

**CITY OF FRESNO  
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

**JANUARY 16, 2020**

**VESTING TENTATIVE TRACT MAP No. 6201/UGM  
&  
PLANNED DEVELOPMENT PERMIT APPLICATION No. P19-00846  
A "PLANNED DEVELOPMENT"**

**LOCATED ON THE EAST SIDE OF NORTH ARMSTRONG AVENUE BETWEEN THE EAST  
MCKINLEY AVENUE ALIGNMENT AND EAST FLORADORA AVENUE**

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

**NOTICE TO PROJECT APPLICANT**

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

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

**URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)**

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under

the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

### GENERAL CONDITIONS

1. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and/or County of Fresno and that the residents of the subject property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of any Final Map of Vesting Tentative Tract No. 6201/UGM.
2. The subdivider shall comply with San Joaquin Valley Air Pollution Control District Rule 9510. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District and to pay any applicable off-site mitigation fees.
3. The subdivider shall comply with Regulation VIII and Rule 8060 of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
4. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005; and, Ordinance No. 2016-57 adopted by the Fresno City Council on December 15, 2016.
5. Submit grading plans and a soils report to the City of Fresno Planning and Development Department, Development Services (Planning) Division for verification prior to Final Map approval. Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
6. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm

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

7. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
8. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
9. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Chapter 15, Part IV: "Land Divisions;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
10. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to tentative maps.
11. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
12. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

## GENERAL INFORMATION

13. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the respective school district, in which the subject property is located, in accordance with the school district's adopted schedule of fees.
14. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
  - a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.
15. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC Chapter 15, Part IV: "Land Divisions," including but not limited to Article 36, "Final Maps."
16. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the FMC.
17. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
18. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern



San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

19. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
20. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

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

#### MITIGATION MONITORING REQUIREMENTS

21. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for Environmental

Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019.

- a) The Mitigated Negative Declaration prepared for the proposed project is tiered off of the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR for subsequent projects; included herein by reference.

## ZONING & PROPERTY DEVELOPMENT STANDARDS

22. Upon conditional approval of Vesting Tentative Tract Map No. 6201/UGM, the subdivider may prepare a Final Map in accordance with the approved tentative map; and, the following:
  - a) Approval of Vesting Tentative Tract Map No. 6201/UGM is contingent upon City Council approval of Rezone Application No. P19-00801.
  - b) Approval of Vesting Tentative Tract Map No. 6201/UGM is contingent upon City Council approval of Annexation Application No. P19-00843 for the McKinley-Armstrong No. 2 Reorganization; and, the following:
    - i) Recordation of a Final Map is contingent upon annexation to the City of Fresno and detachment from the Kings River Conservation District and Fresno County Fire Protection District.
      - NOTE: These actions are under the jurisdiction of the Fresno Local Agency Formation Commission (LAFCO). The applicant, subdivider or developer is subject to and responsible for payment of any/all required fees for the entirety of the annexation pursuant to the policies of LAFCO and the City of Fresno; including any cost incurred to the City of Fresno by the detachment of all of the annexation's property from the Fresno County Fire Protection District.
  - c) Approval of Vesting Tentative Tract Map No. 6201/UGM is contingent upon City Council approval of Planned Development Permit Application No. P19-00846
23. Development of the subject property shall comply with all development standards of Fresno Municipal Code; with the following exceptions:

- a) Minimum Setbacks shall be provided in accordance with the Typical Lot Details prescribed and depicted on Exhibit A-1 & A-2 of the Planned Development Plan for Planned Development Permit Application No. P19-00846.
- b) Lot Coverage shall be provided in accordance with the Typical Lot Details prescribed and depicted on Exhibit A-1 of the Planned Development Plan for Planned Development Permit Application No. P19-00846.
  - i) Maximum lot coverage shall not exceed 60 percent of the lot area; and, shall be provided to the Fresno Metropolitan Flood Control District for review and approval prior to submittal of improvements plans to the City of Fresno Building and Safety Services Division.
- c) Single family residences developed on Lots 23-35, 60-61, 207-210 & 215-217 of Vesting Tentative Tract Map No. 6201/UGM shall be limited to single-story construction.
- d) A 7-foot high double-sided wood fence (at finished grade of proposed site) shall be constructed in accordance with the attached City of Fresno Development Department Fence Detail F-1 along the easterly boundary of Lots 23-29 of Vesting Tentative Tract Map No. 6201/UGM.
  - i) Subject to approval by the City Engineer, the required 7-foot high double-sided wood fence shall also be extended across the easterly end of the proposed stub street rights-of-way between Lots 22 & 23 of Vesting Tentative Tract Map No. 6201/UGM. The required fence shall be constructed in a manner which provides an appropriate width, signage, reflectors and/or barrier consistent with City of Fresno Standard P-100; the design to be approved by the City Engineer.
    - NOTE: In accordance with Section 15-4107-D-1 of the FMC, connections will be required to be provided to all stub streets in all adjacent subdivisions. In the case of an adjacent subdivision the required fence across the easterly end of the proposed stub street rights-of-way between Lots 22 & 23 of Vesting Tentative Tract Map No. 6201/UGM shall be removed.

#### Landscaping, Open Space and Walls

- 24. Proposed Outlot(s) "A" & "B" of Vesting Tentative Tract Map No. 6201/UGM shall be dedicated to the City of Fresno, in fee, for public open space (park),

landscape and Fresno Irrigation District purposes 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.

- 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 1, 250-255 & 257 of Vesting Tentative Tract Map No. 6201/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.
25. Proposed Outlot(s) "C," "D" & "E" of Vesting Tentative Tract Map No 6201/UGM shall be dedicated to the City of Fresno, in fee, for public pedestrian and landscape purposes 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.
- a) The subdivider shall provide a minimum 10-foot wide landscaped area (and irrigation system) within the proposed Outlots and along the adjacent property lines of all abutting residential lots (i.e., Lots 43-48, 101-103, 116-118 & 168-173 of Vesting Tentative Tract Map No. 6201/UGM).
    - i) 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 proposed Outlots and along the adjacent property lines of all abutting residential lots (i.e., Lots 43-48, 101-103, 116-118 & 168-173 of Vesting Tentative Tract Map No. 6201/UGM).
    - ii) 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.
26. Proposed Outlot(s) "F," "G" & "H" of Vesting Tentative Tract Map No. 6201/UGM shall be dedicated to the City of Fresno, in fee, for public bicycle, pedestrian and landscape (trail) purposes only 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.

- a) The subdivider shall provide a minimum 26-foot wide area (and irrigation system) along the East McKinley Avenue frontage of the proposed Outlot for purposes of a Class I Trail in accordance with Public Works standards and requirements.
    - i) 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 26-foot wide trail area within the proposed Outlots and along the adjacent property lines of all abutting residential lots (i.e., Lots 189-196, 199-206 & 207 of Vesting Tentative Tract Map No. 6201/UGM).
  - b) Those portions of Outlots "F" & "G" of Vesting Tentative Tract Map No. 6201/UGM which are not part of the required 26-foot wide trail and which front onto those portions of the local streets intersecting East McKinley Avenue shall be designated as separate Outlots and shall be dedicated to the City of Fresno, in fee, for public landscape (and/or Fresno Irrigation District) purposes.
    - i) The subdivider shall provide a minimum 10-foot wide landscaped area (and irrigation system) within the above described portion of the proposed Outlots with frontage on the respective local streets; and, along the adjacent property lines of all abutting residential lots (i.e., Lots 196, 197-199 & 206 of Vesting Tentative Tract Map No. 6201/UGM).
    - ii) 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 landscaped area within the above described portion of the proposed Outlots; and, along the adjacent property lines of all abutting residential lots (i.e., Lots 196, 197-199 & 206 of Vesting Tentative Tract Map No. 6201/UGM).
    - iii) 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.
27. Proposed Outlot(s) "I" of Vesting Tentative Tract Map No. 6201/UGM shall be dedicated to the Fresno Irrigation District, in fee, for irrigation purposes.

- 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 of Vesting Tentative Tract Map No. 6201/UGM).
28. The proposed project shall comply with the provisions of Section 15-4105-G-2-b of the FMC; and the following:
- a) A minimum landscape strip of five feet (and irrigation system) is required along the street side yard of corner lots which face the front yard of homes across the streets; unless a minimum five-foot wide park strip is provided between the curb and sidewalk along the frontage of the respective local streets.
    - NOTE: If/where provided, the landscape strip/buffer shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies; 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.
  - i) If/where the five-foot wide landscaped strip/buffer is provided (rather than a park strip along the frontage of the respective local streets), then a minimum 6-foot high masonry wall (at finished grade of proposed site) shall be placed at the rear of the required landscape strips in accordance with the requirements of Section 15-2006 & 15-2018 of the FMC; except, an opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director.
    - NOTE: If/where provided, 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.
29. A minimum landscape strip of five feet (and irrigation system) is required along the street side yard of Lots 35 & 36 of Vesting Tentative Tract Map No. 6201/UGM.

- NOTE: The landscape strip/buffer shall be located adjacent to the “sidewalk pattern” within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies; 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.
- a) Construct a minimum 6-foot high masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 & 15-2018 of the FMC at the rear of the required landscape strips along the street side yards of Lots 35 & 36 of Vesting Tentative Tract Map No. 6201/UGM; except, an opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director.
  - 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.
30. 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 northerly property lines of Lots 174-188 of Vesting Tentative Tract Map No. 6201/UGM).
  31. 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 southerly property lines of all lots with frontage along East Floradora Avenue (i.e., Lots 29-43 of Vesting Tentative Tract Map No. 6201/UGM).
  32. Landscaping, which is compliant with the City of Fresno “Anti-Graffiti Landscaped Buffer Development and Planting Standards,” shall be required at all interior end-blocks and adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
  33. The subdivider is required to provide street trees on all street frontages per Fresno Municipal Code standards and is responsible for the dedication of public

planting and buffer landscape easements as determined by the Planning and Development and Public Works Departments.

a) Street trees shall be planted at the minimum rate of one tree for each 40 feet of street frontage; or, one tree per home (whichever is greater) by the developer.

i) The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309.

- NOTE: Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or California Plumbing Code as may be amended.

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

a) Street Intersections. Vegetation and/or structures, flagpoles, signs, fences or walls may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curb exists) and a line joining points on these curb lines at a distance of 30 feet along both lines from their intersection.

i) Trees that are located within the sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.

b) Driveways and Alleys. Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street trees shall be pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.

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



36. All proposed/required landscaped easements/buffers, open space areas, pedestrian connections, entryways, pathways and/or private on-site landscaping for street tree purposes shall be improved in accordance with landscape improvement plans, which are to be submitted to the Planning and Development and Public Works Departments for review and approval prior to Final Map approval.
- NOTE: Lighting and fence/wall details for any proposed/required open spaces areas or pedestrian connections shall be provided with the submittal of the landscape improvement plans.
- a) Any proposed improvements within Pacific Gas & Electric (PG&E) or Fresno Irrigation District (FID) easement areas will require approval by the respective service provider/district agency prior to approval or acceptance by the City of Fresno.
- i) Easement Encroachment Applications and/or Agreements will be required as dictated by the respective service provider/district agency and will be required to be executed prior to issuance of permits for improvements.
37. Maintenance of any/all required landscape easements, strips and/or proposed Outlots within the boundary of Vesting Tentative Tract Map No. 6201/UGM shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
38. Comply with all street tree, buffer landscaping, median island, outlot, and trail requirements included within the attached memorandum from the Department of Public Works, Streets Division.

#### STREETS AND RIGHTS-OF-WAY

39. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
40. 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.

41. Comply with all of the requirements included within the attached Public Works Department, Traffic Operations and Planning Services Division memorandums dated August 23, 2019 and October 04, 2019.

#### SANITARY SEWER SERVICE

42. Comply with all of the requirements of the Department of Public Utilities (DPU), Planning and Engineering Division (Sanitary Sewer), as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### WATER SERVICE

43. Comply with all of the requirements of the Department of Public Utilities (DPU), Water Division, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### SOLID WASTE SERVICE

44. Comply with all of the requirements of the Department of Public Utilities (DPU), Solid Waste Management Division, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### FIRE SERVICE

45. Comply with all of the requirements of the Fire Department/Prevention Bureau, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### FLOOD CONTROL AND DRAINAGE

46. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's

memorandums to the Planning and Development Department dated October 21, 2019.

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

#### FRESNO IRRIGATION DISTRICT (FID)

47. Comply with all requirements included within the attached memorandum from the Fresno Irrigation District dated August 23, 2019.

#### COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

48. Comply with all of the requirements of the County of Fresno, Department of Public Health, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

49. Comply with all requirements included within the attached memorandum from the SJVAPCD dated August 13, 2019.

#### AIRPORTS

Airspace review is required for any objects over 100 feet tall.

50. Comply with all requirements included within the attached Determination of No Hazard to Air Navigation from the Federal Aviation Administration dated October 25, 2019.

#### RIGHT-OF-WAY ACQUISITION

51. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
52. 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.
53. 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.
54. 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.
55. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

#### MAINTENANCE OBLIGATIONS

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

56. With the exception of those areas which may be eligible for inclusion within the Community Facilities District (CFD) as referenced herein below, obligations for retention and maintenance of required end-block landscaped areas or strips for

all corner lots shall be the responsibility of the respective property owner(s) on which the landscaped area is located.

- a) Execute a covenant for all properties for which retention and maintenance of an end-block landscaped area or strip on a corner lot, in accordance with Section 15-4105-G-2-b of the FMC, is the responsibility of the respective property owner prior to recordation of a Final Map.

- NOTE: The covenant shall disclose and acknowledge all responsibilities associated with these conditions of approval to prospective buyers when individual lots are sold and identify terms, as appropriate, to assure compliance. The covenant shall be prepared in a form approved by the City of Fresno.

57. 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 August 20, 2019; and, the following:

58. If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.

- NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available online on the City of Fresno website (<http://www.fresno.gov>) under the Public Works Department Developer Doorway.

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

- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

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

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

### DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

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

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

<i>SEWER CONNECTION CHARGES</i>	<i>FEE RATE</i>
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] Service Area: Fowler	\$344/living unit
e. Wastewater Facilities Charge [3]	\$2,119/living unit
f. Fowler Trunk Sewer Interim Fee Surety [1]	\$843/living unit
g. House Branch Sewer Charge [2]	N/A

<i>WATER CONNECTION CHARGES</i>	<i>FEE RATE</i>
h. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.

i. Frontage Charge [1]	\$6.50/lineal foot
j. Water Capacity Fee [1]	\$4,481/living unit

<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
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k. Fire Facilities Impact Fee – Citywide [4]	\$1,893/living unit
l. Park Facility Impact Fee – Citywide [4]	\$2,811/living unit
m. Quimby Parkland Dedication Fee [2]	\$1,216/living unit
n. Police Facilities Impact Fee – Citywide [4]	\$618/living unit
o. Citywide Regional Street Fee [3]	\$8,038/adj. acre
p. New Growth Area Major Street Fee [3]	\$22,126/adj. acre
q. Traffic Signal Charge [1]	\$501/living unit

**Notes:**

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Please see the attached memorandum from the Fresno Metropolitan Flood Control District (FMFCD) for further information regarding considerations which may affect the fee obligation(s) or the timing or form of fee payment.

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits. (The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee may be required if the fee has been reinstated at the time of issuance of building permits on the subject property.)

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.

\* Living Unit Equivalents are calculated by multiplying the number of Net Acres by 5.8 Living Unit Equivalents for commercial or 3.0 Living Unit Equivalents for industrial to arrive at the total number of Living Unit Equivalents.

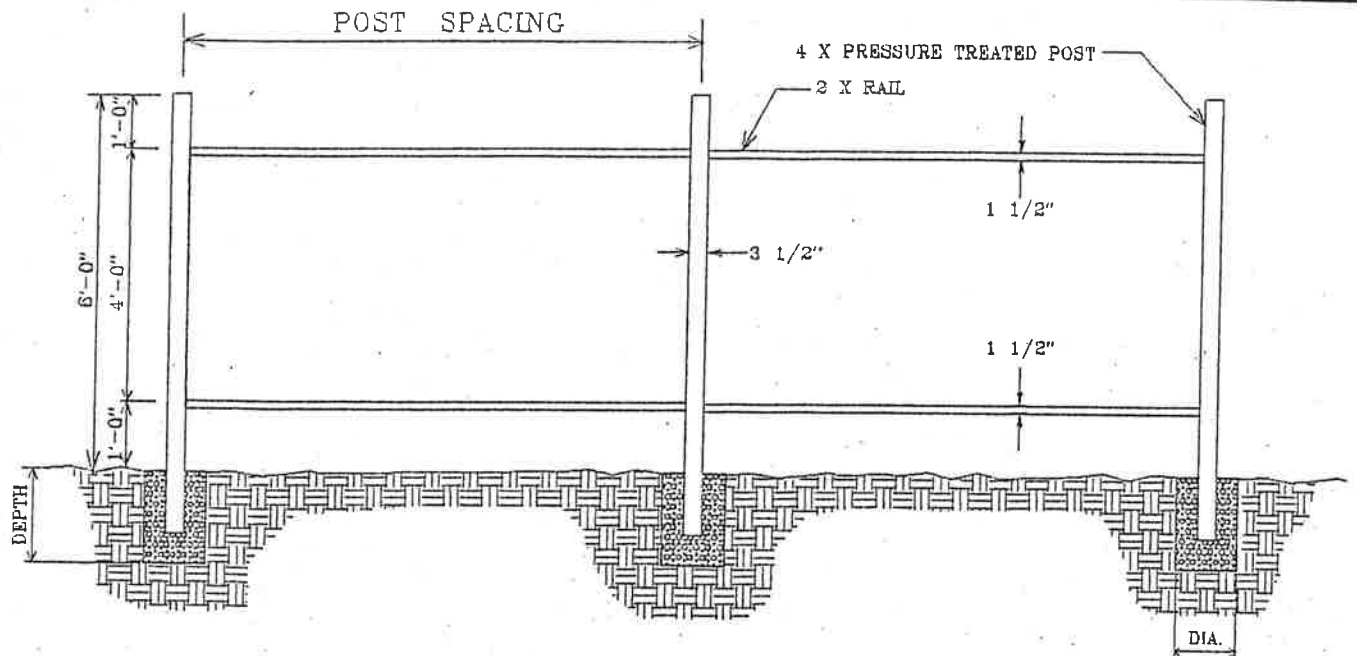
\*\*Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

[1] Deferrable through Fee Deferral Covenant.

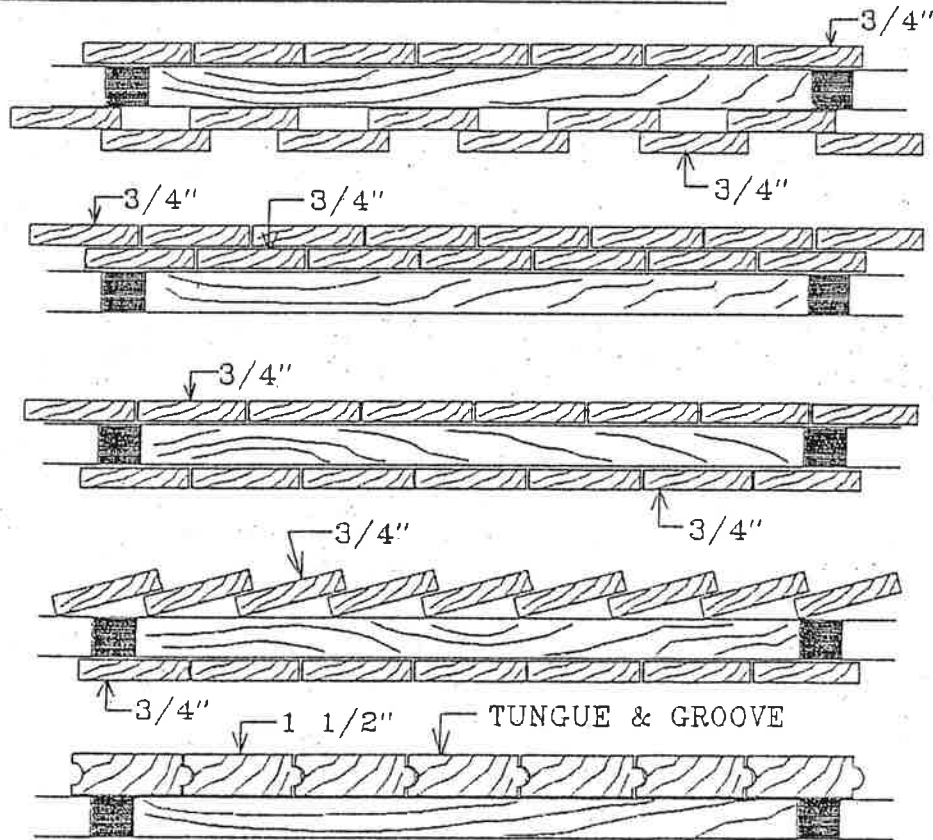
[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.



ELEVATION



MATERIAL APPLICATION

PLAN VIEW

CAD# 2AFENCE.DC2

CITY OF FRESNO - DEVELOPMENT DEPARTMENT

DR. BY: B.WALLS

DRAWING NUMBER

REF. & REV.

FENCE DETAIL

DATE: 7-28-91

SCALE: N.T.S.

F-1

FOR LANDSCAPE BACK-UP TREATMENT LOCATIONS

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## DEPARTMENT OF PUBLIC WORKS

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TO: Will Tackett, Supervising Planner  
DARM, Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)  
Public Works, Street Maintenance Division

DATE:

SUBJECT: **Tract 6201; Armstrong & Floradora** (APN: 310-081-03S & 310-081-10S) located on the east side of North Armstrong Avenue between E. Floradora and E. McKinley Avenues. The Department of Public Works has reviewed the C.U.P Site Plan for Tract 6201. 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 City of Fresno Water Efficient Landscape Standards and 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 60' 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. No trees shall be planted within the F.I.D Easements.

## **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 red 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.

### **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.

### **TRAIL REQUIREMENTS**


1. The trail shall be constructed in accordance with the "Master Trails Manual" and the Public Works Department standards. The subdivider is responsible for the trail construction. The subdivider is responsible for all landscape and irrigation improvements for and within the trail. Construction plans shall be submitted and shall include landscaping and automatic drip irrigation design. Trail cross-sections will be required with submittal of Street Plans and Landscaping/Irrigation Plans for review and approval. These plans shall be in compliance with current City standards and approved by the Department of Public Works. Landscaping within the regional/multipurpose trail shall include large, medium and low-growing shrubs planted from 3 to 6 feet apart depending on variety, and trees spaced approximately 25 to 45 feet apart to provide 50% shade coverage onto the planting area and pathway. Landscaping adjacent to walls or fences shall comply with "Landscaped Buffer Development Standards." All planting areas shall be irrigated with an automatic system.






DATE: August 23, 2019

TO: Will Tackett  
Planning and Development Department

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

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

SUBJECT: Public Works Conditions of Approval  
**T- 6201 ACCELA # P19-01241 and P-1900846** CUP for PUD  
1860 North Armstrong Avenue  
Wilson / Harbour and Associates

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

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

1. Annexation required.
2. Boundary: Revise to reflect correct limits.
3. Railroad property: Obtain the necessary easements from the adjacent railroad to construct the required street improvements. Clearly identify and dimension the adjacent railroad parcel east of McKelvey Avenue.
4. Remainder: Verify if the remainder labeled **310-010-29** should be labeled **380-081-03s**. Remove bold lines.
5. Cross Section F-F: Identify private pipe.
6. Cross Section G-G: Identify FID pipe.
7. Interior Streets: Redesign to Public Works Standard **P-56**. (Note: a minimum of 7' is required from the face of curb to right of way to accommodate a 4' clear sidewalk and street lights and/or fire hydrants.) **OR** Resubmit as private streets.
8. Legal Description: Verify.
9. Armstrong Avenue: Provide additional information for the existing **18'** access easement. Identify as to be removed.
10. Armstrong Avenue: An approved Director's Determination for the Armstrong alignment is required. Coordinate the intersection of McKinley and Armstrong with the McKinley Official Plan Line.
11. McKinley and Armstrong: The current intersection is not symmetrical. Provide a detail of the proposed intersection of McKinley and Armstrong on a separate sheet. Include the proposed striping and street easements.

