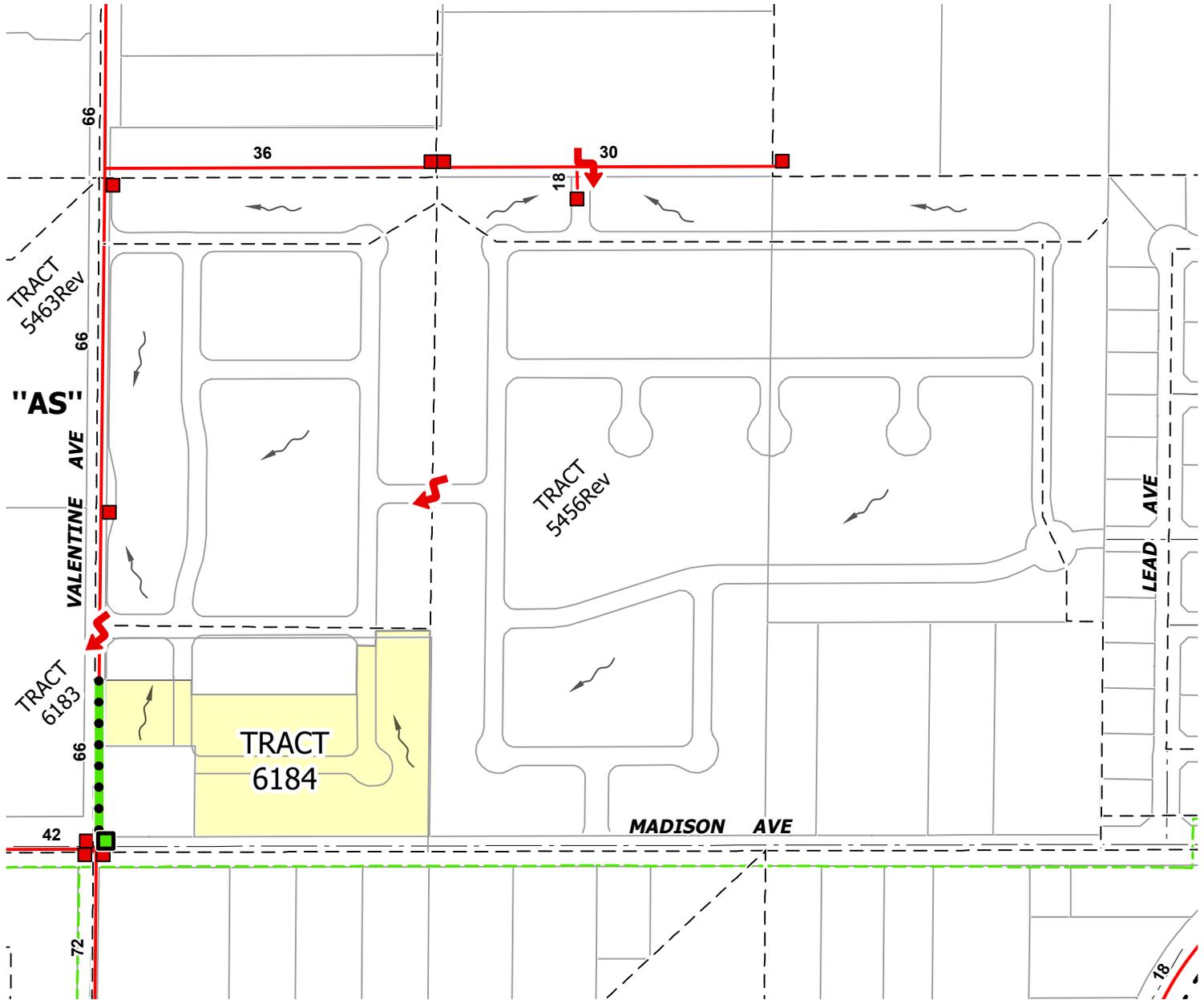
1234 O STREET

FRESNO, CA 93721

**FR TRACT No. 6184**



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) & Inlet
- Future Master Plan Facilities
- Inlet Boundary
- Direction Of Drainage
- Existing FID Facilities
- Possible Major Storm Flowpath



1" = 300'

**TRACT 6184**  
**DRAINAGE AREA "AS"**



**EXHIBIT NO. 1**  
**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 or District.

The required 66" Master Plan facilities in Valentine Avenue have also been required of Tract 5463Rev, Tract 5456Rev and Tract 6183. If the 66" Valentine Avenue facilities are completed prior to development of this site, the construction requirement will be dropped.