12. McKelvey Avenue: Identify the private pipe/canal between APN **310-081-04s** and **310-081-05**. Identify if existing to remain or to be abandoned. All piping shall be located outside of the proposed street right of way.
13. Carmen Avenue: Identify traffic calming at the intersection of Carmen and Apricot.
14. McKinley Avenue: Dimension existing right of way. Identify if to remain or be vacated. Vacate existing excess street right of way outside of boundary.
15. Provide the address on the map.
16. McKinley Trail within Outlots F, G and H to be labeled as 26' for Bike, Pedestrian and Landscape purposes only.
17. McKinley Avenue: Obtain the necessary easements outside of the boundary from **APN 310-041-29** and **310-041-30** to construct the required street improvements.
18. Modify section A-A to provide for 7.5' from face of curb to walk - 5' sidewalk- 5.5' from back of walk to wall.
19. Pine Avenue: Provide a 6" high asphalt dike adjacent to the remainders

#### **General Conditions:**

1. Identify all easements on the map.
2. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
3. 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.
4. The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8681. Encroachment permits must be approved prior to issuance of building permits.
5. Street widening and transitions shall also include utility relocations and necessary dedications.
6. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.
7. Irrigation /Canal Requirements: The developer shall enter into an agreement with the Fresno Irrigation District (FID) providing for piping the canal(s) and submit an executed copy of the agreement or commitment letter from FID to the Public Works Department. 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. Submit engineered plans to Public Works Department, Traffic and Engineering Services Division for review and approval. Identify the proposed easement and provide a final cross sectional detail on the map.
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 and Trail: construction, grading, lighting, striping, signing, landscape and irrigation.

### **Frontage Improvement Requirements:**

#### **Public Streets:**

##### McKinley Avenue: Collector

1. Dedication and Vacation Requirements:
  - a. Dedicate **72'-88'** of property, for public street purposes, from the bridge to the east boundary of this application, per Public Works Standard **P-54** and **P-69**. Center line shall be established per *Official Plan Line No. 150*.
  - b. Dedicate corner cuts for public street purposes at all intersections along McKinley.
  - c. Dedicate sufficient right of way to construct a return at the ultimate location at the intersection of McKinley and Armstrong Avenues.
  - d. Provide a **26'** (minimum) outlot for Bike, Pedestrian and Landscape purposes only. (Additional property may be required for grading and drainage purposes.)
  - e. Vacate existing right of way, outside of boundary, as needed, adjacent to this application.
  - f. Relinquish direct access rights to McKinley Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb and gutter to Public Works Standard **P-5**.
  - b. Construct a **12'** wide Bike and Pedestrian **Class I Trail**, complete with lighting, signing, striping and landscaping, per the Fresno General Plan, the *Public Works Standards P-58, P-60, P-61* and the *Caltrans Highway Design Manual*. Identify route on the map complete with a cross section.
  - c. Construct **20'** of permanent paving (measured from face of curb) within the limits of this subdivision.
  - d. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
  - e. Construct standard curb ramps per Public Works Standards. McKinley and Armstrong: construct to *Public Works Standard P-30*. Use **R-30'**. Construct the return at the ultimate location at McKinley and Armstrong. McKinley and the entrances: construct per *Public Works Standard P-28*. Use **R=20'** minimum and **25'** maximum.

##### Armstrong Avenue: Collector

1. Dedication and Vacation Requirements:
  - a. Dedicate **36' to 44'** of property, from center line, for public street purposes, within the limits of this application, per Public Works Standard **P-54** and **P-69**. Center line shall be established per the required Director's Determination.
  - b. Dedicate a corner cuts for public street purposes at all intersections.
  - c. Vacate existing excessive right of way adjacent to this application to match the required Director's Determination.
  - d. Relinquish direct access rights to Armstrong Avenue from all lots within this subdivision.

2. Construction Requirements:
  - a. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **12'** residential pattern. Construct a **6'** residential sidewalk per Public Works Standard **P-53**.
  - b. Construct **20'** of permanent paving (measured from face of curb) within the limits of this subdivision.
  - c. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
  - d. Construct standard curb ramps per Public Works Standards. Armstrong/Floradora and Armstrong/entrances: construct to *Public Works Standard P-28*. Use **R=20'** minimum and **25'** maximum.

Floradora Avenue: Local Collector

1. Dedication Requirements:
  - a. **APN 310-081- 03, 05 and 06**: Dedicate **36'** of property, from center line, for public street purposes, per Public Works Standards and the approved cross section.
  - b. Dedicate corner cuts for public street purposes at the intersection of Floradora and Pearwood.
  - c. Relinquish direct access to Floradora Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. **North side adjacent to APN 310-081- 03, 05 and 06**: Construct **18'** of permanent paving *per Public Works Standard P-50* and transition paving as necessary.  
**South side from Armstrong to the eastern property line of 310-081-06**: Construct **12'** of permanent paving *per Public Works Standard P-50*. Transition paving as necessary. Construct a **6"** high asphalt concrete dike, per Caltrans Standards and approved street plans.
  - b. Construct standard curb ramps *per Public Works Standard P-28*, based on a **16'** radius.
  - c. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a modified **18'** residential pattern. (**7.5'** from the face of curb to the walk- **5'** sidewalk- **5.5'** from the back of walk to the wall.) Planting of street trees shall conform to the minimum spacing guidelines as stated in the *Standard Specification, Section 26-2.11(C)*.
  - d. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Locals.

**Interior Streets: Redesign to Public Works Standard P-56 or resubmit as private streets.**

1. Dedicate, design and construct all curb, gutter, sidewalk, (both sides), permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to *Public Works Standard P-56*. All driveways shall be constructed to *Public Works Standards P-4 and P-6*. Pedestrian easements are required behind driveways with sidewalk patterns less than **10'**.
2. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
3. Garages: Garage or carport setbacks are recommended to be a minimum of **18'** from the back of walk or curb, whichever is greater.
4. Provide a **10'** visibility triangle at all driveways.

5. Design local streets with a minimum of 250' radius.
6. Dead-end Streets: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-100**.
7. South side of Pine Avenue: Construct a 6" high asphalt concrete dike, per Caltrans Standards and approved street plans.

**Specific Mitigation Requirements:** A Traffic Impact Study has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager.

1. Relinquish direct vehicular access rights to :
  - a. the north property line of lots **48** and **118**.
  - b. the south property line of lots **101** and **168**.
  - c. the east property line of lots **196** and **206**.
  - d. the west property line of lots **197-199**.
2. 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.
3. A feasibility study for all proposed and/or required vacations of existing public rights of way is required to be completed **prior** to the approval of the final map. Submit an application to Public Works to initiate a feasibility study for the proposed vacations. (Contact Jason Camit at 621-8681 for details)
4. Property on adjacent parcel: Provide letters from the owners of APN(s) stating that they are or are not in agreement with the proposed street vacations. Submit a legal description and drawing to Public Works for the area proposed to be vacated along McKinley to be used for a quitclaim deed that will quitclaim the City's interest in the subject area. Pay all applicable fees. (Contact Jason Camit at 621-8681 for details)

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

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

1. McKinley Avenue: Install a signal pole with a 150-watt equivalent LED safety light and an oversize street sign to Public Works Standards at the southeast corner of McKinley Avenue and Armstrong Avenue.
2. The intersection of Armstrong and Olive shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation and signal pre-emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees. The applicant shall design the traffic signal and obtain City approval of the plans **prior** to occupancy of the first

dwelling unit. The traffic signal installation shall be limited to the following equipment: poles, safety lights, oversize street name sign, conduits, detectors, service pedestal connected to a PG&E point of service, controller cabinet, ITS vault, ITS communication cabinet and all pull boxes, with the following equipment to be delivered to the City of Fresno's Traffic Signal shop for future installation when warrants are met: controller, mast arms, heads, Opticom discriminator and receivers.

**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:**

**McKinley Avenue: Collector (Growth Area Street)**

1. Dedicate to the ultimate alignment and construct McKinley from curb to curb from the bridge to eastern limits of this map. 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.
2. McKinley from Armstrong to the bridge: dedicate to the ultimate alignment and construct 36' of permanent paving. Stripe and sign per approved street plans.
3. Design and construct a **Major Street Bridge** at the intersection of **McKinley and the Mill Ditch**. 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.

**Armstrong Avenue: Collector (Growth Area Street)**

1. Dedicate and construct two 12' travel lanes with 5' shoulders and a 12' two-way left turn lane within the limits of this map. 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.

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

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

October 4, 2019

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

**SUBJECT:** REVIEW OF THE TRAFFIC IMPACT ANALYSIS (TIA) DATED SEPTEMBER 17, 2019 FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE NORTHEAST CORNER OF FLORADORA AVENUE AND ARMSTRONG AVENUE  
TIS 19-016, P19-01241, TRACT 6201

## PROJECT OVERVIEW

Traffic Operations and Planning staff has reviewed the Traffic Impact Analysis (TIA) prepared by JLB Engineering, Inc. for the proposed residential development, "project", which plans to develop 257 single family dwelling units on northeast corner of the intersection of Olive and Armstrong Avenues. The approximately 39.51 acres site is currently vacant.

The TIA evaluated the impacts of the project by analyzing nine (9) intersections in the vicinity of the project during the AM and PM peak hours. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 10<sup>th</sup> Edition. The following table includes the daily (ADT), AM and PM peak hour trips projected to be generated by the current General Plan use and proposed project as shown in the TIS:

Land Use	Size	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single Family Dwelling (ITE Code 210)	257 DU	2,426	48	142	190	160	94	254

*DU = dwelling units*

Based on the analyses included in the TIS, the study intersections of Temperance Avenue at Olive Avenue and Armstrong Avenue at Belmont Avenue are currently operating below the TIZ III level of service (LOS) standard of LOS D during the AM and/or PM peak hours. The remaining study intersections are currently operating above TIZ III LOS D standard. The intersection of Temperance Avenue at Olive Avenue currently satisfies Traffic Signal Warrant 1 – Eight Hour Volumes and Traffic Signal Warrant 2 – Four Hour Vehicular Volumes as defined in the California Manual of Uniform Traffic Control Devices (MUTCD). The intersections

Armstrong Avenue at Olive Avenue and Armstrong Avenue at Belmont currently satisfy Traffic Signal Warrant 2 – Four Hour Vehicular Volumes.

With the addition of the project, the intersections of Temperance Avenue at Olive Avenue and Armstrong Avenue at Belmont Avenue are projected to continue to operate below the TIZ III LOS D standard. Traffic Signal Warrant 3 – Peak Hour Vehicular Volumes were prepared for the study intersections. The following locations are projected to satisfy the Traffic Signal Warrant 3 – Peak Hour in the Existing Plus Project scenario:

- Armstrong Avenue at Clinton Avenue
- Armstrong Avenue at Belmont Avenue
- Armstrong Avenue at Olive Avenue
- Temperance Avenue at Olive Avenue

The analysis included in the TIA show the following locations are projected to operate below the City of Fresno TIZ III LOS D standard and satisfy the Traffic Signal Warrant 3 – Peak Hour in the Near Term Plus Project scenario:

- Armstrong Avenue at Olive Avenue
- Temperance Avenue at Olive Avenue
- Armstrong Avenue at Belmont Avenue

In addition, the intersection of Armstrong Avenue at Floradora Avenue is projected to operate below the TIZ III LOS D standard and the intersection of Temperance Avenue at McKinley Avenue is projected to satisfy the Traffic Signal Warrant 3 – Peak Hour in the Near Term Plus Project scenario.

The analysis included in the TIA show all study intersections are projected to operate below the City of Fresno TIZ III LOS D standard in the Cumulative Year 2035 Project scenario. All study intersections, with the exception of the Temperance Avenue at Floradora Avenue intersection, are projected to satisfy the Traffic Signal Warrant 3 – Peak Hour in the Cumulative Year 2035 scenario.

## **GENERAL COMMENTS and CONDITIONS**

1. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee per the Master Fee Schedule at the time of building permit.

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

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

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

- Armstrong Avenue at Clinton Avenue
- Armstrong Avenue at McKinley Avenue
- Temperance Avenue at McKinley Avenue
- Armstrong Avenue at Olive Avenue
- Temperance Avenue at Olive Avenue
- Armstrong Avenue at Belmont Avenue

2. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
3. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
4. The proposed project shall pay the \$288 Traffic Impact Study review fee for review of the document. Proof of payment shall be provided to the Traffic Operations and Planning Division.
5. The proposed project shall install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Armstrong Avenue at Olive Avenue. The traffic signal shall be installed at the ultimate and may require the acquisition of right-of-way.
6. The proposed project shall install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Temperance Avenue at Olive Avenue. The traffic signal shall be installed at the ultimate and may require the acquisition of right-of-way.
7. The proposed project shall pay its fair share for cumulative impacts at the intersection of Fowler Avenue at Floradora Avenue. The identified mitigations are not included in current fee programs. Cost estimates for the proposed improvements shall be provided to the Traffic Operations and Planning Division for review and approval. The project's fair share shall be calculated using the following equation:

Project Fair Share = ((2035 Project Only Trips) / (Cumulative Year 2035 + Project Traffic Volumes – Existing Traffic Volumes)) \* 100

8. The proposed project shall pay its fair share for cumulative impacts at the intersection of Armstrong Avenue at Floradora Avenue. The identified mitigations are not included in current fee programs. Cost estimates for the proposed improvements shall be provided to



the Traffic Operations and Planning Division for review and approval. The project's fair share shall be calculated using the following equation:

Project Fair Share = ((2035 Project Only Trips) / (Cumulative Year 2035 + Project Traffic Volumes – Existing Traffic Volumes)) \* 100

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

Project Fair Share = ((2035 Project Only Trips) / (Cumulative Year 2035 + Project Traffic Volumes – Existing Traffic Volumes)) \* 100

10. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
11. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic Operations and Planning Division, Traffic Planning Section.

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

Sincerely,



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

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



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

File No. 210.45

Page 1 of 6

**PUBLIC AGENCY**

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

**DEVELOPER**

JEFF HARRIS, TRI-WILSON, LP  
7550 N. PALM AVE., SUITE102  
FRESNO, CA 93711

PROJECT NO: **6201**

ADDRESS: **SEC ARMSTRONG AND MCKINLEY AVE.**

APN: **310-081-03S, 06, 310-081-05**

SENT: **10/21/19**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)
BQ	\$235,090.00	NOR Review	\$2,053.00 To be paid prior to release of District comments to Public Agency and Developer.
BS	\$230,980.00	Grading Plan Review	\$5,730.00 Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review	For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$466,070.00		Total Service Charge: \$7,783.00	

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/29/20 based on the site plan submitted to the District on 8/07/19 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. 6201**

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

Page 2 of 6

**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.

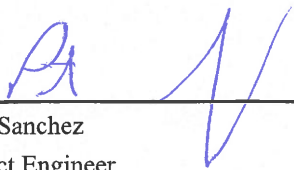
**FR TRACT No. 6201**

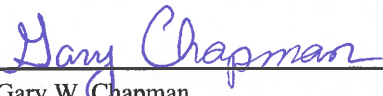
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS**

Page 3 of 6

**FR TRACT No. 6201**

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

  
\_\_\_\_\_  
Gary W. Chapman  
Project Engineer

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

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CC:

LOUISE PALMER, PROVOST & PRITCHARD CONSULTING  
GROUP

---

1800 30TH STREET, SUITE 280

---

BAKERSFIELD, CA 93301

---

LORREN SMITH, HARBOUR & ASSOCIATES

---

389 CLOVIS AVE., SUITE 300

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CLOVIS, CA 93612

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**FR TRACT No. 6201**



## Page 5 of 6

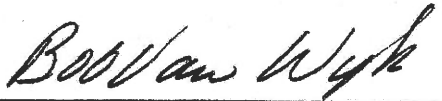
**Storm Drain Facilities  
Cost Sheet**

15" Concrete Pipes	\$79.00 LF
18" Concrete Pipes	\$83.00 LF
24" Concrete Pipes	\$94.00 LF
30" Concrete Pipes	\$111.00 LF
36" Concrete Pipes	\$131.00 LF
42" Concrete Pipes	\$152.00 LF
48" Concrete Pipes	\$178.00 LF
54" Concrete Pipes	\$217.00 LF
60" Concrete Pipes	\$255.00 LF
66" Concrete Pipes	\$301.00 LF
72" Concrete Pipes	\$347.00 LF
84" Concrete Pipes	\$388.00 LF
96" Concrete Pipes	\$420.00 LF
15" Jacked Pipes	\$555.00 LF
18" Jacked Pipes	\$608.00 LF
24" Jacked Pipes	\$687.00 LF
30" Jacked Pipes	\$766.00 LF
36" Jacked Pipes	\$846.00 LF
42" Jacked Pipes	\$898.00 LF
48" Jacked Pipes	\$951.00 LF
54" Jacked Pipes	\$1,031.00 LF
60" Jacked Pipes	\$1,110.00 LF
66" Jacked Pipes	\$1,216.00 LF
72" Jacked Pipes	\$1,374.00 LF
84" Jacked Pipes	\$1,533.00 LF
Manholes	\$4,600.00 EA
Inlets & Laterals	\$4,450.00 EA
Outfalls	\$11,500.00 EA
Canal Outfalls	\$15,000.00 EA
Basin Excavation	\$0.75 CY
<b>IMPROVEMENTS ADJACENT TO BASIN</b>	
Fence, Pad, and Gate	\$20.00 LF
Mowstrip	\$20.00 LF
Arterial Paving	\$82.00 LF
Local Paving	\$53.00 LF
Curb and Gutter	\$30.00 LF
Sidewalk	\$60.00 LF
Sewer Line	\$30.00 LF
Water Line	\$31.00 LF
Street Lights	\$65.00 LF
Pump Station/Intake	\$500,000.00 EA

**FR TRACT No. 6201**

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

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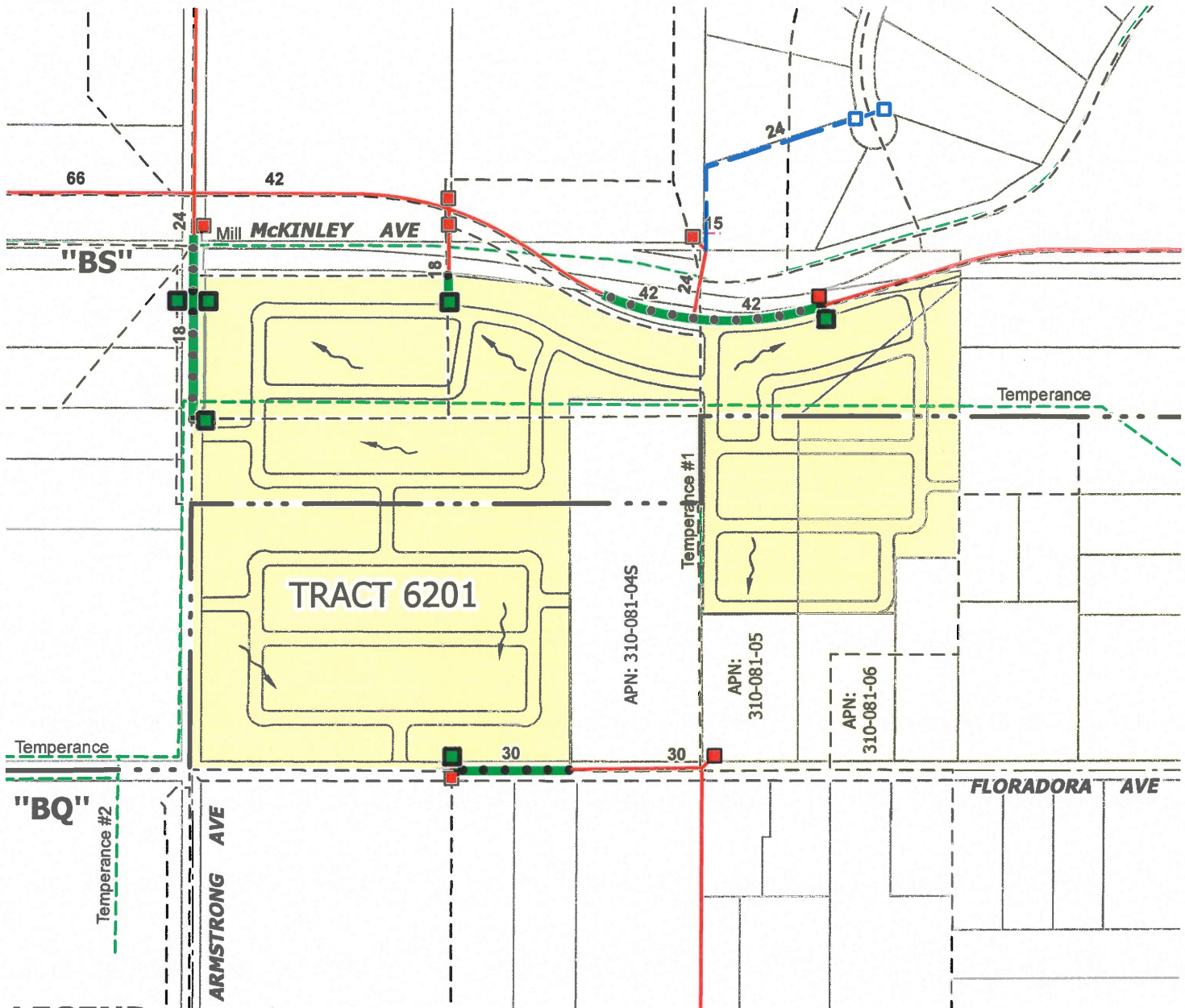
<h1>POLICY MANUAL</h1>	Date Adopted: September 11, 1981
Classification: FLOOD PLAIN MANAGEMENT	Date Last Amended: August 10, 2005
Subject: Flood Plain Policy	Approved By: 

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

**Policy:**

- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

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
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Existing FID Facilities
- Direction Of Drainage
- Inlet Boundary
- Drainage Area Boundary



1" = 400'

**TRACT 6201**  
**DRAINAGE AREAS "BQ" & "BS"**



## EXHIBIT NO. 1 FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Prepared by: danielg

Date: 10/18/2019

Path: K:\Autocad\DWGS\0EXHIBIT\TRACTS\6201.mxd



**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 developer has requested drainage area boundary changes associated with this entitlement. Upon approval, of the revised drainage area boundaries, the District will send out a revised Notice of Requirements to show the drainage area boundary shift, revised drainage fees, and revised Master Plan facilities eligible for credit against the drainage fee.

Tract 6201 shall be graded such that the historical drainage patterns for the remainder parcels are maintained. The remainder parcels are shown on Exhibit No. 1 as Assessor's Parcel Numbers 310-081-04S, 310-081-05 and 310-081-06. The developer shall verify to the satisfaction of the District that run-off from these parcels has the ability to surface drain to adjacent streets. Easements and/or drainage covenants may be required.

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.

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

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

Development No. Tract 6201



## **GUIDELINES FOR PONDING BASIN / POND CONSTRUCTION AND MANAGEMENT TO CONTROL MOSQUITO BREEDING**

Immature mosquitoes develop in shallow water habitats. Fresno has enough year-round urban runoff from sprinklers, car washing, and pool drainage to keep water in drainage basins even in the summer--when mosquitoes breed the fastest. The design and management of ponding basins and ponds is of critical importance for mosquito control. Following are some new guidelines for these facilities:

- \*1. Ponding basins and ponds with fluctuating water levels should have a "low flow" area, a deeper area or sump where drainage will accumulate, instead of a uniform flat bottom. This allows for water to accumulate to a greater depth, and helps "mosquito fish" survive. The low flow area should be located at the pond inlet and should be at least four feet deeper than the rest of the basin floor. The rest of the basin should be graded so that drainage is directed into this low flow area.
- \*2. Side slopes of ponds and ponding basins should be as steep as is compatible with safety and grading considerations. They should have a slope ratio of 1:2 (vertical:horizontal).
3. Decorative ponds and artificial wetlands should be constructed so that water depths are maintained in excess of four feet, to preclude invasive emergent vegetation such as cattails.
- \*4. Ponds and ponding basins should be constructed to provide for free, unobstructed access around their entire perimeter by vehicle and/or by foot, to allow for maintenance and mosquito abatement activities.
- \*5. All ponding basins should be enclosed in chain-link fencing at least six feet tall (to City of Fresno Public Works Standards), with double gates to provide an unobstructed total opening at least ten feet wide (no center post between the gates). Gates should be secured with a standard padlock to allow for access by maintenance workers and mosquito and vector control personnel: a No. 5 MasterLock™ with key numbers 1C95, 3203 or 0855.
6. Ponds and ponding basins should be constructed to allow easy de-watering when needed.
7. Ponding basin and pond edges should be maintained free of excess vegetation and trash that would harbor insects and support mosquito breeding when it falls or blows into the water.
8. Ponding basins and ponds should be managed to control algae and emergent vegetation (plants that emerge from shallow water), to remove harborage for mosquito breeding and to allow "mosquito fish" and other mosquito predators better access to their prey.
9. Ponding basins and ponds should maintain water quality that supports the survival of "mosquito fish" (*Gambusia affinis*, available from local mosquito and vector control agencies). Use caution when selecting herbicides and pesticides for use in or near ponding basins and ponds, because many pesticides are toxic to fish.

\* The asterisked guidelines modify the current City of Fresno Public Works Standard No. ~~P-62~~<sup>P-97</sup> for Temporary Ponding Basins.



## CENTERS FOR DISEASE CONTROL AND PREVENTION

### National Center for Environmental Health Division of Emergency and Environmental Health Services

#### "Stormwater Management and Vector Breeding Habitats"

##### The Public Health Problem

- Stormwater management regulations and practices developed by environmental management agencies address the environmental problem of sediments and other pollutants entering surface waters but do not address public health issues, such as preventing habitat production for disease-carrying mosquitoes and other vectors.
- Certain stormwater management structures designed to reduce sediment and other pollutant loads in runoff (e.g., dry detention basins, retention ponds, media filtration devices, below-ground devices) frequently hold standing water for more than 3 days, creating potential mosquito breeding habitats. This in turn leads to the potential for mosquito-borne diseases such as West Nile virus and St. Louis encephalitis.
- Even those stormwater facilities that are properly designed and constructed to minimize mosquito breeding habitat may collect standing water if they are not maintained properly, thus creating the potential for mosquito breeding.

##### Methods to Address this Public Health Issue

A more integrated, systems-based approach is needed when developing and implementing solutions to environmental problems such as stormwater-runoff management. Local vector-control agencies (where they exist) or environmental health programs should be consulted during preconstruction design review to ensure that vector breeding habitat is minimized. These agencies and programs should also be consulted when developing maintenance schedules for stormwater management structures.

Taking the following actions can help to ensure that mosquito-management programs incorporate a systems-based approach:

- Properly design and construct stormwater control structures (especially regarding slopes, pipe inverts, and volumes) to minimize the inadvertent creation of standing water. Water should be held less than 72 hours whenever possible (shorter than minimum mosquito-breeding time).
- Minimize mosquito breeding for longer term or permanent stormwater storage (> 4 days) by introducing mosquito fish, by larvaciding, and by developing vegetation management plans. Include design depths greater than 4 feet to limit emergent vegetation that can enhance mosquito breeding habitat (e.g., cattails).
- Make resources available and allocate specific responsibility for ongoing operation and maintenance of stormwater facilities, including monitoring and treatment if necessary. Clean accumulated sediments and clear brush and other debris to minimize standing water build-up

---

The Centers for Disease Control and Prevention (CDC) protects people's health and safety by preventing and controlling diseases and injuries; enhances health decisions by providing credible information on critical health issues; and promotes healthy living through strong partnerships with local, national, and international organizations.

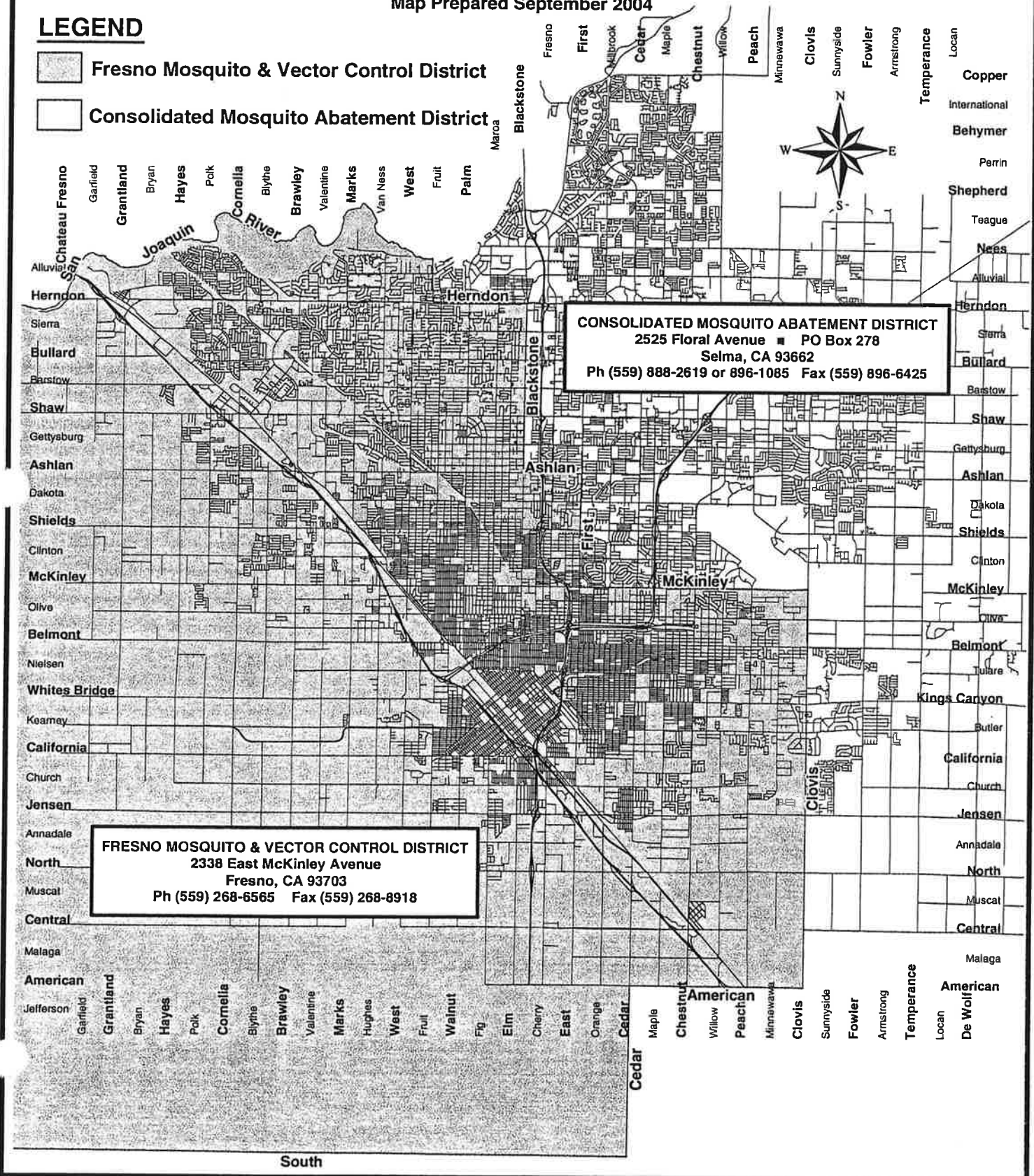


# Mosquito Control District Boundary Map (For the Fresno - Clovis Area)

Map Prepared September 2004

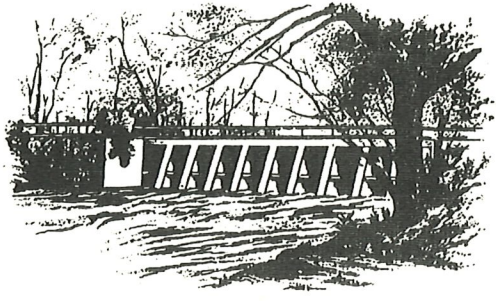
## LEGEND

-  Fresno Mosquito & Vector Control District
-  Consolidated Mosquito Abatement District

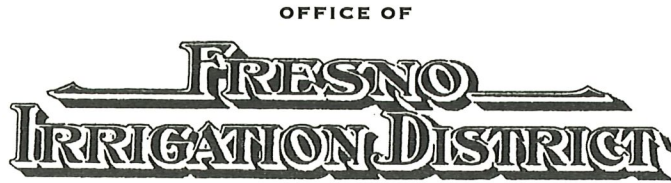


South





YOUR MOST VALUABLE RESOURCE - WATER



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

August 23, 2019

Alondra Williams  
Development & Resource Management  
City of Fresno  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

RE: Tentative Tract Map No. 6201, Accela Planning Application No. P19-01241  
N/E Floradora and Armstrong avenues  
FID's Temperance No. 37 and Mill No. 36

Dear Ms. Williams:

The Fresno Irrigation District (FID) has reviewed Tentative Tract Map No. 6201, Accela Planning Application No. P19-01241 proposing to subdivide the property into 257 lot single family residential development, APN: 310-081-03s, 05, 06. FID has the following comments:

1. FID previously reviewed and commented on the subject property on November 15, 2018 as Vesting Tentative Tract Map No. 6201. Those comments and conditions still apply and a copy has been attached for your reference.

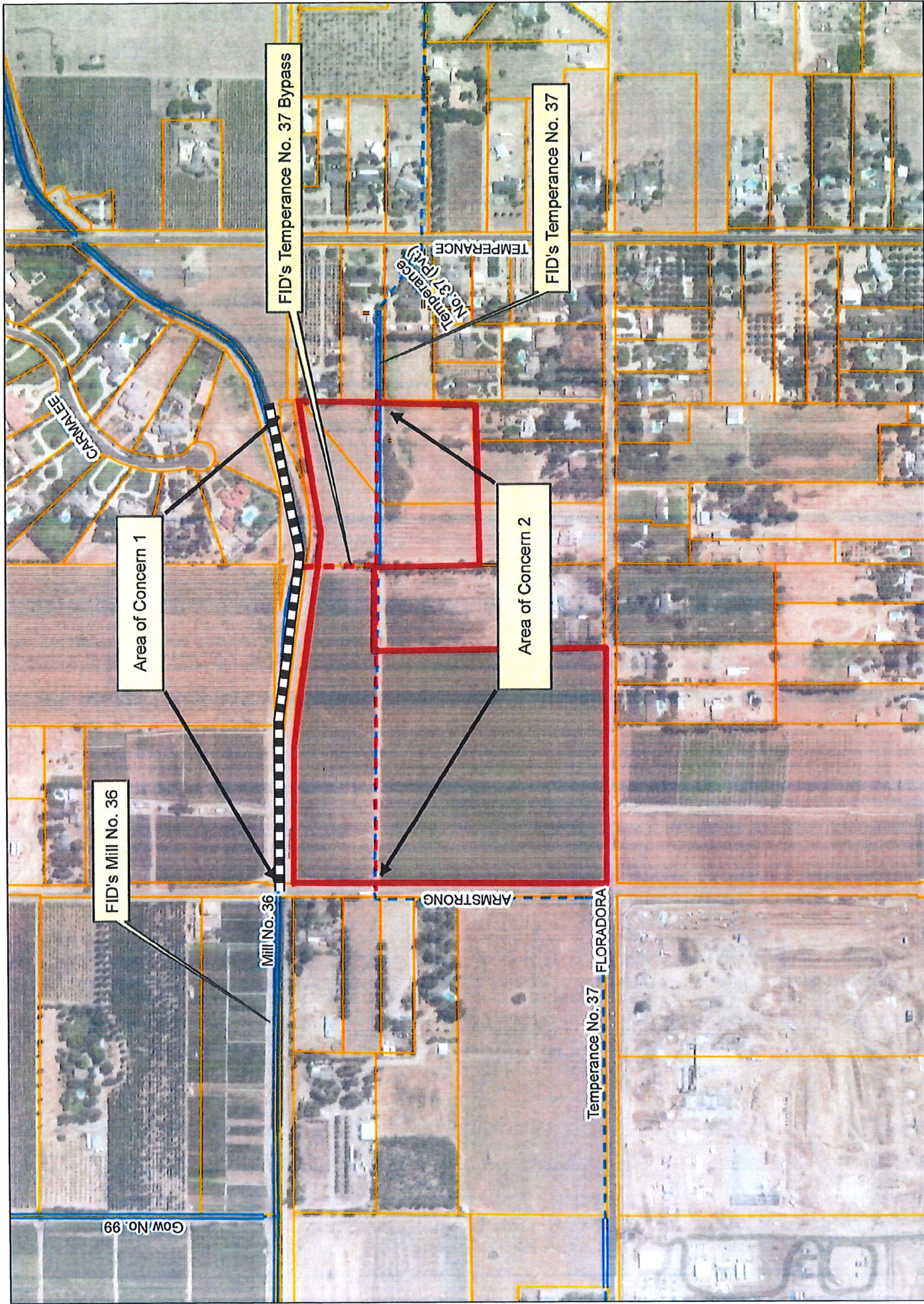
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,

Laurence Kimura, P.E.  
Chief Engineer

Attachment





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

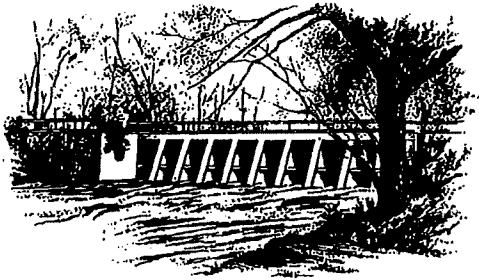
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1 inch = 500 feet  
Date Saved: 11/13/2018 05:41:14 AM  
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**Legend**

- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Other-Creek/River
- Other-Pipeline
- FID Boundary
- Railroad
- Streets & Hwys

- Parcel
- FIMCD Acquired Basins
- FIMCD Proposed Basins





YOUR MOST VALUABLE RESOURCE - WATER  
November 15, 2018

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

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

Will Tackett  
Development and Resource Management  
County of Fresno  
2200 Tulare Street, Sixth Floor  
Fresno, CA 93721

RE: Vesting Tentative Tract Map No. 6201  
N/E Floradora and Armstrong avenues  
FID's Temperance No. 37 and Mill No. 36

Dear Mr. Tackett:

The Fresno Irrigation District (FID) has reviewed Vesting Tentative Tract Map No. 6201, proposing to subdivide the property into 257 lots, APN: 310-081-03s, 05, 06. FID has the following comments:

**Summary of Requirements:**

- FID Board Approval.
- Varying Width Grant of Easement.
- Canal Bank Improvements.
- Channel Improvements.
- Drive Approaches per FID Detail No. 1-02
- Existing Encroachments removed and/or relocated.
- Review and Approval of all Plans.
- Execute Pipeline Substitution Agreement.
- Replace existing 30" CIP-MCP pipeline with 30" ASTM C-361 RGRCP (with MacWrap).
- Execute additional Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

**Area of Concern 1**

**Mill No. 36**

1. FID's Mill No. 36 runs westerly, traverses northern portion of the subject property and crosses Armstrong Avenue approximately 50 feet northwest of the subject property, as shown on the attached FID exhibit map and will be impacted by the proposed development. Should this project include any street and or utility

G:\Agencies\FresnoCity\Tract Map\6201.doc

BOARD OF DIRECTORS President RYAN JACOBSEN, Vice-President JERRY PRIETO, JR.  
CHRISTOPHER WOOLF, GEORGE PORTER, GREGORY BEBERIAN, General Manager GARY R. SERRATO

improvements along Armstrong Avenue or in the vicinity of this canal, FID requires it review and approve all plans.

2. Records indicate FID has the following exclusive easement recorded on March 16, 1993 as Document No. 93036868, Official Records of Fresno County, April 22, 1994 as Document No. 94070206, Official Records of Fresno County, March 24, 1994 as Document No. 94050766, Official Records of Fresno County December 13, 1993 as Document No. 93192384, Official Records of Fresno County. Records do not show recorded easement(s) for the entire portion of this canal, 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.
3. FID requires that, within the limits of the proposed project [and its remainder], the landowner grant an exclusive easement for the land underlying the canal and associated area along the canal required for maintenance pursuant to Water Code Section 22425 and FID policy. FID's District Canal Right-of-Way Requirements sheet is enclosed for your reference. The proposed easement (width) will depend on several factors including: 1) Width of canal, 2) height of canal banks, 3) final alignment of canal, 4) additional space needed where roads/avenues intersect canal, etc.
4. FID requires that the Engineer/Land Surveyor use the inside top hinge of the canal to define the edge of FID's right-of-way such that FID has a minimum of 20-foot wide right-of-way along the top of bank to be built out full width, clear of obstructions, structures, vegetation, etc. to provide clear passage and full width at all points along the canal bank. There are no minimum or suggested numbers of survey shots to take, but there must be enough survey points such that the top inside hinge of the canal bank is properly identified. Before finalizing plans, the Engineer/Land Surveyor will need to stake both the inside top hinge and the right-of-way/property for FID Staff to field evaluate an adequate width. FID staff must field verify the right-of-way/property boundary and the hinge line edge before signing plans to ensure that there are enough survey points to properly define the canal. The canal right-of-way line should be consistent with adjacent properties so long as the 20 feet minimum width and right-of-way requirements are met.
5. 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, depth and size, fees, etc.
6. It is FID's understanding that McKinley Avenue will be extended along the northern portion of the proposed development. Any right-of-way required for McKinley Avenue, the Mill No. 36, and/or FID's points of access must be reserved and obtained now as part of the development project so that McKinley

Avenue can be constructed to the desired width and FID right-of-way(s) are not encroached upon.

7. Typically, for any type of development that impacts a large open canal or is adjacent to one such as the Mill Canal, FID requires the developer to improve the canal with either concrete lining, encasing the canal in a box culvert, or other approved means to protect the canal's integrity for an urban setting. FID does not have sufficient information to determine what kind of improvements will ultimately be required as part of the development. The engineers working on the project and FID's engineering staff must meet to discuss specific requirements as discussed below. In order to meet the "urban" standards for the canal, FID will require the following minimum conditions:
  - a. Channel Stabilization: The proposed plan does not indicate any improvements to the Canal. If the Developer is not willing to concrete line the Canal or place it underground within a box culvert, they must come up with another means acceptable to and approved by FID to protect the Canal's integrity. On similar projects, Developers typically propose the following:
    - i. Surrounding Development – All proposed building pad elevations must be a minimum of 12-inches above the canal's high water.
    - ii. Freeboard – FID typically requires between 1.0 to 1.5 feet of freeboard. Because the Canal is used to route stormwaters, and is one of the larger canals used to convey the stormwater, FID will require a minimum of 1.5 feet of freeboard and a maximum of 2.0 feet. The Developer will be required to either import or export material to match FID's standards.
    - iii. Maintenance – this reach of Canal does have a history of high loads of sediment deposits which requires periodic dredging. FID will typically dredge the Canal and deposit the spoils on top of the banks to dry out. Once the spoil has dried, FID will flatten the spoil as time permits. This reach of Canal also has large volumes of trash, debris, shopping carts that are deposited into the Canal. FID's crews will typically remove the trash at the bridge crossings at Armstrong Avenue and Temperance Avenue, and another crew will come by to remove the trash. The hauling off of this material may occur several weeks after the trash has been placed on the side of the canal, and the trash may be considered a nuisance (sight and smell). If the Developer and/or City/County require a different level of maintenance effort, they will need to enter into an agreement for that purpose. The City/County and/or Developer will be responsible to fund the "higher level" of maintenance.



b. Drive banks/maintenance roads and encroachments (both banks):

- i. All drive banks must be sloped a minimum of 2%, maximum of 4% away from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives.
- ii. Any drainage systems or swales proposed must be located outside FID's property/easement.
- iii. Drive banks shall be built out to the required freeboard and elevation for the full width of the required Canal right-of-way width.
- iv. All drive banks shall be overlaid with 3 inches of Class II aggregate base for all-weather access and for dust suppression.
- v. Encroachments - All existing trees, bushes, debris, fencing, and other structures must be removed within FID's property/easement.

7. Trail - It is FID's understanding that a trail is master-planned along the Mill Canal bank. As with other developments with trails proposed along the canals, FID will not allow the trail to encroach/overlap FID's canal easement. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:

- a. FID will not allow the trail easement to be in common use with FID-owned property or easements.
- b. FID requires all trail improvements be placed outside of FID-owned properties and easements.
- c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
- d. FID's canals will not accept any drainage from the trail or the canal bank.
- e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.

8. A Trail fence between Trail and Canal is required unless an agreement is in place between City of Fresno and FID.
9. If a fence will be installed between the development and open canal, a block/masonry wall shall be required. Chain-link and wood fencing will no longer be accepted for urban developments.
10. Canal Access – FID will continue to access the Canal from Armstrong Avenue and proposed McKinley Avenue. In order to access the maintenance road with our larger equipment, FID requires a drive approach wide enough to accommodate the equipment. FID requires a 50-foot wide drive approach narrowing to a 20 feet wide drive bank (See attached "Drive Approach in Urban Areas" Detail No. 1-02). The 50-foot width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.
11. Construction within the Mill Canal will only be allowed/permitted on or near (above or below) FID's facilities outside of the irrigation season. The allowable construction period occurs generally during the months of November, December, and January, but is subject to change depending on hydrological conditions. The Mill Canal typically conveys water 8 months out of the year.

## **FACILITY SPECIFIC INFORMATION, COMMENTS & CONDITIONS**

### **Mill No. 36**

Existing Facilities:	Large open channel with maintenance drive banks on both sides.
Location of crossing:	East of Armstrong Avenue along McKinley Avenue Alignment at FID's Mill Canal No. 36
Easement:	Varying width, approximately 150 feet wide at drive approaches narrowing to 100-120 feet wide along drive banks.
Flows:	Max. 1,000 CFS

### **Comments & Conditions**

1. This canal is fairly large and therefore any proposed canal crossing must be designed to convey the water in a safe and efficient manner without altering the

existing conditions in a negative manner in regards to FID's operations and maintenance.

2. **Water Routing Requirements During Non-Irrigation Season** – As mentioned earlier, FID will require its water routing notes be placed on the plans or specifications. Refer to the attached provisional notes. The maximum flow in this reach is 1,000 CFS, with the normal irrigation flow being 900 CFS for a typical season. Outside the typical irrigation season, this canal carries Storm Water and Nuisance Water. The City and/or developers will need to plan for this, and those flows are explained in detail below:
  - a. **Storm Routing** – (0-1,000 CFS) The canal serves as a major artery of the Fresno Metropolitan Flood Control District (FMFCD) flood routing system. The storm water consists of urban runoff, runoff from parcels that adjoin the canal and from foothill stream flood control projects within and under the jurisdiction of FMFCD. Once the floodwater enters FID's canal system, FID routes the water through various canals to various basins located on the west side of FID.
  - b. **Nuisance** – (50-100 CFS) The canal catches inflows from various areas. This water will vary depending on several factors including the amount of rainfall. The canal will most likely have standing water.
3. **Bypass** – Because the Mill Canal is used to route storm waters which typically peak between November and February, there is no ideal construction window. The only opportunity to do any construction is typically during the months of November to January assuming weather permits.
  - a. Based on flows and criteria mentioned in Note #2, FID will require a bypass to route a minimum of 1,000 CFS (assuming normal conditions) from November 1<sup>st</sup> to February 15<sup>th</sup>. The bypass shall be removed and the canal shall be restored to its original conditions by February 15<sup>th</sup>.
  - b. Bypass shall be completed and inspected by FID's Inspector before any bridge work starts. If the bypass will be an open channel, a drive bank on both sides of the bypass channel shall be incorporated for maintenance and operation purposes. The Contractor shall prepare and submit, for approval from the City and FID, the detailed plans and calculations detailing that the system is capable of handling the projected flows.
  - c. FID will require a copy of an access agreement from the City and adjacent landowner(s) where the bypass will be constructed. This agreement shall include a waiver releasing FID of any liability as it relates to the bypass channel situated on adjacent properties. The bypass capacity requirements are subject to change based on the hydrological conditions.
  - d. Pumped bypass systems will require multiple levels of redundancy and must be "manned" 24 hours a day for the entire duration of the project

construction.