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. This criteria also applies to any "bump-outs" located in the interior streets. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.

## **Fresno County Environmental Health**

April 24, 2020  
Public Health

### **Comments**

1. 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.
2. 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.
3. Should the applicant propose a pool/spa, they shall submit complete pool/spa facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Recreational Health Program at (559) 600-3357 for more information.
4. Should the applicant propose a pool/spa, they shall obtain a permit to operate a public swimming pool/spa from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Recreational Health Program at (559) 600-3357 for more information.
5. The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City's municipal code and the Fresno County Ordinance Code.
6. Facilities that use and/or store hazardous materials, and/or hazardous wastes 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.

7. 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.
8. 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.

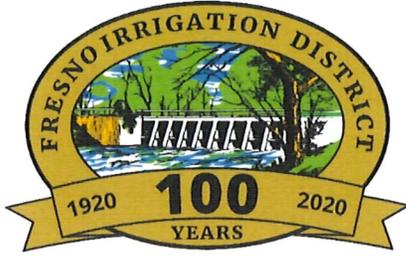
The following comments pertain to the demolition of existing structure(s):

1. Should the structure(s) have an active rodent or insect infestation, the infestation should be abated prior to demolition of the structures in order to prevent the spread of vectors to adjacent properties.
2. In the process of demolishing the existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead-based paints.
3. If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
4. If the structures were construction prior to 1979 or if lead-based paint is suspected to have been used in the structures, then prior to demolition work, the contractor should contact the following agencies for current regulations and requirements:

California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.

United States Environmental Protection Agency, Region 9, at (415) 947-8000.

State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.



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

**A Century of Commitment, Conveyance & Customer Service**

May 22, 2020

Will Tacket  
City of Fresno  
Department of Development and Resource Management  
2600 Fresno Street, Third Floor  
Fresno, CA 93721-3604

RE: Vesting Tentative Tract Map No. PZ17-40000010  
N/E Madison and Valentine avenues

Dear Mr. Tacket:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. PZ17-40000010 for which the applicant proposes to subdivide the existing property into an 18 lot single family subdivision, APN: 326-100-67. FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. Per the attached site plan, the applicant is proposing a right-of-way encroachment within FID's easement. FID would like to make the City and applicant aware of potential impacts the proposed development may cause.
3. Madison Avenue will not be able to be expanded to the south because of the Teilman No. 79 Pipeline. FID requires a 40 feet wide right-of-way for operations and maintenance on of the pipeline (which currently FID does not fully have). As the area develops under the City of Fresno and the traffic increases, it will be significantly more difficult and hazardous for FID to maintain and operate the Teilman without road closures and/or traffic control unless the canal right-of-way is in place. The City needs to consider these issues in development, traffic and road improvements, need for any turn lanes, etc. for the future growth in the area and the expansion of Madison Avenue. All right-of-way and easements necessary for the full build-out of the area must be acquired and reserved now by the City as a part of this development.
4. To help with the planning and engineering process for the upcoming tract, FID has provided the following additional comments and conditions:

G:\Agencies\FresnoCity\Tract Map\PZ17-40000010.doc

### Summary of Requirements:

- FID Board Approval.
- Existing Encroachments removed and/or relocated.
- Review and Approval of all Plans.
- Execute Pipeline Relocation and Easement Agreement, if necessary.
- Execute additional Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, City road R/W, etc.).