4. Fresno Irrigation District's Engineering Department, (559) 233-7161, shall be notified 48 hours prior to construction. No work shall begin within FID's easement, including work on the bridge, without a "Permit To Work Within An Easement & Right-of-Way" issued by FID (\$40 permit fee, \$125 per week or \$50 per day inspection fee). Inspection fees are based on \$50 per hour. All work shall be completed by the date specified on the Permit and the area restored to its original condition. Any work required after the completion date shall be approved by FID's Engineer. A **\$200,000** cash deposit is required to secure any work within FID's easements for the Mill Canal. FID will charge a Late Completion fee of **\$5,000** per day for each day that Contractor's work extends past **5:00PM on February 15<sup>th</sup>** of the construction year. However, ten (10) days before the Irrigation Season, FID will charge a Late Completion fee of **\$10,000** per day for work not completed. FID will deduct costs from the deposit if the Contractor fails to pay any late fees.
5. Hydraulic Modeling – FID requires a hydraulic analysis be submitted for review to demonstrate the new bridge will not impact the existing hydraulic gradeline of the Mill Canal. The City or developer or its consultant will provide hydraulic calculations to determine water surface profile impacts and the amount of head loss across the new bridge/culvert. New or retrofitted bridge/box culvert cannot raise upstream water levels, and the bridge placement according to comment #6 below shall not impact water surface elevations.
6. FID typically requires a 2.0-foot minimum freeboard through canal crossings such as the Mill Canal crossing. The freeboard is needed to pass debris and trash through the structure.
7. FID requires the canal banks be regraded at the abutments to allow for placement of new rock slope protection. The developer shall install concrete lining 6-inch thick with a 3-foot minimum cutoff wall on the upstream and downstream sides/ends of the liner a minimum of 100 feet, shall install rip-rap a minimum of 35-feet in width on the upstream and downstream sides to limits of disturbed soil or as required by FID's Engineer, and shall install access ladders on the upstream and downstream sides of concrete lining per the attached FID's standard details.
8. FID requires new bridges to be free-span without any piers in the waterway. If concrete piers are allowed by FID, FID may require a catwalk and pier/trash riders, and additional accommodations for equipment to access to remove trash and debris off of City R/W.
9. Drive Approach – FID requires 50-foot wide drive approaches narrowing to 20 feet wide drive banks (See attached "Drive Approach in Urban Areas" Detail No.

1-02).

10.

- a. The 50-foot drive width is defined as starting from the end portion of the bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access may be different. FID requires the turning radius to be a minimum of 75-feet.
- b. If guard railings extend beyond attachment points at each wing-wall, they will obstruct FID's access to the canal. FID will require the developer demonstrate FID's longest vehicle will be able to make the turns onto the drive banks. FID's right-of-way is a minimum 20-feet from the canal hinge on either side of the canal, and FID will require the developer acquire and dedicate FID an exclusive easement.

11. Canal Banks – If there will be any work on the canal banks, the following are a few guidelines and requirements:

- a. All disturbed soil shall be concrete lined (both side slopes and bottom). FID will require reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.
- b. Drive banks must be sloped a minimum of 2% away with a maximum of 4% from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives outside FID's easements/property.
- c. 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 City's project limits.

12. FID will need to be able to cross the median to the opposing canal bank so as to not be adversely impacted.

#### **Area of Concern 2**

1. FID's Temperance No. 37 runs westerly, crosses Armstrong Avenue approximately 20 feet west of the subject property, as shown on the attached FID exhibit map, and will be impacted by future development. Records indicate FID has a 30 feet wide exclusive easement recorded on December 12, 1974 as Document No. 93082, Official Records of Fresno County and a 15 feet wide exclusive easement recoded November 30, 1976 as Document No. 108924, Official Records of Fresno County.

- a. The attached plans for the Temperance indicates the pipeline was installed in 1959 (59 years old) as 30 inch inside 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. See the attached exhibit map for these limits
2. FID requires the Applicant/Developer replace the existing pipeline with new 24 inch and 30 inch inside diameter ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP), if the pipeline is realigned to parallel Floradora Avenue. If the Alignment remains through the development FID requires the Applicant/Developer replace the existing pipeline with 30-inch diameter ASTM 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.
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's Temperance No. 37 currently has a bypass which runs northerly traverses the middle portion of the subject property, and terminates into the Mill No. 36 Canal approximately 80 feet north of the subject property, as shown on the attached FID exhibit map, and will be impacted by future development.
5. The bypass 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 bypass canal across the subject property, with 30-inch inside diameter ASTM 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 30 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.

#### **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 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.
7. 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.

8. 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.
9. Footings of retaining walls shall not encroach onto FID property/easement areas.
10. Trees will not be permitted within FID's property/easement areas.
11. FID requires its easements be shown on all plans with proper recording information.
12. 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.
13. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.
14. 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.
15. 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.



16. For informational purposes, a Private line known as the Temperance #1 No. 37 runs southerly and crosses Floradora Avenue approximately 900 feet south of the subject properties as shown on the attached FID exhibit map. FID's records indicate this this line is active and shall need to be treated as such. FID can supply the City with a list of known users upon request.
17. 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.
18. 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.

/

Will Tackett  
Re: VTTM 6201  
November 15, 2018  
Page 12 of 13

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

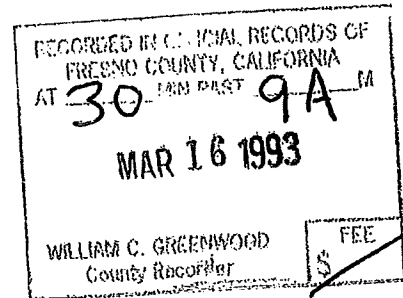
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment

DOCUMENTARY TRANSFER TAX *8*  
*M. Nichols*  
 For the benefit of the  
 Fresno Irrigation District



## GRANT OF EASEMENT

CANAL: Mill Ditch No. 36

LOCATION: N/W McKinley and Temperance Avenues

THIS INDENTURE, made and entered into this 16th day of March, 1993, by and between NICK TOM KOSSARAS and CARMALEE FRANCES KOSSARAS, as Co-Trustees of the Kossaras Living Trust, hereinafter referred to as GRANTORS, and FRESNO IRRIGATION DISTRICT, a public corporation in the County of Fresno, State of California, hereinafter referred to as DISTRICT;

W I T N E S S E T H:

For a valuable consideration, receipt of which is hereby acknowledged, GRANTORS do hereby grant unto DISTRICT, its successors and assigns, a perpetual and exclusive easement and right-of-way to have, construct, install, operate, use, maintain, alter, repair, improve, reconstruct, enlarge and supplement canals, pipes, pipelines and other conduits, and to flow and conduct water through said canals, pipes, pipelines and other conduits, across, over, through and under that certain real

property owned by GRANTORS in the County of Fresno, State of California, more particularly described as follows:

SEE EXHIBIT "A", ATTACHED HERETO, AND

Said easement and right-of-way is described as follows:

SEE EXHIBIT "B", ATTACHED HERETO.

Said easement and right-of-way shall include all rights convenient or incidental to the use thereof by DISTRICT including the right of ingress to and egress from said easement and right-of-way so described over and across said real property owned by GRANTORS.

All canals, pipes, pipelines, conduits and other facilities existing or to be constructed by DISTRICT upon and within said easement are or shall become and remain the property of DISTRICT and shall be maintained by DISTRICT at DISTRICT's expense and GRANTORS shall have no right, title, or interest therein.

When said canals, pipes, pipelines and other structures or facilities shall be constructed and maintained, the manner in which they shall be constructed and maintained and the time and

manner for conducting and discharging water through the same shall be in the sole and absolute control of DISTRICT.

GRANTORS reserve the right to use the surface of the land within said easement for their own purposes, so long as said use by GRANTORS does not interfere with the use of said easement by DISTRICT for the purposes for which said easement is granted. GRANTORS shall not build or construct any building or other permanent structure on said easement without the written permission and consent of DISTRICT. DISTRICT shall have the right, without notice, and at GRANTORS' expense, to remove any structures, fences, trees, vines, shrubs, or other encroachments from said easement which do interfere with the purposes or use of said easement. GRANTORS shall maintain the surface of said land and keep it in a safe condition for the use of DISTRICT and others.

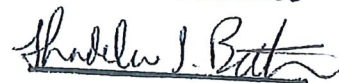
This written indenture is for the purpose of recognizing, confirming, supplementing and amending the terms and conditions of any easement, either written or prescriptive, now existing in favor of DISTRICT over, across, or through said real property and shall not be construed so as to terminate or change priorities in respect to said existing easement and any other easement claimed by any person or entity on or over said real property.

This Indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

IN WITNESS WHEREOF, the undersigned have caused this Grant of Easement to be executed the date hereinabove written.

  
NICK TOM KOSSARAS, Trustee

SUBSCRIBING WITNESS



  
CARMALEE FRANCES KOSSARAS, Trustee

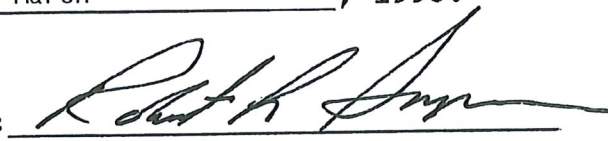
SUBSCRIBING WITNESS



"GRANTORS"

The above Grant of Easement is accepted for and on behalf of the Fresno Irrigation District this 16th day of March, 1993.

BY:

  
Secretary

Document Number \_\_\_\_\_



# CALIFORNIA SUBSCRIBING-WITNESS ACKNOWLEDGMENT ("WITNESS JURAT")

No. 5195

State of CALIFORNIA  
County of FRESNO } SS.



On this the 15 day of March 19 93, before me, the undersigned  
Notary Public, personally appeared Thaddeus L. Bettner (name of subscribing witness),  
☒ personally known to me  
☐ proved to me on the oath/affirmation of \_\_\_\_\_ (name of credible  
witness who identifies subscribing witness), a credible witness whom I know personally,  
to be the person whose name is subscribed to the within instrument as a witness thereto, who, being  
by me duly sworn, deposes and says that he (he/she) was present and saw  
CARMALEE FRANCES KOSSARAS, Trustee (name of principal signer not appearing before  
Notary), the same person described in and whose name is subscribed to the within and annexed in-  
strument as a party thereto, execute the same, and that said affiant subscribed her (his/her)  
name to the within instrument as a witness at the request of CARMALEE FRANCES KOSSARAS, Trustee  
(name of principal signer again)  
Trish Smothers (Notary's signature)

**ATTENTION NOTARY:** Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:

Title or Type of Document Grant of Easement  
Number of Pages 4 Date of Document \_\_\_\_\_  
Signer(s) Other Than Named Above NICK TOM KOSSARAS

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# CALIFORNIA SUBSCRIBING-WITNESS ACKNOWLEDGMENT ("WITNESS JURAT")

No. 5195

State of CALIFORNIA  
County of FRESNO } SS.



On this the 15 day of MARCH 19 93, before me, the undersigned  
Notary Public, personally appeared THADDEUS L BETTNER (name of subscribing witness),  
☒ personally known to me  
☐ proved to me on the oath/affirmation of \_\_\_\_\_ (name of credible  
witness who identifies subscribing witness), a credible witness whom I know personally,  
to be the person whose name is subscribed to the within instrument as a witness thereto, who, being  
by me duly sworn, deposes and says that HE (he/she) was present and saw  
NICK TOM KOSSARAS, Trustee (name of principal signer not appearing before  
Notary), the same person described in and whose name is subscribed to the within and annexed in-  
strument as a party thereto, execute the same, and that said affiant subscribed HIS (his/her)  
name to the within instrument as a witness at the request of NICK TOM KOSSARAS, Trustee  
(name of principal signer again)  
Trish Smothers (Notary's signature)

**ATTENTION NOTARY:** Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:

Title or Type of Document GRANT OF EASEMENT  
Number of Pages 4 Date of Document \_\_\_\_\_  
Signer(s) Other Than Named Above CARMALEE FRANCES KOSSARAS

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5



EXHIBIT "A"  
PROPERTY DESCRIPTION  
(SHEET 1 OF 1)

Lot 16 in Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, according to the map of Subdivision of Section 27, Township 13 South, Range 21 East, recorded June 2, 1906, in Book 5, Page 14 of Plats, Fresno County Records.

EXCEPTING that portion of said Lot 16 described as lying North of the North line of Lot 2 in Block 1 of Temperance Colony and West of the line which would be formed by the projection of the East line of said Lot 2 in Block 1 of Temperance Colony to the Mill Ditch on said Lot 16 in Section 27, and South and East of the Mill Ditch on said Lot 16; said Tract being otherwise described as that portion of said Lot 16 in Section 27 being described as follows:

COMMENCING at the Northeast corner of Lot 2 in Block 1 of Temperance Colony, running thence North at right angles of said Lot 16, 37-1/2 feet to the Mill Ditch, thence along said Mill Ditch in a Southwesterly direction to the point where said Mill Ditch intersects the North boundary line of said Lot 2; said point of intersection being distant 178 feet West from the Northeast corner of Lot 2.

ALL-PURPOSE ACKNOWLEDGMENT

NO 209

State of California  
County of Fresno

On 3-16-93 before me, Mava Nichols, Notary Public  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Robert L. Simpson  
NAME(S) OF SIGNER(S)

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

Witness my hand and official seal.



Mava Nichols  
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL(S)  
☒ CORPORATE Secretary  
OFFICER(S) \_\_\_\_\_ TITLE(S) \_\_\_\_\_  
☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ SUBSCRIBING WITNESS  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

Fresno Irrigation  
District

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:

Title or Type of Document Grant of Easement  
Number of Pages 7 Date of Document 3-16-93  
Signer(s) Other Than Named Above \_\_\_\_\_



**EXHIBIT "B"**  
**EASEMENT DESCRIPTION FOR MILL DITCH No. 36**  
**(SHEET 1 OF 2)**

That portion of Lot 16 in Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, according to the map of Subdivision of Section 27, Township 13 South, Range 21 East, recorded June 2, 1906, in Book 5, Page 14 of Plats, Fresno County Records, being more particularly described as follows:

COMMENCING at a point on the East line of said Section 27, said point being North 00°01'25" East, a distance of 764.14 feet from the Southeast corner thereof;

- (1) thence South 37°29'40" West, a distance of 338.24 feet;
- (2) thence South 25°37'35" West, a distance of 198.65 feet;
- (3) thence South 32°50'44" West, a distance of 165.47 feet;
- (4) thence South 47°58'23" West, a distance of 92.78 feet;
- (5) thence South 60°16'01" West, a distance of 114.81 feet;
- (6) thence South 72°30'07" West, a distance of 143.02 feet;
- (7) thence South 73°39'22" West, a distance of 55.35 to a point on the South line of said Section 27;
- (8) thence North 89°59'53" West, along said South line, a distance of 355.31 feet;
- (9) thence North 77°05'33" East, a distance of 5.78 feet;
- (10) thence North 74°56'55" East, a distance of 517.43 feet;
- (11) thence North 59°27'06" East, a distance of 57.21 feet;
- (12) thence North 53°08'08" East, a distance of 101.57 feet;
- (13) thence North 31°03'24" East, a distance of 155.84 feet;
- (14) thence North 25°21'02" East, a distance of 137.46 feet;
- (15) thence North 32°23'37" East, a distance of 131.64 feet;
- (16) thence North 38°51'02" East, a distance of 129.60 feet;
- (17) thence North 40°39'28" East, a distance of 258.06 feet to a point on the East line of said Section 27;
- (18) thence South 00°01'25" West, along said East line, a distance of 127.13 feet to the POINT OF BEGINNING.

EXCEPTING therefrom any portion thereof lying within the following described property:

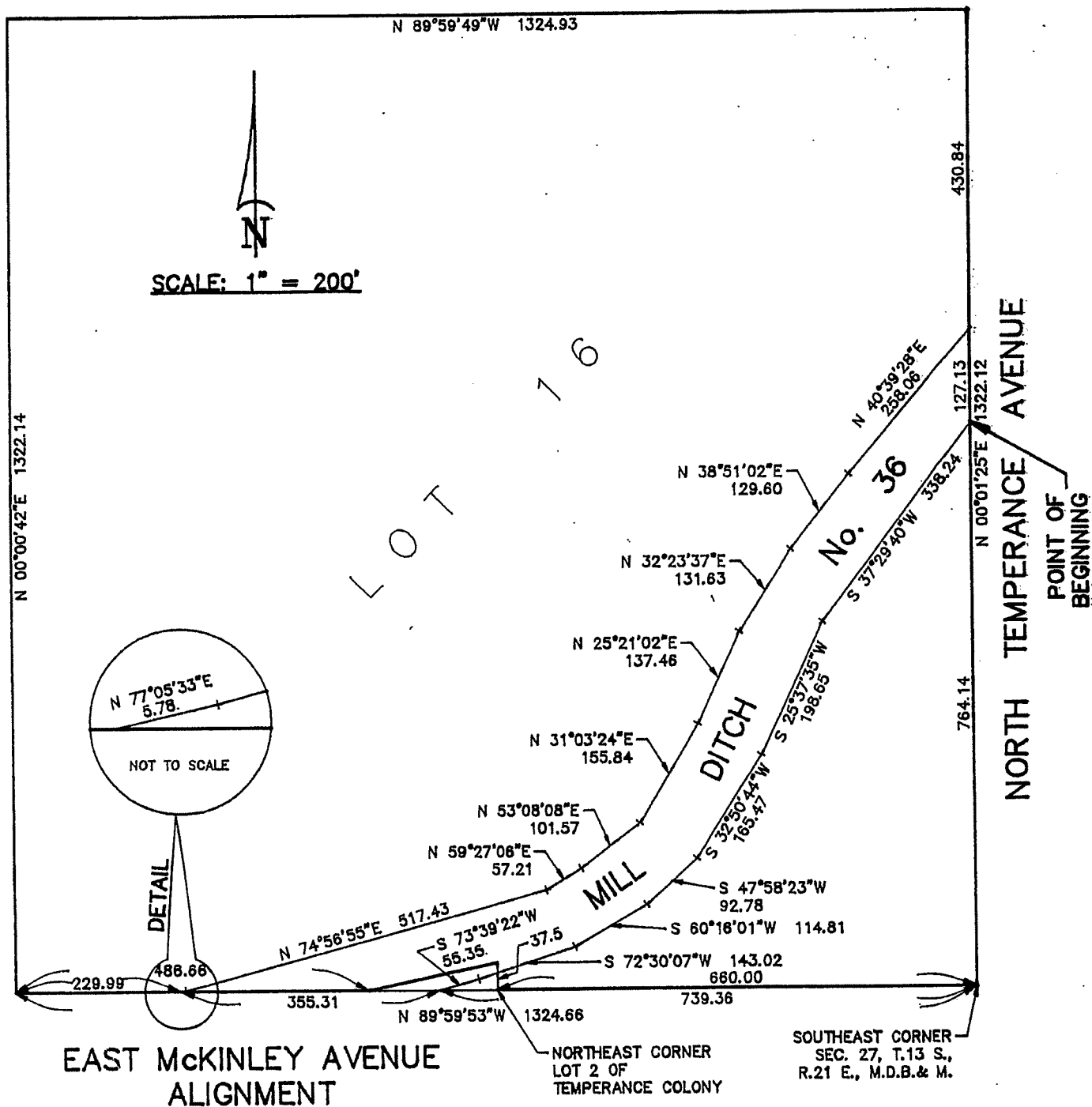
COMMENCING at the Northeast corner of Lot 2 in Block 1 of Temperance Colony, running thence North at right angles of said Lot 16, 37-1/2 feet to the Mill Ditch, thence along said Mill Ditch in a Southwesterly direction to the point where said Mill Ditch intersects the North boundary line of said Lot 2; said point of intersection being distant 178 feet West from the Northeast corner of Lot 2.

B-92156  
WP/sf  
03/07/93

7

# EXHIBIT "B"

EASEMENT DESCRIPTION FOR MILL DITCH No. 36  
(SHEET 2 OF 2)



94070206

102153 PM

Documentary Transfer Tax -- \$0.00

D. M. Nichols  
For the Benefit of:

FRESNO IRRIGATION DISTRICT  
2907 SOUTH MAPLE AVENUE  
FRESNO, CA 93725-2218

RECORDING REQUESTED BY:  
STEWART TITLE OF FRESNO CO.  
RECORDED IN OFFICIAL RECORDS OF  
FRESNO COUNTY, CALIFORNIA  
AT 8 MIN. PAST 11 A.M.  
**APR 22 1994**  
WILLIAM C. GREENWOOD  
County Recorder  
FEE  
\$

RECORDING INFORMATION

GRANT OF EASEMENT

CANAL: Mill Ditch No. 36  
LOCATION: Armstrong Avenue  
FID JOB NO.: 556

PTN of APN 310-040-82  
BRLO 5942-005

THIS INDENTURE, made and entered into this 1<sup>st</sup> day of March, 1993,  
by and between SARAH EVERETT HAGERTY, TRUSTEE OF THE HAGERTY FAMILY TRUST  
UNDER DECLARATION OF TRUST DATED OCTOBER 8, 1993, AND ANY AMENDMENTS  
THERE TO hereinafter referred to as GRANTORS, and FRESNO IRRIGATION  
DISTRICT, a public corporation in the County of Fresno, State of  
California, hereinafter referred to as DISTRICT;

W I T N E S S E T H:

For a valuable consideration, receipt of which is hereby  
acknowledged, GRANTORS do hereby grant unto DISTRICT, its successors and  
assigns, perpetual and exclusive easement and right-of-way for DISTRICT's  
Mill Ditch No. 36 across, over, and through that certain real property  
owned by GRANTORS in the County of Fresno, State of California, said  
easement and right of way more particularly described as follows:

That portion of the Southeast one-quarter of Section 27, Township 13  
South, Range 21 East, Mount Diablo Base and Meridian, in the County of  
Fresno, State of California, said portion more particularly described as  
follows:

Commencing at the Southwest Corner of said Southeast one-quarter, thence;  
North 00°01'56" West, along the West line of said Southeast one-quarter,  
160 feet, thence; North 89°58'04" East, 30 feet, to the True Point of  
Beginning, thence;

1. North 89°58'04" East, 18 feet, thence;
2. South 00°01'56" East, 75 feet, thence;
3. South 45°01'56" East, 35.4 feet, thence;

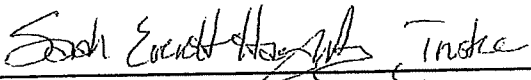
4. North 89°58'04" East, 27 feet, thence;
5. South 00°01'56" East, 20 feet, more or less, to a point on the North line of the South 40 feet of said Southeast one quarter, thence;
6. Westerly, along the North line of the South 40 feet, to a point on the East line of the West 30 feet, thence;
7. North 00°01'56" West, 120 feet, to the True Point of Beginning.

Containing 0.081 acre of land, more or less.


GRANTORS reserve the right to use the surface of the land within said easement for their own purposes, so long as said use by GRANTORS does not interfere with the use of said easement by DISTRICT for the purposes for which said easement is granted, provided GRANTORS shall not build or construct any building or other permanent structure on said easement without the written permission and consent of DISTRICT. DISTRICT shall have the right, without notice, and at GRANTORS' expense, to remove any structures, fences, gates, cables, trees, vines, shrubs, obstructions, or other encroachments from said easement which do interfere with the purposes or use of said easement. GRANTORS shall maintain the surface of said land and keep it in a safe condition for the use of DISTRICT and others.

This Indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

IN WITNESS WHEREOF, the undersigned have caused this Grant of Easement to be executed the date hereinabove written.

  
SARAH EVERETT HAGERTY, Trustee

The above Grant of Easement is accepted for and on behalf of the Fresno Irrigation District this 18<sup>th</sup> day of APRIL, 1994.

BY:   
Secretary

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 519

State of California }  
 County of Fresno }  
 On 4-18-94 before me, Mava Nichols, Notary Public,  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"  
 personally appeared Robert E. Locke, Jr.,  
NAME(S) OF SIGNER(S)

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



WITNESS my hand and official seal.

Mava Nichols

SIGNATURE OF NOTARY

## OPTIONAL SECTION

### CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- ☐ INDIVIDUAL  
☒ CORPORATE OFFICER(S)  
Secretary TITLE(S)  
☐ PARTNER(S) ☐ LIMITED  
☐ GENERAL  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

### SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)  
Friano I.D.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, It could prevent fraudulent reattachment of this form.

## OPTIONAL SECTION

TITLE OR TYPE OF DOCUMENT Grant of Easement  
 NUMBER OF PAGES 2 DATE OF DOCUMENT 3-1-94  
 SIGNER(S) OTHER THAN NAMED ABOVE 94-D036-J556/02

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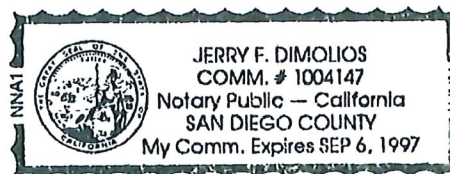
## ALL PURPOSE NOTARY ACKNOWLEDGEMENT FORM

STATE OF CALIFORNIA )  
 COUNTY OF SAN DIEGO )  
 On March 1, 1994 before me, Jerry F. Dimolios personally  
 appeared Spish Everett Hagerly

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

WITNESS my hand and official seal,

Jerry F. Dimolios  
 Signature



(Seal)

94050766

CORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA	
AT <u>7</u>	MIN PAST <u>10A</u> M
MAR 24 1994	
WILLIAM C. GREENWOOD County Recorder	FEE \$ <u>✓</u>

Documentary Transfer Tax -- \$0.00

*Werna Von Steen*  
For the Benefit of:

FRESNO IRRIGATION DISTRICT  
2907 SOUTH MAPLE AVENUE  
FRESNO, CA 93725-2218

94050766  
RECORDING INFORMATION

## GRANT OF EASEMENT

CANAL: Mill Ditch No. 36  
LOCATION: Armstrong Avenue  
FID JOB NO.: 556

PTN of APN 310-080-30  
BRLO 5942-005

THIS INDENTURE, made and entered into this 2nd day of March, 1994,  
by and between LEO P. WARMERDAM and MARGARET J. WARMERDAM, HUSBAND AND WIFE, AS  
TENANTS IN COMMON hereinafter referred to as GRANTORS, and FRESNO IRRIGATION  
DISTRICT, a public corporation in the County of Fresno, State of California,  
hereinafter referred to as DISTRICT;

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

For a valuable consideration, receipt of which is hereby acknowledged,  
GRANTORS do hereby grant unto DISTRICT, its successors and assigns, perpetual  
and exclusive easement and right-of-way, excepting therefrom a non-exclusive  
easement for railroad right-of-way access purposes, for DISTRICT's Mill Ditch  
No. 36 across, over, and through that certain real property owned by GRANTORS  
in the County of Fresno, State of California, said easement and right of way  
more particularly described as follows:

That portion of the Northeast one-quarter of Section 34, Township 13 South,  
Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State  
of California, said portion more particularly described as follows:

The East 18 feet of the West 48 feet of the South 100 feet of the North 155  
feet of the Northeast one-quarter of said Section 34.

ALSO:

Beginning at the Northeast Corner of the East 18 feet of the West 48 feet of  
the South 100 feet of the North 155 feet of the Northeast one-quarter of said  
Section 34, thence;

1. South 00°14'40" East, along the East line of the West 48 feet of the  
Northeast one-quarter of said Section 34, a distance of 20 feet, thence;
2. North 44°45'20" East, to a point 68 feet East of the West line of said  
Northeast one-quarter, and 55 feet South of the North line of said  
Northeast one-quarter, a distance of 28.3 feet, more or less, thence;



3. Westerly, along the South line of the North 55 feet, a distance of 20 feet, more or less, to the Point of Beginning.

Containing 0.046 acre of land, more or less.

GRANTORS reserve the right to use the surface of the land within said easement for their own purposes, so long as said use by GRANTORS does not interfere with the use of said easement by DISTRICT for the purposes for which said easement is granted, provided GRANTORS shall not build or construct any building or other permanent structure on said easement without the written permission and consent of DISTRICT. DISTRICT shall have the right, without notice, and at GRANTORS' expense, to remove any structures, fences, gates, cables, trees, vines, shrubs, obstructions, or other encroachments from said easement which do interfere with the purposes or use of said easement. GRANTORS shall maintain the surface of said land and keep it in a safe condition for the use of DISTRICT and others.

This Indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

IN WITNESS WHEREOF, the undersigned have caused this Grant of Easement to be executed the date hereinabove written.

Leo P. Warmerdam  
LEO P. WARMERDAM

Margaret J. Warmerdam  
MARGARET J. WARMERDAM

Ken Jensen  
Witness

The above Grant of Easement is accepted for and on behalf of the Fresno Irrigation District this 23 day of MAR, 1994

BY: Robert E. Beck Jr.  
Secretary

6392a

2



# ALL-PURPOSE ACKNOWLEDGEMENT

NO 209

State of California  
County of Fresno

On 3-23-94 before me, Verna Von Steen, Notary Public  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Robert E. Leake, Jr.  
NAME(S) OF SIGNER(S)

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

Witness my hand and official seal.



Verna Von Steen  
SIGNATURE OF NOTARY

## CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL(S)  
☒ CORPORATE  
OFFICER(S) Secretary TITLE(S)  
☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ SUBSCRIBING WITNESS  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

## SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)  
Fresno Irrigation  
District

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:

Title or Type of Document Grant of Easement  
Number of Pages 2 Date of Document 3-23-94  
Signer(s) Other Than Named Above \_\_\_\_\_

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## COUNTY CLERK WITNESS ACKNOWLEDGEMENT FORM

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )

On March 2, 1994, before me, SUSAN B. ANDERSON, County Clerk, and Ex-Officio Clerk of the Superior Court, in and for said County and State, personally appeared Ken Jepsen, who is personally known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being duly sworn by me, deposes and says that he was present and saw Leo P. & Margaret J. Warmerdam, the same person<sub>s</sub> described in and whose name<sub>s</sub> subscribed to the within and annexed instrument as a party thereto, execute the same. Said affiant subscribed his name to the within instrument as a witness at the request of Leo P. & Margaret J. Warmerdam.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SUSAN B. ANDERSON  
County Clerk and Ex-Officio  
Clerk of the Superior Court

BY: David Wyatt  
Deputy  
David Wyatt



(Seal)

3

93192384

Documentary Transfer Tax -- \$0.00

*M. Nichols*

For the Benefit of:

**RETURN TO**

FRESNO IRRIGATION DISTRICT  
2907 SOUTH MAPLE AVENUE  
FRESNO, CA 93725-2218

RECORD	IN OFFICIAL RECORDS OF
FRESNO COUNTY, CALIFORNIA	
AT <u>8</u> MIN. PAST <u>3</u> P M	
DEC 13 1993	
WILLIAM C. GREENWOOD County Recorder	FEE \$

RECORDING INFORMATION

GRANT OF EASEMENT

CANAL: Mill Ditch No. 36  
LOCATION: Armstrong Avenue  
FID JOB NO.:

PTN of APN 310-010-03U, 04U

THIS INDENTURE, made and entered into this 8th day of December, 1993,  
by and between TULARE VALLEY RAILROAD COMPANY, A NEVADA CORPORATION  
hereinafter referred to as GRANTORS, and FRESNO IRRIGATION DISTRICT, a public  
corporation in the County of Fresno, State of California, hereinafter referred  
to as DISTRICT;

W I T N E S S E T H:

For a valuable consideration, receipt of which is hereby acknowledged,  
GRANTORS do hereby grant unto DISTRICT, its successors and assigns, perpetual  
and exclusive easement and right-of-way for DISTRICT's Mill Ditch No. 36  
across, over, and through that certain real property owned by GRANTORS in the  
County of Fresno, State of California, said easement and right of way more  
particularly described as follows:

That portion of the Northwest one-quarter of Section 34, Township 13 South,  
Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State  
of California, said portion more particularly described as follows:

The West 70 feet of the East 100 feet of the South 16 feet of the North 55  
feet of the Northwest one-quarter.

Containing 0.026 acre of land more or less.

ALSO:

That portion of the Northeast one-quarter of Section 34, Township 13 South,  
Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State  
of California, said portion more particularly described as follows:

//////  
////

The East 70 feet of the West 100 feet of the South 17 feet of the North 55 feet of said Northeast one-quarter.

Containing 0.027 acre of land more or less.

GRANTORS reserve the right to use the surface of the land within said easement for their own purposes, so long as said use by GRANTORS does not interfere with the use of said easement by DISTRICT for the purposes for which said easement is granted, provided GRANTORS shall not build or construct any building or other permanent structure on said easement without the written permission and consent of DISTRICT. DISTRICT shall have the right, without notice, and at GRANTORS' expense, to remove any structures, fences, gates, cables, trees, vines, shrubs, obstructions, or other encroachments from said easement which do interfere with the purposes or use of said easement. GRANTORS shall maintain the surface of said land and keep it in a safe condition for the use of DISTRICT and others.

This Indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

IN WITNESS WHEREOF, the undersigned have caused this Grant of Easement to be executed the date hereinabove written.

TULARE VALLEY RAILROAD COMPANY, a Nevada Corporation

BY: 

BY: 

The above Grant of Easement is accepted for and on behalf of the Fresno Irrigation District this 8 day of DECEMBER, 1993.

BY: 

Secretary

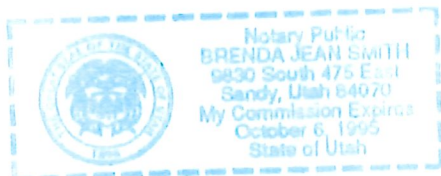


NOTARY PUBLIC

STATE OF UTAH )  
 ) §  
COUNTY OF SALT LAKE )

On this 25th day of August, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Morris H. Kulmer, known to me to be the President, and George J. Ross, known to me to be the Vice President of the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.



Brenda Jean Smith  
Brenda Jean Smith, Notary Public

My commission expires: 10-6-95

ALL-PURPOSE ACKNOWLEDGMENT

NO 209

State of California  
County of Fresno }

On 12-8-93 before me, Mava Nichols, Notary Public  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Robert E. Leake, Jr.  
NAME(S) OF SIGNER(S)

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

Witness my hand and official seal.



Mava Nichols  
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL(S)  
☒ CORPORATE Secretary  
OFFICER(S) \_\_\_\_\_ TITLE(S) \_\_\_\_\_  
☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ SUBSCRIBING WITNESS  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)

Fresno Irrigation Dist.

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:

Title or Type of Document Grant of Easement  
Number of Pages 2 Date of Document 12-8-93  
Signer(s) Other Than Named Above \_\_\_\_\_

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

RECORDED IN OFFICIAL RECORDS FRESNO COUNTY, CALIFORNIA	
AT 31 MIN. PAST 2 P	DEC 13 1974
N. L. MASINI, County Recorder	
FEE	\$ -

THIS AGREEMENT, made and entered into this 12th day of  
December, 19 74, by and between LEO P. WARMERDAM and  
MARGARET J. WARMERDAM, hereinafter referred to as "FIRST PARTIES",  
and RICHARD O. TAGGART and MARGARET L. TAGGART, hereinafter referred  
to as "SECOND PARTIES", and FRESNO IRRIGATION DISTRICT, a public  
corporation, hereinafter referred to as "THIRD PARTY";

W I T N E S S E T H:

WHEREAS, First Parties are the owners of that certain real property  
in the County of Fresno, State of California, described as follows:

Lots 3 and 4 of Block 1 of Temperance Colony in Section  
34, Township 13 South, Range 21 East, M.D.B.&M., less  
that portion of the east 340 feet of Lot 3 lying south  
of the Fresno Irrigation District's Temperance Ditch,  
and

WHEREAS, Second Parties are the owners of that certain real property  
in the County of Fresno, State of California, described as follows:

The East 340 feet of Lot 3 of Block 1 of Temperance  
Colony in Section 34, Township 13 South, Range 21  
East, M.D.B.&M., lying south of the Fresno Irrigation  
District's Temperance Ditch, and

WHEREAS, Third Party owns a right of way forty feet (40') wide over  
said real property for an irrigation ditch and a ditch thereon known as  
the Temperance Ditch No. 37, the centerline of which is described as  
follows:

Commencing at a point on the centerline of the Fresno  
Irrigation District's Temperance Ditch No. 37 located  
approximately 1320 feet east and 2270 feet north of  
the center quarter corner of Section 34, Township 13  
South, Range 21 East, M.D.B.&M., running thence westerly  
1300 feet more or less to a point located approximately  
20 feet east and 2300 feet north of said center quarter  
corner of said Section 34, and

WHEREAS, First and Second Parties desire to substitute for said  
open ditch a thirty inch (30"), inside diameter, irrigation pipeline  
upon and within a right of way as provided herein, and Third Party is  
willing to consent to the installation and substitution of such pipe-  
line for said open ditch subject to the conditions herein specified;

NOW, THEREFORE, it is agreed as follows:

I.

First and Second Parties do hereby grant to Third Party the  
perpetual and exclusive right and easement to construct, install,  
maintain, alter, repair, improve, reconstruct, enlarge and supplement

To be recorded without fee on behalf  
of Fresno Irrigation District. *L. C. Gardner*

pipes, pipelines and conduits, and to flow and conduct water through said pipes, pipelines and conduits, across, over, through and under the following described real property, to-wit:

Lots 3 and 4 of Block 1 of Temperance Colony in Section 34, Township 13 South, Range 21 East, M.D.B.&M., less that portion of the east 340 feet of Lot 3 lying south of the Fresno Irrigation District's Temperance Ditch,

The east 340 feet of Lot 3 of Block 1 of Temperance Colony in Section 34, Township 13 South, Range 21 East, M.D.B.&M., lying south of the Fresno Irrigation District's Temperance Ditch,

in a perpetual and exclusive right of way and easement therefor consisting of a strip of land thirty feet (30') wide, the centerline of which is described as follows:

Commencing at a point on the centerline of the Fresno Irrigation District's Temperance Ditch No. 37 located approximately 1320 feet east and 2270 feet north of the center quarter corner of Section 34, Township 13 South, Range 21 East, M.D.B.&M., running thence westerly 1300 feet more or less to a point located approximately 20 feet east and 2300 feet north of said center quarter corner of said Section 34,

together with all rights convenient or incidental thereto, including the right of ingress to and egress from said right of way and easement over and across said real property of First and Second Parties; and First and Second Parties for themselves, their heirs, executors, administrators, successors and assigns, covenant and agree that no building, fence or other structure shall be constructed and no trees, vines or shrubs shall be planted upon said right of way and easement, and that Third Party shall have the right, without notice, to remove any structures, fences, trees, vines, shrubs or other encroachments on said right of way and easement when necessary to lay, construct, reconstruct, repair or maintain said pipes, pipelines or conduits.

## II.

Third Party shall at First Party's expense, lay, construct and install within and along the said right of way and easement hereinabove granted to Third Party a thirty inch (30"), inside diameter, monolithic irrigation pipeline with thirty inch (30"), inside diameter, concrete culvert pipe at all existing and proposed roads, streets or alleys, and with such connections, structures and appurtenances as may be required and/or specified by the engineer of Third Party. Said installation shall be made and completed in accordance with plans and specifications furnished by Third Party and approved by First and Second Parties.

Third Party shall at its own expense prepare the right of way, establish line and grade for trenching, laying and construction, supervise the work and backfill the completed pipeline. First and Second Parties and Third Party agree that said work shall not interfere with the flow of water through the existing facilities as may be required for Third Party's use.

## IV.

It is estimated that the entire cost of laying, constructing and installing the pipeline and all work connected therewith will not exceed Six Thousand Five Hundred Dollars (\$6,500.00), and that the work will be completed by March 1, 1975. It is agreed that Third Party shall call for sealed bids for the trenching and the installation of the pipeline and its appurtenances and with the approval of First and Second Parties award the bid to the lowest qualified bidder. Third Party reserves the right to reject any and all bids received.

## V.

Third Party shall with the approval of First and Second Parties also have the right, but shall not be required, to purchase the materials and do all or any part of said work with its own employees and equipment if Third Party determines that the installation can be made and completed for less than the amount shown and offered by the lowest qualified bidder.

## VI.

First Party's agree to pay to Third Party the entire cost of laying, constructing and installation of said pipeline connections, structures and appurtenances thereto, including the cost of labor, materials, equipment, trenching, installation and testing within thirty (30) days after the completion and acceptance of said work by Third Party, except for the following portion of said work, which shall be paid by Third Party:

Twenty-five percent (25%) of the cost of thirty inch (30") monolithic pipeline except structures appurtenant thereto, or \$1,500.00, whichever is the lesser.

In the event that First Party fails or refuses to pay his proportionate share of all costs herein agreed to be paid by him to Fifth Party, within thirty (30) days after the completion and accept-



ance of said work by Third Party, First and Second Parties do hereby create a lien upon the real property hereinabove described of such defaulting party to secure such payment and interest thereon at the rate of seven per cent (7%) per annum.

## VII.

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

## VIII.

Upon full performance of this agreement by First and Second Parties and the acceptance of said pipeline and structures by Third Party, Third Party agrees to abandon that portion of its present Temperance Ditch, and right of way which will be replaced by said pipeline and easement, which are not within the right of way and easement herein granted to Third Party.

## IX.

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

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

Leo P. Warmerdam  
Leo P. Warmerdam

FRESNO IRRIGATION DISTRICT

Margaret J. Warmerdam  
Margaret J. Warmerdam

BY: Winston Strong  
President

(FIRST PARTIES)  
Richard O. Taggart  
Richard O. Taggart

ATTEST: Ardys J. Gorder  
Secretary

(THIRD PARTY)

Margaret L. Taggart  
Margaret L. Taggart  
(SECOND PARTIES)

SUBSCRIBING DISTRICT  
Bill [Signature]



State of California )  
County of Fresno ) ss.

Book 6377 PAGE 774

On this 12th day of December, in the year one thousand nine hundred and seventy-four, before me, Paul H. Willison, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Winston Strong, President and Ardys T. Gorder, known to me to be the Secretary of the FRESNO IRRIGATION DISTRICT, the corporation that executed the within instrument, and known to me to be the person S who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County, the day and year in this Certificate first above written.

CORPORATION ACKNOWLEDGMENT  
Kilner Stationery Co.  
1916 Echo

FORM K103

Notary Public in and for said County and State



STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.

On the 26th day of November, in the year one thousand nine hundred and seventy-four, before me Ardys T. Gorder, a Notary Public in and for the County of Fresno, State of California, personally appeared Bill Coffey, personally known to me to be the person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me first duly sworn, deposed and said that he resides in the County of Fresno, State of California, that he was present when

Leo P. Warmerdam

Margaret J. Warmerdam

Richard O. Taggart

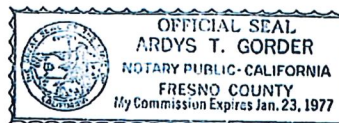
Margaret L. Taggart

known to him to be the persons described in said instrument, executed said instrument, that he saw each of said persons subscribe and execute said instrument, and that he subscribed his name to said instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(Seal)

Ardys T. Gorder  
Notary Public in and for the  
County of Fresno, State of  
California



**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES**

**SOURCE:**

Board Policy No. 155

Rev. 5/29/02

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

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

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



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource — Water"

**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES**

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-03

SHEET 1 OF 1



**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES  
EXHIBIT "A"**

**SENATE BILL No. 891**

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

Approved by the Governor on July 5, 1989.

Filed with the Secretary of State July 5, 1989.

LEGISLATIVE COUNSEL'S DIGEST

SB 891, Vuich. Irrigation Districts: canal easements.

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

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

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

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

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

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

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



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource - Water"

STANDARD EASEMENT WIDTHS FOR OPEN  
CANALS AND PIPELINES EXHIBIT A

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-04

SHEET 1 OF 1



**STANDARD EASEMENT WIDTHS FOR  
OPEN CANALS AND PIPELINES EXHIBIT "B"**

(Page 1 of 2)

**GENERAL REQUIREMENTS**

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

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



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource - Water"

STANDARD EASEMENT WIDTHS FOR OPEN  
CANALS AND PIPELINES EXHIBIT B

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-05

SHEET 1 OF 2

**STANDARD EASEMENT WIDTH FOR  
OPEN CANALS AND PIPELINES EXHIBIT "B"**

(Page 2 of 2)

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

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



FRESNO IRRIGATION DISTRICT

"Your Most Valuable Resource – Water"

STANDARD EASEMENT WIDTHS FOR OPEN  
CANALS AND PIPELINES EXHIBIT B

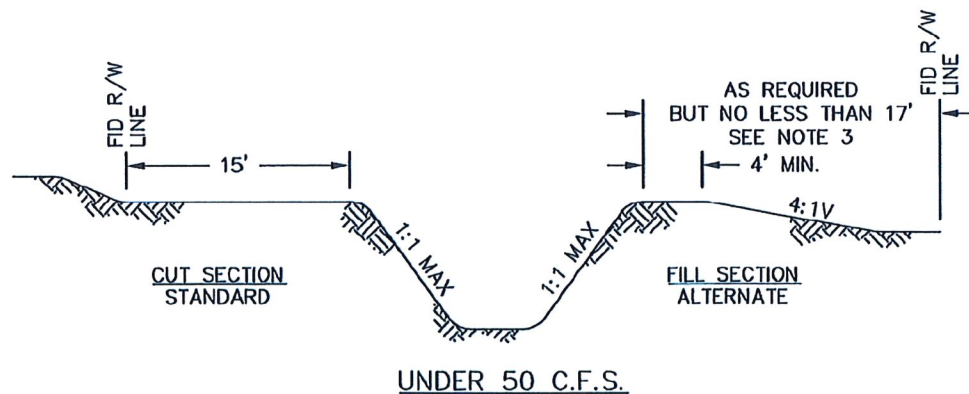
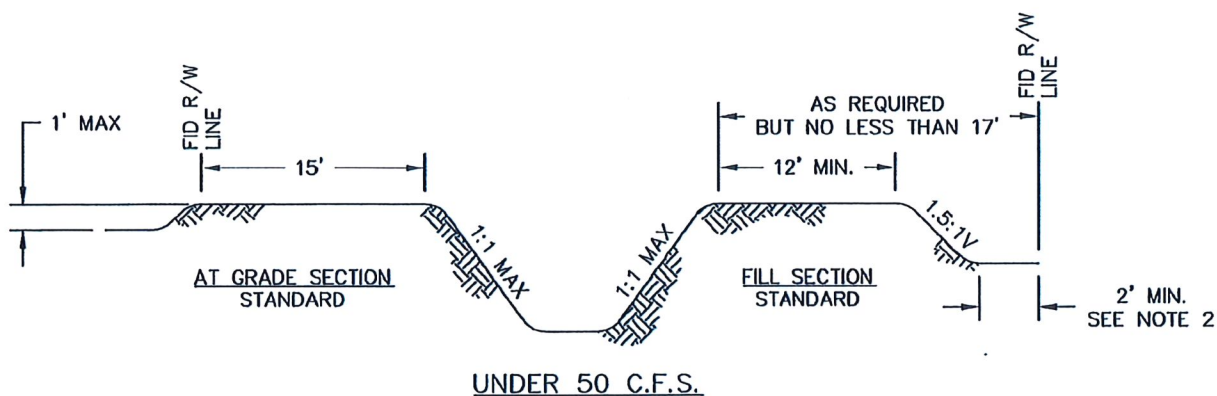
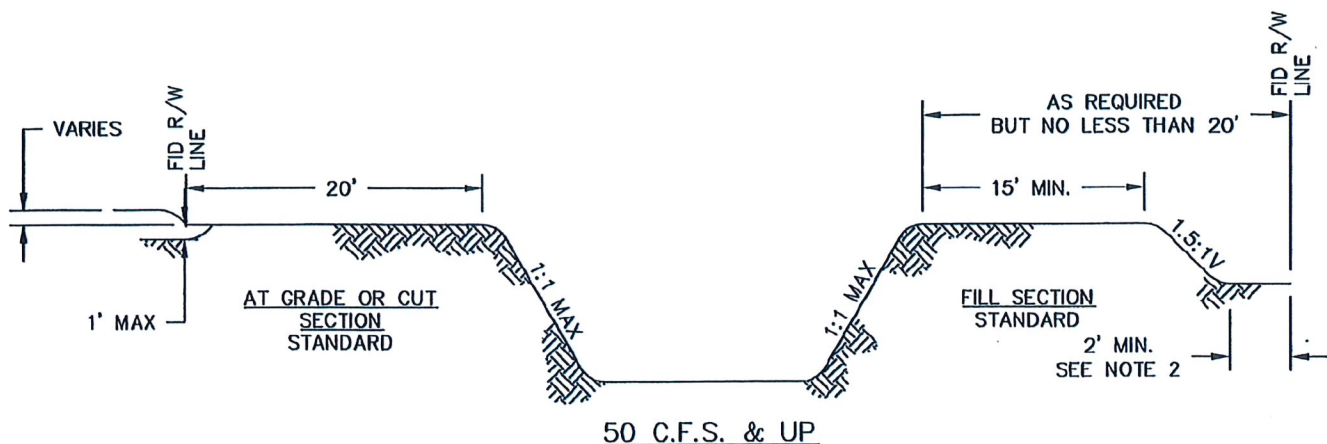
SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

P-05

SHEET 2 OF 2



**NOTES:**

1. ALL PRIVATE FACILITIES TO BE LOCATED OUTSIDE FID RIGHT-OF-WAY.
2. ADD 2 FEET TO EMBANKMENT WIDTH TO ESTABLISH OVERALL RIGHT-OF-WAY WIDTH TO ACCOMMODATE GRADER BLADE CLEARANCE.
3. THE ALTERNATE SECTION CANNOT BE USED IF THE OVERALL WIDTH EXCEEDS THE STANDARD WIDTH AND IS PERMITTED ONLY WHEN DISTRICT OPERATIONS AND MAINTENANCE FUNCTIONS DO NOT REQUIRE A STANDARD ROADWAY.