### Area of Concern

1. FID's Teilman No. 79 runs southwesterly, crosses Madison Avenue approximately 1,400 feet east of the subject property, continues westerly along the south side of Madison Avenue, and crosses Valentine Avenue 200 feet southwest of the subject property, as shown on the attached FID exhibit map, and may be impacted by the proposed development. FID records do not show recorded easement(s) for the entire portion of this pipeline, however, FID does own an easement and the width is as shown on FID's attached Standard Detail Page No. P-03 – P-05 and 1-01. Should this project include any street and/or utility improvements along Madison Avenue, Valentine Avenue, or in the vicinity of the pipeline, FID requires it review and approve all plans.
2. FID's plans for the Teilman No. 79 indicated this section of the pipeline was installed in 1979 (41 years old) as a 36-inch diameter Cast-in-Place Monolithic Concrete Pipe (CIP-MCP). CIP-MCP is non reinforced monolithic pipe that is easily damaged, extremely prone to leakage and does not meet FID's minimum standards for developed (residential, industrial, commercial) parcels or urban areas..
  - a. Piping Requirements - FID requires the Applicant/Developer replace the impacted pipeline with new 42-inch inside diameter ASTM B-25 C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP), in accordance with FID standards and that the applicant enter into an agreement with FID for that purpose.
  - b. Easement Requirements - The applicant shall grant to FID an exclusive pipeline easement. The width of the easement depends on several factors including pipe size, alignment, depth, etc. The applicant can expect the easement to be a minimum of 40 feet wide.
  - c. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce

the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. FID may require external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.

3. FID requires the applicant and/or the applicant's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
4. FID does not allow FID owned property or easements to be in common use with public utility and/or road easements and right-of-ways, but will in certain instances allow for its property to be in common use with landscape easements if the City of Clovis enters into the appropriate agreement.
5. Should the applicant propose any improvements within FID's easement(s), FID requires it review and approve all Private facilities that encroach into FID's property/easement. For all encroachment(s), the applicant will be required to enter into the appropriate agreement to be determined by FID.

### **General Comments**

1. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
2. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
3. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.
4. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be

responsible for the repair of all damage to the pipeline caused by contractors grading activities.

5. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.
6. Footings of retaining walls shall not encroach onto FID property/easement areas.
7. Trees will not be permitted within FID's property/easement areas.
8. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing District facilities. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.
9. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area is currently open land with minimal to no water use, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Fresno require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
10. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
11. For informational purposes, FID's Teilman-Valentine Br. No. 297 runs southerly along the west side of Valentine Avenue approximately 200 feet southwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Valentine Avenue or in the vicinity of this canal, FID requires it review and approve all plans.

12. For informational purposes, a Private line known as the Teilman No. 79 runs southerly and crosses Madison Avenue approximately 1,800 feet east of the subject properties as shown on the attached FID exhibit map. FID does not own, operate or maintain this private line. FID's records indicate this this line is active and will need to be treated as such. FID can supply the City with a list of known users upon request.
13. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Fresno and FID service area. As this project will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.
14. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
15. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