FRESNO IRRIGATION DISTRICT

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CANAL RIGHT-OF-WAY

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

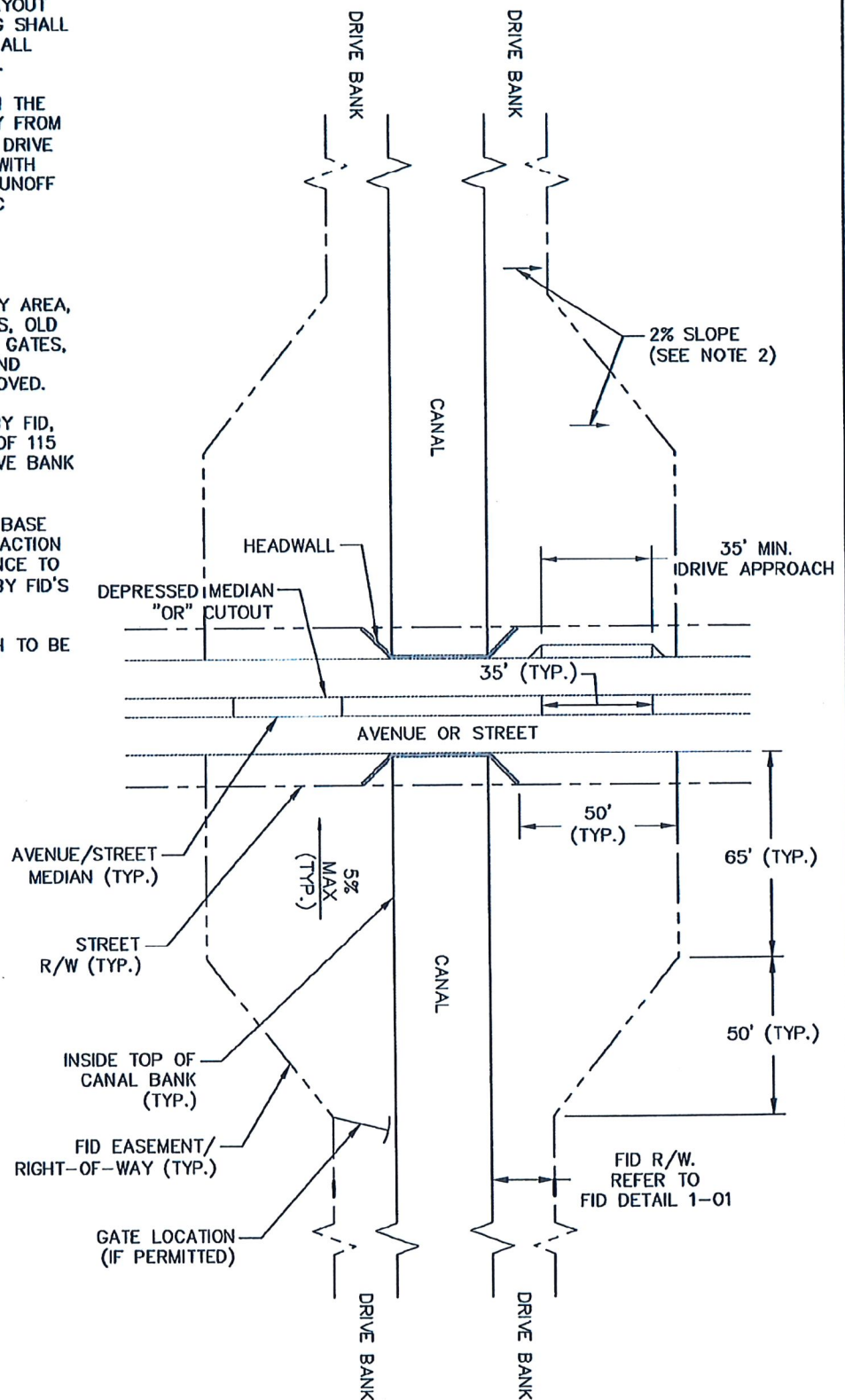
1-01

SHEET 1 OF 1



**NOTES:**

1. DIMENSIONS AND NOTES ARE FOR LAYOUT PURPOSES ONLY. A SCALED DRAWING SHALL BE PREPARED AND SUBMITTED WITH ALL PLAN SETS PRIOR TO CONSTRUCTION.
2. DRAINAGE WILL NOT BE ACCEPTED IN THE CANAL AND SHALL BE ROUTED AWAY FROM FID PROPERTY/DRIVE BANKS. SLOPE DRIVE BANKS 2% AWAY FROM THE CANAL WITH PROVISIONS MADE FOR RAINFALL. RUNOFF TO BE CONVEYED TO NEARBY PUBLIC STREETS OR DRAINAGE SYSTEM BY DRAINAGE SWALES OR OTHER FID ACCEPTABLE ALTERNATIVES.
3. WITHIN FID EASEMENT/RIGHT-OF-WAY AREA, ALL EXISTING TREES, BUSHES, DEBRIS, OLD CANAL STRUCTURES, PUMPS, CANAL GATES, AND OTHER NON OR INACTIVE FID AND PRIVATE STRUCTURES MUST BE REMOVED.
4. IF AN ACCESS GATE IS PERMITTED BY FID, GATE MUST BE PLACED A MINIMUM OF 115 FEET AWAY FROM ROAD, WHERE DRIVE BANK NARROWS TO 20 FEET.
5. THREE INCH (3") THICK AGGREGATE BASE COMPACTED TO 93% RELATIVE COMPACTION SHALL BE REQUIRED AT THE ENTRANCE TO EACH DRIVE BANK AS DETERMINED BY FID'S ENGINEER. NO REGRIND ASPHALT.
6. DRIVEWAY APPROACH MINIMUM WIDTH TO BE 35 FEET.



FRESNO IRRIGATION DISTRICT

DRIVE APPROACH – URBAN AREAS

"Your Most Valuable Resource – Water"

SCALE: NOT TO SCALE

DATE: JANUARY 2018

STANDARD DETAIL

1-02

SHEET 1 OF 1



RECORDING  
REQUESTED BY  
*Fresno Irrigation Dist*  
*Boat*

108924

BOOK 6701 PAGE 502

GRANT OF EASEMENT AND RIGHT  
OF WAY

Temperance Canal No. 37

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA	
23 MIN. PAST 2P	FEE
DEC 6 1976	\$
H. L. MASINI, County Recorder	

Accepted for and on behalf of Fresno  
Irrigation District this 30th day of  
November, 1976.

*Arday J. Gardner*  
Secretary

THIS INDENTURE, made and entered into this 30th day of  
November, 19 76, by and between LEA JORN as GRANTORS,  
FRESNO IRRIGATION DISTRICT, a public corporation in the County  
of Fresno, State of California, as GRANTEE;

W I T N E S S E T H:

That Grantors, for good and valuable consideration, do hereby  
grant to Grantee the perpetual and exclusive right and easement to  
use, maintain, repair, and reconstruct a pipeline, and to flow  
and conduct water through said pipeline, across, over, through and  
under the following described real property in the County of Fresno,  
State of California, to-wit:

The North 493.498 feet of Lot 1, Block 2 of  
Temperance Colony in Section 34, Township  
13 South, Range 21 East, M.D.B.&M., less  
Railroad,

and through a right of way therefor fifteen feet (15')  
as described as follows, to-wit:

The West 15 feet of the East 20 feet of the  
South 138 feet of the North 493.498 feet of  
Lot 1, Block 2 of Temperance Colony in  
Section 34, Township 13 South, Range 21 East,  
M.D.B.&M.,

together with all rights necessary, convenient or incidental thereto,  
including the right of ingress to and egress from said right of way  
pipeline over and across said real property of Grantors for the  
construction, installation, operation, maintenance, repair and re-  
construction of said pipeline.

This Grant of Easement and Right of Way does  
hereby supersede and cancel that certain  
Grant of Easement and Right of Way dated  
December 14, 1967 and recorded on December 15,  
1967 in Book 5512 at Page 331 of the official  
records of the County of Fresno, State of  
California, in the office of the County  
Recorder of said county.

WITNESS WHEREOF, Grantors have executed this grant the day  
first above written.

Subscribing Witness:

*Arday J. Gardner*

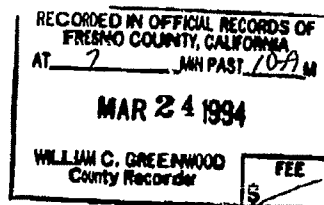
*Lea J. J. J.*  
Grantors  
*Lea J. J.*

94050766

Documentary Transfer Tax -- \$0.00

Verna Green  
For the Benefit of:

FRESNO IRRIGATION DISTRICT  
2907 SOUTH MAPLE AVENUE  
FRESNO, CA 93725-2218



RECORDING INFORMATION

GRANT OF EASEMENT

CANAL: Mill Ditch No. 36  
LOCATION: Armstrong Avenue  
FID JOB NO.: 556

PTN of APN 310-080-30  
BRLO 5942-005

THIS INDENTURE, made and entered into this 2nd day of March, 1994,  
by and between LEO P. WARNERDAM and MARGARET J. WARNERDAM, HUSBAND AND WIFE, AS  
TENANTS IN COMMON hereinafter referred to as GRANTORS, and FRESNO IRRIGATION  
DISTRICT, a public corporation in the County of Fresno, State of California,  
hereinafter referred to as DISTRICT;

W I T N E S S E T H:

For a valuable consideration, receipt of which is hereby acknowledged,  
GRANTORS do hereby grant unto DISTRICT, its successors and assigns, perpetual  
and exclusive easement and right-of-way, excepting therefrom a non-exclusive  
easement for railroad right-of-way access purposes, for DISTRICT's Mill Ditch  
No. 36 across, over, and through that certain real property owned by GRANTORS  
in the County of Fresno, State of California, said easement and right of way  
more particularly described as follows:

That portion of the Northeast one-quarter of Section 34, Township 13 South,  
Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State  
of California, said portion more particularly described as follows:

The East 18 feet of the West 48 feet of the South 100 feet of the North 155  
feet of the Northeast one-quarter of said Section 34.

ALSO:

Beginning at the Northeast Corner of the East 18 feet of the West 48 feet of  
the South 100 feet of the North 155 feet of the Northeast one-quarter of said  
Section 34, thence;

1. South 00°14'40" East, along the East line of the West 48 feet of the  
Northeast one-quarter of said Section 34, a distance of 20 feet, thence;
2. North 44°45'20" East, to a point 68 feet East of the West line of said  
Northeast one-quarter, and 55 feet South of the North line of said  
Northeast one-quarter, a distance of 28.3 feet, more or less, thence;

3. Westerly, along the South line of the North 55 feet, a distance of 20 feet, more or less, to the Point of Beginning.

Containing 0.046 acre of land, more or less.

GRANTORS reserve the right to use the surface of the land within said easement for their own purposes, so long as said use by GRANTORS does not interfere with the use of said easement by DISTRICT for the purposes for which said easement is granted, provided GRANTORS shall not build or construct any building or other permanent structure on said easement without the written permission and consent of DISTRICT. DISTRICT shall have the right, without notice, and at GRANTORS' expense, to remove any structures, fences, gates, cables, trees, vines, shrubs, obstructions, or other encroachments from said easement which do interfere with the purposes or use of said easement. GRANTORS shall maintain the surface of said land and keep it in a safe condition for the use of DISTRICT and others.

This Indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

IN WITNESS WHEREOF, the undersigned have caused this Grant of Easement to be executed the date hereinabove written.

Leo P. Warmerdam  
LEO P. WARMERDAM

Margaret J. Warmerdam  
MARGARET J. WARMERDAM

Kenn J. Jansen  
Witness

The above Grant of Easement is accepted for and on behalf of the Fresno Irrigation District this 23 day of MAR, 1994

BY: Robert E. Beck Jr.  
Secretary

6392a

2

**ALL-PURPOSE ACKNOWLEDGMENT**

NO 209

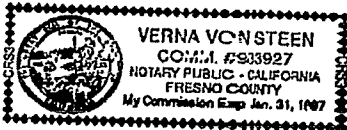
State of California  
County of Fresno

On 3-23-94 before me, Verna Von Steen, Notary Public  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Robert E. Lake, Jr.  
NAME(S) OF SIGNER(S)

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

Witness my hand and official seal.



Verna Von Steen  
SIGNATURE OF NOTARY

**CAPACITY CLAIMED BY SIGNER**

- ☐ INDIVIDUAL(S)  
☒ CORPORATE  
OFFICER(S) Secretary TITLE(S)  
☐ PARTNER(S)  
☐ ATTORNEY-IN-FACT  
☐ TRUSTEE(S)  
☐ SUBSCRIBING WITNESS  
☐ GUARDIAN/CONSERVATOR  
☐ OTHER: \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY (YES)

Fresno Irrigation District

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

THIS CERTIFICATE  
MUST BE ATTACHED  
TO THE DOCUMENT  
DESCRIBED AT RIGHT:

Title or Type of Document Grant of Easement  
Number of Pages 2 Date of Document 3-23-94  
Signer(s) Other Than Named Above \_\_\_\_\_

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**COUNTY CLERK WITNESS ACKNOWLEDGEMENT FORM**

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )

On March 2, 1994, before me, SUSAN B. ANDERSON, County Clerk, and Ex-Officio Clerk of the Superior Court, in and for said County and State, personally appeared Ken Jepsen, who is personally known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being duly sworn by me, deposes and says that he was present and saw Leo P. & Margaret J. Warmerdam

, the same person<sub>s</sub> described in and whose name<sub>s</sub> subscribed to the within and annexed instrument as a party thereto, execute the same. Said affiant subscribed his name to the within instrument as a witness at the request of Leo P. & Margaret J. Warmerdam.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SUSAN B. ANDERSON  
County Clerk and EX-Officio  
Clerk of the Superior Court

BY: David Wyatt  
Deputy  
David Wyatt



(Seal)

3

94071549

102107-8M

Documentary Transfer Tax -- \$0.00

For the Benefit of:

TULARE VALLEY RAILROAD CO.  
P.O. BOX 26421  
SALT LAKE CITY, UTAH 84126

RECORDING REQUESTED BY:  
STEWART TITLE OF FRESNO CO.

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA	
AT	MIN. PAST
APR 26 1994	
WILLIAM C. GREENWOOD County Recorder	
FEE	\$13

RECORDING INFORMATION

GRANT OF EASEMENT

PTN of APN 310-080-30  
BRLO 5942-005

THIS INDENTURE, made and entered into this 2nd day of March, 1994,  
by and between LEO P. WARMERDAM and MARGARET J. WARMERDAM, HUSBAND AND WIFE,  
AS TENANTS IN COMMON hereinafter referred to as GRANTORS, and TULARE VALLEY  
RAILROAD CO., hereinafter referred to as GRANTEE;

W I T N E S S E T H:

For a valuable consideration, receipt of which is hereby acknowledged,  
GRANTORS do hereby grant unto GRANTEE, its successors and assigns, a  
perpetual nonexclusive access easement through that certain real property  
owned by GRANTORS in the County of Fresno, State of California, said easement  
more particularly described as follows:

That portion of the Northeast one-quarter of Section 34, Township 13 South,  
Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State  
of California, said portion more particularly described as follows:

The East 18 feet of the West 48 feet of the South 100 feet of the North 155  
feet of the Northeast one-quarter of said Section 34.

ALSO:

Beginning at the Northeast Corner of the East 18 feet of the West 48 feet of  
the South 100 feet of the North 155 feet of the Northeast one-quarter of said  
Section 34, thence;

1. South 00°14'40" East, along the East line of the West 48 feet of the  
Northeast one-quarter of said Section 34, a distance of 20  
feet, thence;
2. North 44°45'20" East, to a point 68 feet East of the West line of said  
Northeast one-quarter, and 55 feet South of the North line of said  
Northeast one-quarter, a distance of 28.3 feet, more or less, thence;

3. Westerly, along the South line of the North 55 feet, a distance of 20 feet, more or less, to the Point of Beginning.

Containing 0.046 acre of land, more or less.

GRANTORS reserve the right to use the surface of the land within said easement for their own purposes, so long as said use by GRANTORS does not interfere with the use of said easement by GRANTEE for the purposes for which said easement is granted, provided GRANTORS shall not build or construct any building or other permanent structure on said easement without the written permission and consent of GRANTEE. GRANTEE shall have the right, without notice, and at GRANTORS' expense, to remove any obstructions which interfere with the purposes or use of said easement.

This Indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

IN WITNESS WHEREOF, the undersigned have caused this Grant of Easement to be executed the date hereinabove written.

Leo P. Warmerdam  
LEO P. WARMERDAM

Margaret J. Warmerdam  
MARGARET J. WARMERDAM

Karl Jensen  
Witness

6392a

COUNTY CLERK WITNESS ACKNOWLEDGEMENT FORM

STATE OF CALIFORNIA       )  
COUNTY OF FRESNO        )

On March 2, 1994, before me, SUSAN B. ANDERSON, County Clerk, and Ex-Officio Clerk of the Superior Court, in and for said County and State, personally appeared Ken Jepsen, who is personally known to me to be the person whose name is subscribed to the within instrument as a witness thereto, who being duly sworn by me, deposes and says that he was present and saw Leo P. & Margaret J. Warmerdam, the same persons described in and whose name s subscribed to the within and annexed instrument as a party thereto, execute the same. Said affiant subscribed his name to the within instrument as a witness at the request of Leo P. & Margaret J. Warmerdam.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SUSAN B. ANDERSON  
County Clerk and Ex-Officio  
Clerk of the Superior Court

BY: David Wyatt

Deputy

David Wyatt



(Seal)



This Indenture made the first day of September in the year of our Lord one thousand eight hundred and seventy nine Between M. J. Church of Fresno County State of California the party of the first part Augusta Backer widow of the said Backer deceased the party of the second part, Mittner & Co. That the said party of the first part, for and in consideration of the sum of eighteen hundred dollars gold coin of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, bargained, gained, sold and conveyed, and as by these presents does grant, bargain, sell and convey unto the said party of the second part, and to her heirs and assigns forever, all that part of the North East quarter of Section Thirty four (34) Township Thirteenth South Range Twenty one East Mount Diablo Base, and situated in Fresno County State of California which lies and is embraced within Lots Three (3) Four (4) and Eight (8) in Block one (1) of Temperance Colony as shown by plat thereof filed in the office of the County Recorder of said County. Together with its share or one eighth (1/8) part of a cubic foot of water to each of said lots now located upon said quarter section, which water right is dated fifth October 1877 and numbered 43 subject nevertheless to all the provisions, exceptions and conditions of said water right, due to its share and annual payment to the Fresno Canal and Irrigation Company as in said water right provided amounting to \$1.00 the Gold coin. Containing about sixty acres of land less thirty feet from the North end and twenty five feet from the South end of each of said lots which is hereby reserved and dedicated for public roads and the further space necessary for ditches in all the borders of said lots for irrigating purposes. Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversions, remainders, rents, revenues and profits thereof.

To Have and to hold, sell and assign, the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever. In Witness whereof the said party of the first part has hereunto set his hand and seal the

the day and year first above written  
 signed, sealed and delivered } M. J. Church (Sd)  
 in the presence of }

State of California }  
 County of Fresno }

On this 15<sup>th</sup> day of September in  
 the year of our Lord one thousand and eight hundred and ninety nine, be-  
 fore me, H. S. Dupper, a Notary Public in and for the  
 said County, duly qualified, personally appeared M.  
 J. Church, known to me to be the person whose name  
 is subscribed to the within instrument, he acknowl-  
 edged to me that he executed the same.

In witness whereof, I have hereunto set  
 my hand and affixed my official seal  
 the day and year in this certificate first  
 above written. M. S. Dupper,  
 Notary Public

(Endorsed)

M. J. Church

- M -

Augusta Barker

- Sd -

Dated 1<sup>st</sup> Sept. 1899.

Recorded at the request of H. S. Dupper this 18<sup>th</sup> Septem-  
 ber 1899 at 2:05 minutes past 3 P.M. in Book R of  
 Records pages 170 & 71. of Fresno County Records.

A. M. Clark

County Recorder



August 13, 2019

Will Tackett  
City of Fresno  
Development and Resource Management Department  
Development Services Division  
2600 Fresno Street, Third Floor, Room 3076  
Fresno, CA 93721

**Project: Planning Application P19-00846 – Wilson Homes**

**District CEQA Reference No: 20190987**

Dear Mr. Tackett:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Per the Planning Application, the Project consists of a Planned Development Permit to authorize reduced lot sizes and setbacks and increased lot coverage in order to facilitate approval of Vesting Tentative Tract Map (VTTM) No. 6201 for a 257 single family residential development, and VTTM No. 6235 for a 122 single family residential development (Project). The District previously commented on project, P18-03144, Vesting Tentative Tract Map No. 6235, on November 6, 2018, (CEQA Reference No. 20181176). The District offers the following comments:

1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. District Rule 9510 (Indirect Source Review) is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site fees. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency. An Air Impact Assessment (AIA) application, Indirect Source Review (ISR) No. 20180418 for VTTM

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

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

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

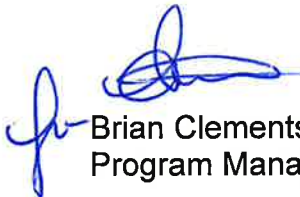
No. 6201, and ISR No. 20190326 for VTTM No. 6235 have been submitted for the Project.

3. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).
4. The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 or e-mail [Georgia.Stewart@valleyair.org](mailto:Georgia.Stewart@valleyair.org). When calling or emailing the District, please reference District CEQA number 20190987.

Sincerely,

Arnaud Marjollet  
Director of Permit Services

  
Brian Clements  
Program Manager

AM: gs



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2019-AWP-9981-OE

Issued Date: 10/25/2019

Lorren Smith  
Harbour & Associates  
389 Clovis Avenur #300  
Clovis, CA 93612

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Houses
Location:	Fresno, CA
Latitude:	36-45-44.17N NAD 83
Longitude:	119-40-16.84W
Heights:	345 feet site elevation (SE) 35 feet above ground level (AGL) 380 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

\_\_\_\_ At least 10 days prior to start of construction (7460-2, Part 1)  
\_\_X\_\_ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 04/25/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-9981-OE.

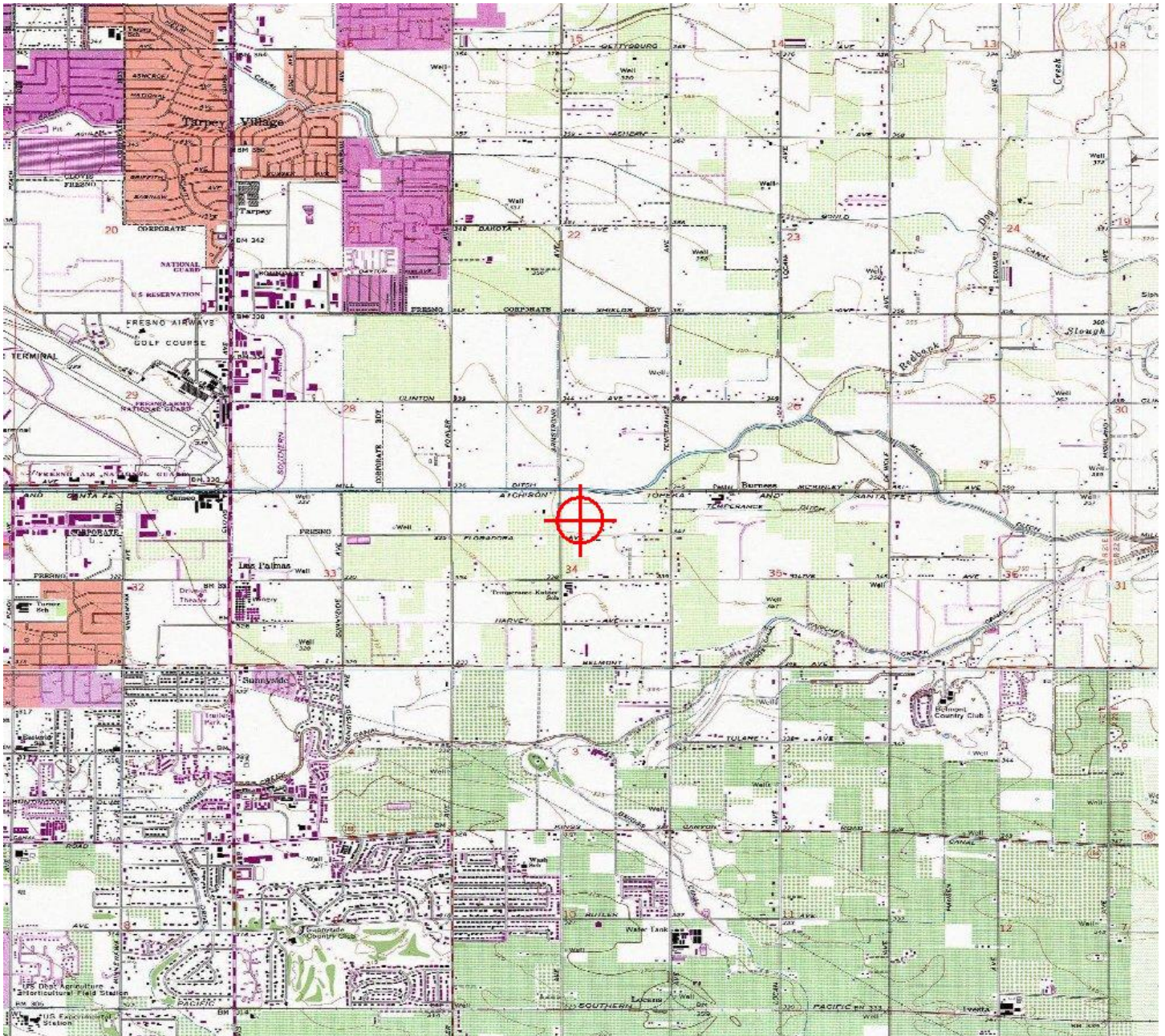
**Signature Control No: 415799691-420984875**

( DNE )

Karen McDonald  
Specialist

Attachment(s)  
Map(s)









**DATE:** August 20, 2019

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

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

**SUBJECT:** PUBLIC WORKS CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT  
MAP NO. 6201 REGARDING MAINTENANCE REQUIREMENTS (P19-01241)

**LOCATION:** 1860 North Armstrong Avenue  
**APN/ACREAGE:** 310-081-03S

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

November 12, 2019

## Review Comments for Tentative Map Tract application: P19-01241

### **Air Pollution Control District**

This review was performed by:  
Status: No Comment

The District has no comments at this time.

### **Airports**

This review was performed by:  
Status: Review Complete

Airspace Protection  
> Airspace review required for any objects over 100 feet tall.

### **County PW and Planning**

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

County recommends TIS. Contact County Staff to coordinate SOW meeting.

### **DPU Planning and Engineering**

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

1. Construct a 10-inch sanitary sewer main (including sewer house branches to adjacent properties) in East Floradora Avenue from the existing 10-inch main located at the intersection of E. Floradora and N. Armstrong Avenues to the east property line of said project.
2. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
3. All underground utilities shall be installed prior to permanent street paving.
4. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
5. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
7. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
8. Installation of sewer house branch(s) shall be required.
9. Separate sewer house branches are required for each lot.
10. Street work permit is required for any work in the Right-of-Way.
11. Abandon any existing on-site private septic systems.
12. The Project Developer shall contact Wastewater Management Division/Environmental Services at (559) 621-5100 prior to pulling building permits regarding conditions of service for special users.

#### Sanitary Sewer Fees

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

1. Sewer Lateral Charge.
2. Sewer Oversize Area.
3. Wastewater Facilities Charge (Residential Only)
4. Trunk Sewer Charge: Fowler
5. The City of Fresno currently does not own capacity in the Fowler Avenue Trunk Sewer line north of Tulare Avenue; however, the City of Fresno has negotiated a temporary exchange and interim use of capacity owned by the City of Clovis in the Fowler Avenue Trunk Sewer. This exchange of capacity is conditioned upon Fresno replacing Clovis' capacity with capacity in future facilities agreeable to Clovis and at a cost yet to be determined.
6. Whereas, the necessary and appropriate fees for future replacement of Clovis' Fowler Avenue Trunk Sewer capacity have not been established and adopted by the City Council; the Developer in-lieu of constructing separate sanitary sewer facilities that would otherwise be required of this project (to provide for collection and conveyance of sanitary sewage discharged from the project to an approved point of discharge to the Sewer System located south of Tulare Avenue) shall provide payment of an "Interim Fee Surety" in the present day value per living unit or living unit equivalent for the impending fees.
7. Said "Interim Fee Surety" may be deferred through a Fee Deferral Agreement to the issuance of a building permit or occupancy. Following adoption of a fee established for replacement of Clovis' capacity in the Fowler Avenue Trunk Sewer by the City Council, "Interim Fee Sureties" provided by the Developer shall be applied to the established fee and any amounts in excess shall be refunded.

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

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

**General Requirements:**

• Tentative Map 6201 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

**DPU Water Division**

This review was performed by: Robert Diaz

Status: Review Complete

1. Install a 16-inch water main (including City fire hydrants) in East McKinley Avenue from South Armstrong Avenue east across the project frontage. The 16-inch water main crossing the Mill Ditch canal shall be ductile iron and installed within a steel casing.
2. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
3. Separate water services with meter boxes shall be provided to each lot.
4. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.
5. Destruct any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-81 and 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
6. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.
7. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

The water supply requirements for this project are as follows:

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

**Fire Review**

This review was performed by: Byron Beagles

Status: Reviewed with Conditions



TRACT 6201, Accela P19-01241; Fire Department Conditions of Approval entered into Accela 8-21-19.

This is a proposed 257 lot public street, single family home development to be constructed in three phases. Conditions of the fire department approval are as follows:

1. The entire tract is within a 3.0 mile response distance from existing permanent Fire Station 10 and has no development restrictions related to fire response.
2. Provide fire hydrants per Public Utilities requirements for single family home development with a minimum of two points of connection (1500 gpm @ 20 psi residual pressure with hydrants spaced no more than 600 feet apart).
3. All fire hydrants shall be in service and two points of access with all-weather construction shall be installed and maintained during all phases of construction.
4. For Phase 3; construction of E. McKinley Avt to N. Arroyo Ave will be required to provide a second point of access for that Phase.
5. Both N. Armstrong and E. Floradora are currently rural residential county roads. During improvements to those two streets, all weather access to the tract entry points must be maintained.
6. The proposed public street section within the tract is 35 feet in width s measured to the curb flow lines. This is not an Public Works adopted local residential street section but is acceptable to Fire subject to Public Works approval as has been recent past practice.

#### **Flood Control District**

This review was performed by:

Status: Review Complete

See attached FMFCD NOR for comments.

NOR & Grading plan review fees due.

Drainage Fees due.

#### **Fresno County Environmental Health**

This review was performed by:

Status: Reviewed with Conditions

Recommended Conditions of Approval:

- Construction permits for the proposed project should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the proposed project should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City's municipal code and the Fresno County Noise Ordinance.
- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

#### **Historic Preservation**

This review was performed by: Laura Van Onna

Status: Review Complete

No Comment

**Irrigation District**

This review was performed by:  
Status: Review Complete

Please refer to FID's formal review in documents tab.

**Land Division Impact Fees**

This review was performed by: Frank Saburit  
Status: Review Complete

City of Fresno Development Impact Fees & Charges - Reference document: TTM 6201.pdf

**Long Range Planning**

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

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

**Public Works Engineering**

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

Comments are under P19-00846.

**Public Works TIS Review**

This review was performed by: Jill Gormley  
Status: Add'l Info Requested

Please see comments in 8/22/19 email to Jose Benavides.

**Public Works-CFD**

This review was performed by: Ann Lillie  
Status: Review Complete

See Maintenance Requirements in documents file.

**Traffic Planning**

This review was performed by: Louise Gilio  
Status: Reviewed with Conditions

See Traffic Planning Conditions of Approval

**CITY OF FRESNO  
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

**JANUARY 16, 2020**

**VESTING TENTATIVE TRACT MAP No. 6235/UGM  
&  
PLANNED DEVELOPMENT PERMIT APPLICATION No. P19-00846  
A "PLANNED DEVELOPMENT"**

**LOCATED ON THE EAST SIDE OF NORTH ARMSTRONG AVENUE BETWEEN EAST FLORADORA  
AND EAST OLIVE AVENUES**

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

**NOTICE TO PROJECT APPLICANT**

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

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

**URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)**

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under

the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

### GENERAL CONDITIONS

1. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and/or County of Fresno and that the residents of the subject property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of any Final Map of Vesting Tentative Tract No. 6235/UGM.
2. The subdivider shall comply with San Joaquin Valley Air Pollution Control District Rule 9510. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District and to pay any applicable off-site mitigation fees.
3. The subdivider shall comply with Regulation VIII and Rule 8060 of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
4. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005; and, Ordinance No. 2016-57 adopted by the Fresno City Council on December 15, 2016.
5. Submit grading plans and a soils report to the City of Fresno Planning and Development Department, Development Services (Planning) Division for verification prior to Final Map approval. Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
6. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm

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

7. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
8. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
9. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Chapter 15, Part IV: "Land Divisions;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
10. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to tentative maps.
11. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
12. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

## GENERAL INFORMATION

13. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the respective school district, in which the subject property is located, in accordance with the school district's adopted schedule of fees.
14. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
  - a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.
15. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC Chapter 15, Part IV: "Land Divisions," including but not limited to Article 36, "Final Maps."
16. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the FMC.
17. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
18. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern



San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.

19. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
20. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

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

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

#### MITIGATION MONITORING REQUIREMENTS

21. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Mitigated Negative Declaration prepared for Environmental

Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019.

- a) The Mitigated Negative Declaration prepared for the proposed project is tiered off of the Fresno General Plan Master Environmental Impact Report (MEIR SCH No. 2012111015). Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR for subsequent projects; included herein by reference.

## ZONING & PROPERTY DEVELOPMENT STANDARDS

22. Upon conditional approval of Vesting Tentative Tract Map No. 6235/UGM, the subdivider may prepare a Final Map in accordance with the approved tentative map; and, the following:
  - a) Approval of Vesting Tentative Tract Map No. 6235/UGM is contingent upon City Council approval of Rezone Application No. P19-00801.
  - b) Approval of Vesting Tentative Tract Map No. 6235/UGM is contingent upon City Council approval of Annexation Application No. P19-00843 for the McKinley-Armstrong No. 2 Reorganization; and, the following:
    - i) Recordation of a Final Map is contingent upon annexation to the City of Fresno and detachment from the Kings River Conservation District and Fresno County Fire Protection District.
      - NOTE: These actions are under the jurisdiction of the Fresno Local Agency Formation Commission (LAFCO). The applicant, subdivider or developer is subject to and responsible for payment of any/all required fees for the entirety of the annexation pursuant to the policies of LAFCO and the City of Fresno; including any cost incurred to the City of Fresno by the detachment of all of the annexation's property from the Fresno County Fire Protection District.
  - c) Approval of Vesting Tentative Tract Map No. 6235/UGM is contingent upon City Council approval of Planned Development Permit Application No. P19-00846
23. Development of the subject property shall comply with all development standards of Fresno Municipal Code; with the following exceptions:

- a) Minimum Setbacks shall be provided in accordance with the Typical Lot Details prescribed and depicted on Exhibit A-1 & A-3 of the Planned Development Plan for Planned Development Permit Application No. P19-00846.
- b) Lot Coverage shall be provided in accordance with the Typical Lot Details prescribed and depicted on Exhibit A-1 of the Planned Development Plan for Planned Development Permit Application No. P19-00846.
  - i) Maximum lot coverage shall not exceed 60 percent of the lot area; and, shall be provided to the Fresno Metropolitan Flood Control District for review and approval prior to submittal of improvements plans to the City of Fresno Building and Safety Services Division.
- c) Single family residences developed on Lots 60-69, 84 & 101-104 of Vesting Tentative Tract Map No. 6235/UGM shall be limited to single-story construction.
- d) An 8-foot high double-sided wood fence (at finished grade of proposed site) shall be constructed in accordance with the attached City of Fresno Development Department Fence Detail F-1 along the easterly boundary of Vesting Tentative Tract Map No. 6235/UGM.
  - i) Subject to approval by the City Engineer, the required 8-foot high double-sided wood fence shall also be extended across the easterly end of the proposed stub street rights-of-way between Lot 69 and Outlot "D" of Vesting Tentative Tract Map No. 6235/UGM. The required fence shall be constructed in a manner which provides an appropriate width, signage, reflectors and/or barrier consistent with City of Fresno Standard P-100; the design to be approved by the City Engineer.
- NOTE: In accordance with Section 15-4107-D-1 of the FMC, connections will be required to be provided to all stub streets in all adjacent subdivisions. In the case of an adjacent subdivision the required fence across the easterly end of the proposed stub street rights-of-way between Lot 69 and Outlot "D" of Vesting Tentative Tract Map No. 6235/UGM shall be removed.

#### Landscaping, Open Space and Walls

- 24. Proposed Outlot(s) "A," "B" & "C" of Vesting Tentative Tract Map No 6235/UGM shall be dedicated to the City of Fresno, in fee, for public pedestrian and

landscape purposes 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.

- a) The subdivider shall provide a minimum 10-foot wide landscaped area (and irrigation system) within the proposed Outlots and along the adjacent property lines of all abutting residential lots (i.e., Lots 4-16, 33-42 & 57-60 of Vesting Tentative Tract Map No. 6235/UGM).
  - i) 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 proposed Outlots and along the adjacent property lines of all abutting residential lots (i.e., Lots 4-16, 33-42 & 57-60 of Vesting Tentative Tract Map No. 6235/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.
- 25. Proposed Outlot(s) "D" of Vesting Tentative Tract Map No. 6235/UGM shall be dedicated to the City of Fresno, in fee, for public open space (park), landscape purposes 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.
  - 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 84 & 101-102 of Vesting Tentative Tract Map No. 6235/UGM).
    - ii) 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.
- 26. The proposed project shall comply with the provisions of Section 15-4105-G-2-b of the FMC; and the following:
  - a) A minimum landscape strip of five feet (and irrigation system) is required along the street side yard of corner lots which face the front yard of homes

across the streets; unless a minimum five-foot wide park strip is provided between the curb and sidewalk along the frontage of the respective local streets.

- NOTE: If/where provided, the landscape strip/buffer shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies; 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.

- i) If/where the five-foot wide landscaped strip/buffer is provided (rather than a park strip along the frontage of the respective local streets), then a minimum 6-foot high masonry wall (at finished grade of proposed site) shall be placed at the rear of the required landscape strips in accordance with the requirements of Section 15-2006 & 15-2018 of the FMC; except, an opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director.

- NOTE: If/where provided, 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.

27. A minimum landscape strip of five feet (and irrigation system) is required along the street side yard of Lots 1 & 108 of Vesting Tentative Tract Map No. 6235/UGM.

- NOTE: The landscape strip/buffer shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies; 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.

- a) Construct a minimum 6-foot high masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 & 15-2018 of the FMC at the rear of the required landscape strips along the street side

yards of Lots 1 & 108 of Vesting Tentative Tract Map No. 6235/UGM; except, an opening in the masonry wall may be permitted to provide a gate for access if approved by the Public Works Director.

- 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.
28. 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 northerly property lines of Lots 1-4 & 104-108 of Vesting Tentative Tract Map No. 6235/UGM).
29. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required at all interior end-blocks and adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
30. The subdivider is required to provide street trees on all street frontages per Fresno Municipal Code standards and is responsible for the dedication of public planting and buffer landscape easements as determined by the Planning and Development and Public Works Departments.
  - a) Street trees shall be planted at the minimum rate of one tree for each 40 feet of street frontage; or, one tree per home (whichever is greater) by the developer.
  - i) The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309.
    - NOTE: Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or California Plumbing Code as may be amended.
31. Provide a corner cut-off area at all intersections, driveways and alleys where walls or fences and/or landscaping are proposed and/or required, in accordance with Section 15-2018 of the FMC.



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

34. Maintenance of any/all required landscape easements, strips and/or proposed Outlots within the boundary of Vesting Tentative Tract Map No. 6235/UGM shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
35. Comply with all street tree, buffer landscaping, median island, outlot, and trail requirements included within the attached memorandum from the Department of Public Works, Streets Division.

#### STREETS AND RIGHTS-OF-WAY

36. 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.
37. 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.
38. Comply with all of the requirements included within the attached Public Works Department, Traffic Operations and Planning Services Division memorandums dated August 23, 2019 and October 04, 2019.

#### SANITARY SEWER SERVICE

39. Comply with all of the requirements of the Department of Public Utilities (DPU), Planning and Engineering Division (Sanitary Sewer), as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### WATER SERVICE

40. Comply with all of the requirements of the Department of Public Utilities (DPU), Water Division, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### SOLID WASTE SERVICE

41. Comply with all of the requirements of the Department of Public Utilities (DPU), Solid Waste Management Division, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### FIRE SERVICE

42. Comply with all of the requirements of the Fire Department/Prevention Bureau, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### FLOOD CONTROL AND DRAINAGE

43. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's memorandums to the Planning and Development Department dated October 21, 2019.
  - a) Any temporary basin constructed for or used by this subdivision requires approval of FMFCD and the City of Fresno, and may only be implemented through a covenant between the City and the Developer prior to final map approval. Temporary basins shall be fenced within seven days of the time a basin becomes operational, and fencing shall conform to City of Fresno Public Works Standard No. P-98. The Fresno Mosquito and Abatement District shall be provided access rights and a means of entry for inspection and mosquito abatement activities for all on-site basins (refer to attached map of mosquito abatement districts in the Fresno-Clovis Metropolitan Area). Attached hereto, and incorporated by reference, is a copy of the updated Public Works Standard No. P-97 for temporary on-site ponding basins, and a copy of the City of Fresno's Guidelines for Ponding Basin / Pond Construction and Management, dated October 29, 2004. Maintenance of temporary ponding basins shall be by the Subdivider until permanent service for the entire subdivision is provided unless such facilities, if proposed, are required

to be annexed into the Community Facilities District by the Public Works Department prior to Final Map recordation.

#### FRESNO IRRIGATION DISTRICT (FID)

44. Please find the attached memorandum from the Fresno Irrigation District dated August 19, 2019 for the Subdivider's records and information.

#### COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

45. Comply with all of the requirements of the County of Fresno, Department of Public Health, as included within the attached Review Comments for Tentative Map Tract Application: P19-01241 memorandum dated November 12, 2019.

#### SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

46. Comply with all requirements included within the attached memorandum from the SJVAPCD dated August 13, 2019.

#### AIRPORTS

Airspace review is required for any objects over 100 feet tall.

47. Comply with all requirements included within the attached Determination of No Hazard to Air Navigation from the Federal Aviation Administration dated October 25, 2019.

#### RIGHT-OF-WAY ACQUISITION

48. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
49. 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.
50. 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.

51. 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.
52. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

#### MAINTENANCE OBLIGATIONS

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

53. With the exception of those areas which may be eligible for inclusion within the Community Facilities District (CFD) as referenced herein below, obligations for retention and maintenance of required end-block landscaped areas or strips for all corner lots shall be the responsibility of the respective property owner(s) on which the landscaped area is located.
  - a) Execute a covenant for all properties for which retention and maintenance of an end-block landscaped area or strip on a corner lot, in accordance with Section 15-4105-G-2-b of the FMC, is the responsibility of the respective property owner prior to recordation of a Final Map.
    - NOTE: The covenant shall disclose and acknowledge all responsibilities associated with these conditions of approval to prospective buyers when individual lots are sold and identify terms, as appropriate, to assure compliance. The covenant shall be prepared in a form approved by the City of Fresno.
54. 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 August 20, 2019; and, the following:

55. If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.

- NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available online on the City of Fresno website (<http://www.fresno.gov>) under the Public Works Department Developer Doorway.

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

- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

b) Proceedings to place the Final Map into a CFD shall not commence until the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

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

56. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which



provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

- a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to Article 40 of Chapter 15 of the Fresno Municipal Code. The Declaration of Covenants, Conditions, and Restrictions (CC&R's) described herein, shall among other things, specify level of effort, frequency, and inspection of maintenance responsibilities, name the City as a third party beneficiary for those provisions, and be subject to approval by the Director of Public Works and the City Attorney's Office. Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

- NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.

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

#### DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

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

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

#### *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] Service Area: Fowler	\$344/living unit
e. Wastewater Facilities Charge [3]	\$2,119/living unit
f. Fowler Trunk Sewer Interim Fee Surety [1]	\$843/living unit
g. House Branch Sewer Charge [2]	N/A

***WATER CONNECTION CHARGES***

***FEE RATE***

h. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
i. Frontage Charge [1]	\$6.50/lineal foot
j. Water Capacity Fee [1]	\$4,481/living unit

***CITYWIDE DEVELOPMENT IMPACT FEES***

***FEE RATE***

k. Fire Facilities Impact Fee – Citywide [4]	\$1,893/living unit
l. Park Facility Impact Fee – Citywide [4]	\$2,811/living unit
m. Quimby Parkland Dedication Fee [2]	\$1,216/living unit
n. Police Facilities Impact Fee – Citywide [4]	\$618/living unit
o. Citywide Regional Street Fee [3]	\$8,038/adj. acre
p. New Growth Area Major Street Fee [3]	\$22,126/adj. acre
q. Traffic Signal Charge [1]	\$501/living unit

**Notes:**

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Please see the attached memorandum from the Fresno Metropolitan Flood Control District (FMFCD) for further information regarding considerations which may affect the fee obligation(s) or the timing or form of fee payment.

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits. (The requirement to pay this fee is currently suspended by Fresno County. However, payment of this fee may be required if the fee has been reinstated at the time of issuance of building permits on the subject property.)

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.

\* Living Unit Equivalents are calculated by multiplying the number of Net Acres by 5.8 Living Unit Equivalents for commercial or 3.0 Living Unit Equivalents for industrial to arrive at the total number of Living Unit Equivalents.

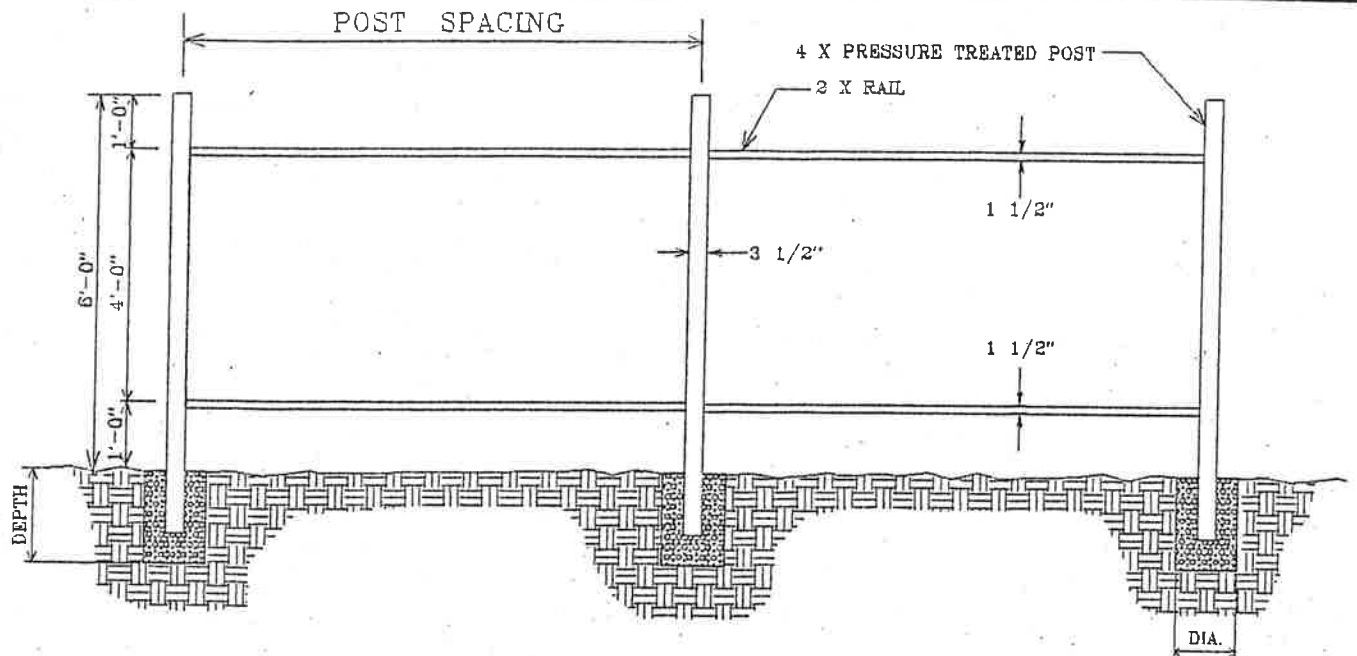
\*\*Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

[1] Deferrable through Fee Deferral Covenant.