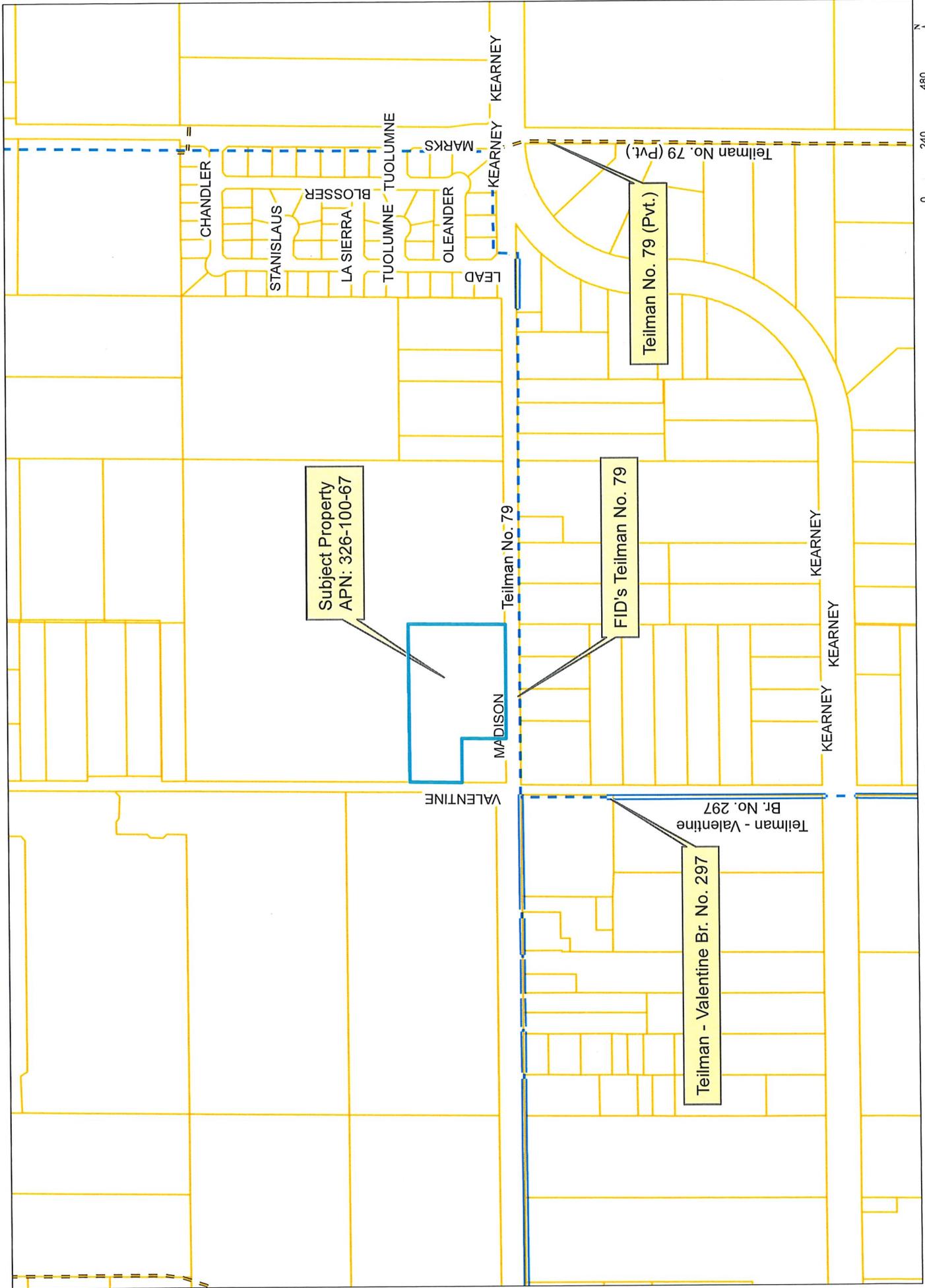
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment



Subject Property  
APN: 326-100-67

FID's Teilman No. 79

Teilman - Valentine Br. No. 297

Teilman No. 79 (Pvt.)

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.



FRESNO IRRIGATION DISTRICT

Legend

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



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Exhibit "G"  
Required Development Fees – For Current Tract Maps

**With respect to the Oasis Master Plan Tract Map development, the Required Fees payable pursuant to Section 5.4(a)(i) are as follows:**

**DEVELOPMENT FEES AND CHARGES**

This project is subject to the following fees and charges:

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

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

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

| WATER CONNECTION CHARGES     | FEE RATE   |
|------------------------------|--|
| g. Service Connection Charge | Fee based on service(s) and meter(s) sizes specified by owner; fee for services(s) and meter(s) established by the Master Fee Schedule |
| h. Frontage Charge [1]       | \$6.50/lineal foot   |
| i. Water Capacity Fee* [1]   |  |
| - Single Family Residential  | \$4,658/ 1" Meter/living unit  |
| - Irrigation                 | \$4,658/ 1" Meter  |
|                              | \$5,823/ 1½" Meter   |
|                              | \$11,642/ 2" Meter   |

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

| <u>CITYWIDE DEVELOPMENT IMPACT FEES</u>        | <u>FEE RATE</u>     |
|--|---------------------|
| j. Fire Facilities Impact Fee – Citywide [4]   | \$1,968/living unit |
| k. Park Facility Impact Fee – Citywide [4]     | \$2,922/living unit |
| l. Quimby Parkland Dedication Fee [2]          | \$1,264/living unit |
| m. Police Facilities Impact Fee – Citywide [4] | \$618/living unit   |
| n. Citywide Regional Street Fee [3]            | \$8,355/adj. acre   |
| o. New Growth Area Major Street Fee [3]        | \$22,998/adj. acre  |
| p. Traffic Signal Charge [1]                   | \$521/living unit   |

**Notes:**

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

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.