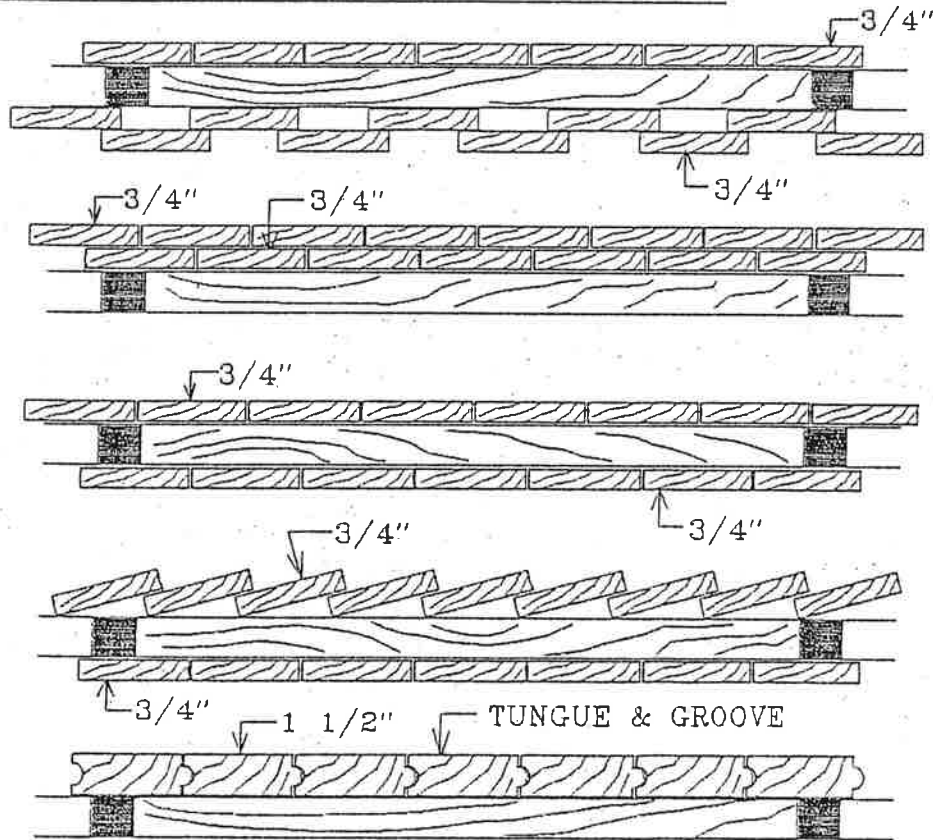
[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.



## ELEVATION



## MATERIAL APPLICATION

### PLAN VIEW

CAD# 2AFENCE.DC2

CITY OF FRESNO - DEVELOPMENT DEPARTMENT

DR. BY: B.WALLS

DRAWING NUMBER

REF. & REV.

# FENCE DETAIL

DATE: 7-28-91

SCALE: N.T.S.

F-1

FOR LANDSCAPE BACK-UP TREATMENT LOCATIONS

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## DEPARTMENT OF PUBLIC WORKS

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TO: Will Tackett, Supervising Planner  
DARM, Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)  
Public Works, Street Maintenance Division

DATE:

SUBJECT: **Tract 6235; Armstrong & Floradora** (APN: 310-220-030) located on the east side of North Armstrong Avenue between E. Floradora and E. Olive Avenues. The Department of Public Works has reviewed the Vesting Tentative Subdivision Map of Tract 6235. 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 City of Fresno Water Efficient Landscape Standards and 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 60' 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.

## **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. **Buffers less than 10' feet in width will not be included in a CFD for maintenance.**

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 red 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.

### **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.

### **TRAIL REQUIREMENTS**

1. The trail shall be constructed in accordance with the "Master Trails Manual" and the Public Works Department standards. The subdivider is responsible for the trail construction. The subdivider is responsible for all landscape and irrigation improvements for and within the trail. Construction plans shall be submitted and shall include landscaping and automatic drip irrigation design. Trail cross-sections will be required with submittal of Street Plans and Landscaping/Irrigation Plans for review and approval. These plans shall be in compliance with current City standards and approved by the Department of Public Works. Landscaping within the regional/multipurpose trail shall include large, medium and low-growing shrubs planted from 3 to 6 feet apart depending on variety, and trees spaced approximately 25 to 45 feet apart to provide 50% shade coverage onto the planting area and pathway. Landscaping adjacent to walls or fences shall comply with "Landscaped Buffer Development Standards." All planting areas shall be irrigated with an automatic system.



DATE: August 23, 2019

TO: Will Tackett  
Planning and Development Department

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

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

SUBJECT: Public Works Conditions of Approval  
**T- 6235 Accela P19-03372 and P-1900846 CUP for PUD**  
1600 North Armstrong Avenue / map shows 6552 East Olive  
Wilson / Harbour and Associates

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

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

1. Annexation required.
2. Boundary: Revise to reflect correct limits.
3. Interior Streets: Redesign to Public Works Standard **P-56**. (Note: a minimum of 7' is required from the face of curb to right of way to accommodate a 4' clear sidewalk and street lights and/or fire hydrants.) **OR** Resubmit as private streets.
4. Armstrong Avenue: An approved Director's Determination for the Armstrong alignment is required. Coordinate the intersection of McKinley and Armstrong with the McKinley Official Plan Line.
5. Olive Avenue: Amend the existing OPL or provide an approved Director's Determination.
6. Verify address
7. Olive and Armstrong: The current intersection is not symmetrical. Provide a detail of the proposed intersection of McKinley and Armstrong on a separate sheet. Include the proposed striping and street easements.

#### **General Conditions:**

1. Identify all easements on the map.
2. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
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. 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.

5. The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Traffic and Engineering Services Division, (559) 621-8681. Encroachment permits must be approved prior to issuance of building permits.
6. Street widening and transitions shall also include utility relocations and necessary dedications.
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.

### **Frontage Improvement Requirements:**

#### **Public Streets:**

##### Olive Avenue: Collector

1. Dedication Requirements:
  - a. Dedicate **52'-54'** of property, from **center line**, for public street purposes, within the limits of this application, per Public Works Standard **P-53** and **P-69**. Center line shall be established per Amended County Precise Plan No. 29 or Director's Determination.
  - b. Dedicate corner cuts for public street purposes at all intersections.
  - c. Relinquish direct access rights to Olive Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **12'** residential pattern. Construct a 6' residential sidewalk per Public Works Standard **P-53**.
  - b. Construct **20'** of permanent paving (measured from face of curb) within the limits of this subdivision.
  - c. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.

##### Armstrong Avenue: Collector

1. Dedication and / or Vacation Requirements:
  - a. Dedicate **36'- 44'** of property, from center line, for public street purposes, within the limits of this application, per Public Works Standard **P-54** and **P-69**. Center line shall be established per the required Director's Determination.
  - b. Dedicate a corner cuts for public street purposes at all intersections.
  - c. Vacate right of way adjacent to this application, as needed, per the approved Director's Determination.
  - d. Relinquish direct access rights to Armstrong Avenue from all lots within this subdivision.

2. Construction Requirements:
  - a. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **12'** residential pattern. Construct a **6'** residential sidewalk per Public Works Standard **P-53**.
  - b. Construct an **80'** bus bay curb and gutter at the northeast corner of Armstrong and Olive to Public Works Standard **P-73**, complete with a **12'** monolithic sidewalk.
  - c. Construct **20'** of permanent paving (measured from face of curb) within the limits of this subdivision.
  - d. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.

### **Floradora Avenue: Modified Local Collector**

1. Dedication Requirements:
  - a. Dedicate **36'** of property, from center line, for public street purposes, within the limits of this application, per Public Works (modified) Standard **P-56**.
  - b. Dedicate a corner cuts for public street purposes at all intersections.
  - c. Relinquish direct access to Floradora Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. South Side: Construct **18'** of permanent paving per Public Works Standard **P-50**, within the limits of this application and transition paving as necessary.  
North Side: Construct **12'** of permanent paving per Public Works Standard **P-50** and a **6"** high asphalt concrete dike per Caltrans Standards, within the limits of this application and transition paving as necessary.
  - b. Construct standard curb ramps per Public Works Standard **P-28**, based on a **16'** radius.
  - c. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to an **18'** residential pattern. 7.5' from face of curb to walk – 5' walk – 5.5' from back of walk to wall. Planting of street trees shall conform to the minimum spacing guidelines as stated in the Standard Specification, Section 26-2.11(C).
  - d. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Locals.

### **Interior Streets:**

1. Dedicate, design and construct all curb, gutter, sidewalk, (both sides), permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to Public Works Standard **P-56**. All driveways shall be constructed to Public Works Standards **P-4** and **P-6**. Pedestrian easements are required behind driveways with sidewalk patterns less than **10'**. If constructed **42'** or **50'** a **1'** pedestrian easement is required on streets with driveway approaches.
2. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
3. Garages: Garage or carport setbacks are recommended to be a minimum of **18'** from the back of walk or curb, whichever is greater.
4. Provide a **10'** visibility triangle at all driveways.

5. Design local streets with a minimum of 250' radius.
6. Dead-end Streets: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-100**.

**Specific Mitigation Requirements:** A Traffic Impact Study has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager.

1. Relinquish direct vehicular access rights to :
  - a. the north property line of lot 15.
  - b. the south property line of lot 14.
  - c. the east property line of lot 42.
  - d. the west property line of lot 57.
2. 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.
  - a. A vacation of street right of way **may be required**. **Compare to the approved Director's Determination.** If so, 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)

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

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

1. The intersection of **Olive and Armstrong** shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation and signal pre-emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees. The applicant shall design the traffic signal and obtain City approval of the plans **prior** to occupancy of the first dwelling unit. The traffic signal installation shall be limited to the following equipment: poles, safety lights, oversize street name sign, conduits, detectors, service pedestal connected to a PG&E point of service, controller cabinet, ITS vault, ITS communication cabinet and all pull boxes, with the following equipment to be delivered to the City of Fresno's Traffic Signal shop for future installation when warrants are met: controller, mast arms, heads, Opticom discriminator and receivers.

**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:**

Olive Avenue: Collector (Growth Area Street)

1. Where not existing, dedicate and construct three 12' travel lanes with 5' shoulders and a 12' 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. **Or** Construct concrete median cap per Public Works Standard **P-62** and **P-63**.

Armstrong Avenue: Collector (Growth Area Street)

1. Where not existing, dedicate and construct Armstrong Avenue from curb to curb, 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.

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





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

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

October 4, 2019

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

**SUBJECT: REVIEW OF THE TRAFFIC IMPACT ANALYSIS (TIA) DATED JUNE 26, 2019  
FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE NORTHEAST  
CORNER OF OLIVE AVENUE AND ARMSTRONG AVENUE  
TIS 19-015, P19-03372, TRACT 6235**

## **PROJECT OVERVIEW**

Traffic Operations and Planning staff has reviewed the Traffic Impact Analysis (TIA) prepared by JLB Engineering, Inc. for the proposed residential development, "project", which plans to develop 122 single family dwelling units on northeast corner of the intersection of Olive and Armstrong Avenues. The approximately 19.65 acres site is currently vacant.

The TIA evaluated the impacts of the project by analyzing five (5) intersections in the vicinity of the project during the AM and PM peak hours. Vehicle trips projected to be generated by the project were calculated using the ITE Trip Generation Manual, 10<sup>th</sup> Edition. The following table includes the daily (ADT), AM and PM peak hour trips projected to be generated by the current General Plan use and proposed project as shown in the TIS:

Land Use	Size	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single Family Dwelling (ITE Code 210)	122 DU	1,152	23	67	90	76	45	121

*DU = dwelling units*

Based on the analyses included in the TIS, the study intersection of Armstrong Avenue at Belmont Avenue is currently operating below the TIZ III level of service (LOS) standard of LOS D during the AM peak hour. The remaining study intersections are currently operating above TIZ III LOS D standard. The intersections of Armstrong Avenue at Olive Avenue and Armstrong Avenue at Belmont Avenue currently satisfy Traffic Signal Warrant 2 – Four Hour Vehicular Volumes as defined in the California Manual of Uniform Traffic Control Devices (MUTCD).

With the addition of the project, the intersection of Armstrong Avenue at Belmont Avenue is projected to continue to operate below the TIZ III LOS D standard. Traffic Signal Warrant 3 –

Peak Hour Vehicular Volumes were prepared for the study intersections. The intersection of Armstrong Avenue at Olive Avenue is projected to satisfy the warrant during both the AM and PM peak hours. The intersection of Armstrong Avenue at Belmont Avenue is projected to satisfy the warrant during the AM peak hour.

The analysis included in the TIS show the following locations are projected to operate below the City of Fresno TIZ III LOS D standard and satisfy the Traffic Signal Warrant 3 – Peak Hour in the Near Term Plus Project scenario:

- Fowler Avenue at Floradora Avenue – AM peak hour
- Armstrong Avenue at Olive Avenue – AM/PM peak hours
- Armstrong Avenue at Belmont Avenue – AM peak hour

The analysis included in the TIS show all study intersections are projected to operate below the City of Fresno TIZ III LOS D standard in both the Cumulative Year 2035 No Project and Cumulative Year 2035 Project scenarios. The intersections of Armstrong Avenue at Olive Avenue and Armstrong Avenue at Belmont Avenue are projected to satisfy the Traffic Signal Warrant 3 – Peak Hour in both Cumulative Year 2035 scenarios.

## **GENERAL COMMENTS and CONDITIONS**

1. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee per the Master Fee Schedule at the time of building permit.

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

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

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

- Armstrong Avenue at Olive Avenue
- Armstrong Avenue at Belmont Avenue

2. This project shall pay its Fresno Major Street Impact (FMSI) Fee, which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.
3. The project shall pay the Regional Transportation Mitigation Fee (RTMF). Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption, based on vesting rights, prior to issuance of building permits.
4. The proposed project shall pay the \$288 Traffic Impact Study review fee for review of the document. Proof of payment shall be provided to the Traffic Operations and Planning Division.
5. The proposed project shall install a traffic signal with protected left-turn phasing per City of Fresno standards at the intersection of Armstrong Avenue at Olive Avenue. The traffic signal shall be installed at the ultimate and may require the acquisition of right-of-way.
6. The proposed project shall pay its fair share for cumulative impacts at the intersection of Fowler Avenue at Floradora Avenue. The identified mitigations are not included in current fee programs. Cost estimates for the proposed improvements shall be provided to the Traffic Operations and Planning Division for review and approval. The project's fair share shall be calculated using the following equation:

Project Fair Share = ((2035 Project Only Trips) / (Cumulative Year 2035 + Project Traffic Volumes – Existing Traffic Volumes)) \* 100

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

Project Fair Share = ((2035 Project Only Trips) / (Cumulative Year 2035 + Project Traffic Volumes – Existing Traffic Volumes)) \* 100

8. The proposed project shall make necessary improvements and right-of-way and public easement dedications along adjacent public street(s) and within the site boundaries per City of Fresno standards/requirements.
9. The proposed site plan shall be reviewed and approved by the City of Fresno Traffic Operations and Planning Division, Traffic Planning Section.

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

Sincerely,



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

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

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

File No. 210.45

Page 1 of 5

**PUBLIC AGENCY**

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

**DEVELOPER**

JEFF HARRIS, WILSON HOMES  
7550 N. PALM AVE., SUITE102  
FRESNO, CA 93711

PROJECT NO: **6235**

ADDRESS: **1600 N. ARMSTRONG AVE.**

APN: **310-220-30**

SENT: 10/21/19

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)
BQ	\$183,939.00	NOR Review	\$903.00 To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$2,520.00 Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review	For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).
Total Drainage Fee: \$183,939.00		Total Service Charge: \$3,423.00	

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/29/20 based on the site plan submitted to the District on 8/05/19 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.  
6235**



**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.

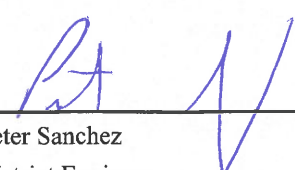
**FR TRACT No. 6235**


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

Page 3 of 5

**FR TRACT No. 6235**

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

  
Gary W. Chapman  
Project Engineer

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

Page 4 of 5

CC:

LORREN SMITH, HARBOUR & ASSOCIATES

389 CLOVIS AVE., SUITE 300

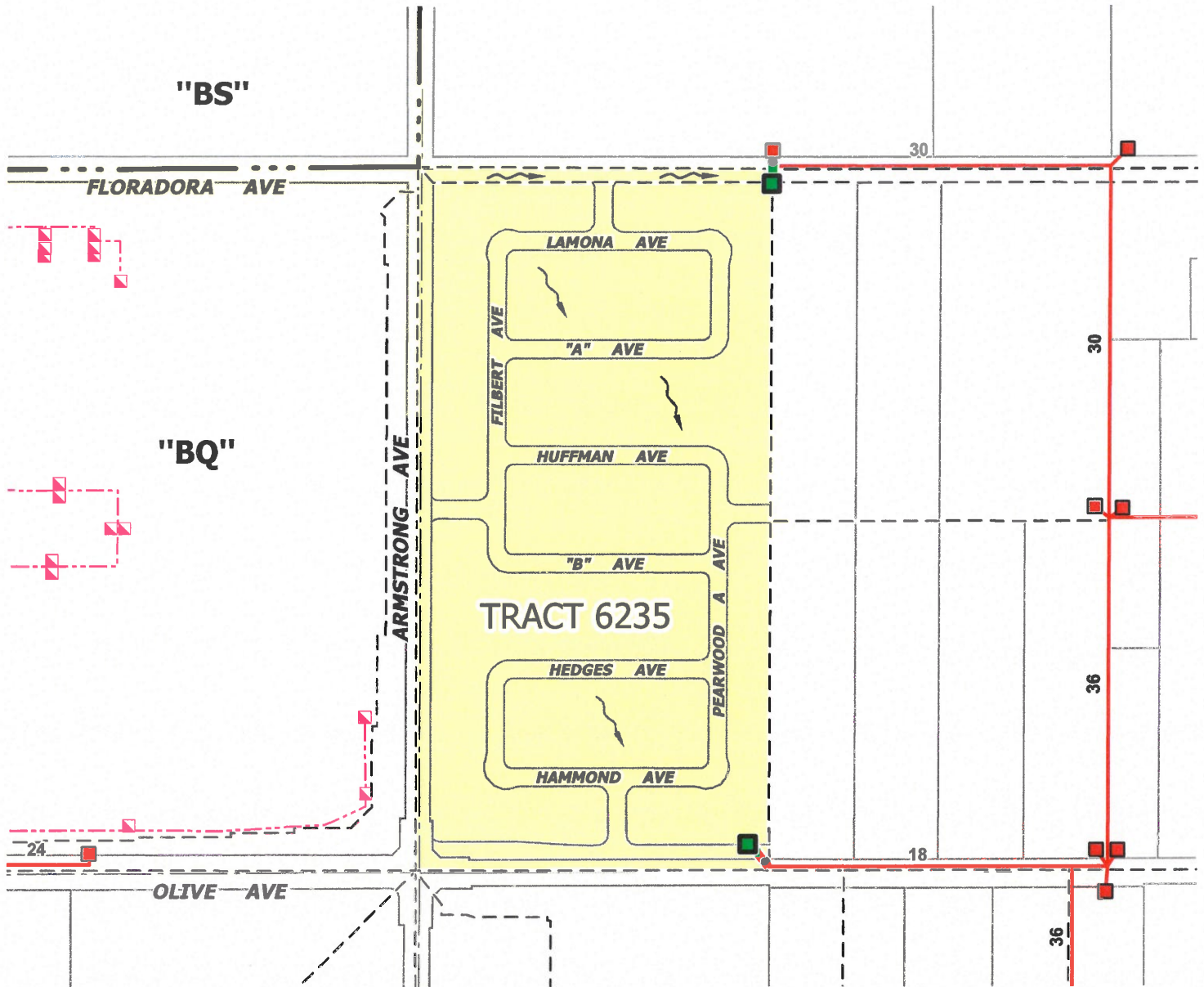
CLOVIS, CA 93612

**FR TRACT No. 6235**





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
- Private Facilities
- Inlet Boundary
- Drainage Area Boundary
- Direction Of Drainage



1" = 300'

**TRACT 6235**  
**DRAINAGE AREA "BQ"**



**EXHIBIT NO. 1**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

Prepared by: danielg

Date: 10/18/2019

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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 developer has requested drainage area boundary changes associated with this entitlement. Upon approval, of the revised drainage area boundaries, the District will send out a revised Notice of Requirements to show the drainage area boundary shift, revised drainage fees, and revised Master Plan facilities eligible for credit against the drainage fee.

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

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

Development No. Tract 6235



## **GUIDELINES FOR PONDING BASIN / POND CONSTRUCTION AND MANAGEMENT TO CONTROL MOSQUITO BREEDING**

Immature mosquitoes develop in shallow water habitats. Fresno has enough year-round urban runoff from sprinklers, car washing, and pool drainage to keep water in drainage basins even in the summer--when mosquitoes breed the fastest. The design and management of ponding basins and ponds is of critical importance for mosquito control. Following are some new guidelines for these facilities:

- \*1. Ponding basins and ponds with fluctuating water levels should have a "low flow" area, a deeper area or sump where drainage will accumulate, instead of a uniform flat bottom. This allows for water to accumulate to a greater depth, and helps "mosquito fish" survive. The low flow area should be located at the pond inlet and should be at least four feet deeper than the rest of the basin floor. The rest of the basin should be graded so that drainage is directed into this low flow area.
- \*2. Side slopes of ponds and ponding basins should be as steep as is compatible with safety and grading considerations. They should have a slope ratio of 1:2 (vertical:horizontal).
3. Decorative ponds and artificial wetlands should be constructed so that water depths are maintained in excess of four feet, to preclude invasive emergent vegetation such as cattails.
- \*4. Ponds and ponding basins should be constructed to provide for free, unobstructed access around their entire perimeter by vehicle and/or by foot, to allow for maintenance and mosquito abatement activities.
- \*5. All ponding basins should be enclosed in chain-link fencing at least six feet tall (to City of Fresno Public Works Standards), with double gates to provide an unobstructed total opening at least ten feet wide (no center post between the gates). Gates should be secured with a standard padlock to allow for access by maintenance workers and mosquito and vector control personnel: a No. 5 MasterLock™ with key numbers 1C95, 3203 or 0855.
6. Ponds and ponding basins should be constructed to allow easy de-watering when needed.
7. Ponding basin and pond edges should be maintained free of excess vegetation and trash that would harbor insects and support mosquito breeding when it falls or blows into the water.
8. Ponding basins and ponds should be managed to control algae and emergent vegetation (plants that emerge from shallow water), to remove harborage for mosquito breeding and to allow "mosquito fish" and other mosquito predators better access to their prey.
9. Ponding basins and ponds should maintain water quality that supports the survival of "mosquito fish" (*Gambusia affinis*, available from local mosquito and vector control agencies). Use caution when selecting herbicides and pesticides for use in or near ponding basins and ponds, because many pesticides are toxic to fish.

\* The asterisked guidelines modify the current City of Fresno Public Works Standard No. ~~P-62~~<sup>P-97</sup> for Temporary Ponding Basins.



**CENTERS FOR DISEASE CONTROL AND PREVENTION**

**National Center for Environmental Health  
Division of Emergency and Environmental Health Services**

### **"Stormwater Management and Vector Breeding Habitats"**

#### **The Public Health Problem**

- Stormwater management regulations and practices developed by environmental management agencies address the environmental problem of sediments and other pollutants entering surface waters but do not address public health issues, such as preventing habitat production for disease-carrying mosquitoes and other vectors.
- Certain stormwater management structures designed to reduce sediment and other pollutant loads in runoff (e.g., dry detention basins, retention ponds, media filtration devices, below-ground devices) frequently hold standing water for more than 3 days, creating potential mosquito breeding habitats. This in turn leads to the potential for mosquito-borne diseases such as West Nile virus and St. Louis encephalitis.
- Even those stormwater facilities that are properly designed and constructed to minimize mosquito breeding habitat may collect standing water if they are not maintained properly, thus creating the potential for mosquito breeding.

#### **Methods to Address this Public Health Issue**

A more integrated, systems-based approach is needed when developing and implementing solutions to environmental problems such as stormwater-runoff management. Local vector-control agencies (where they exist) or environmental health programs should be consulted during preconstruction design review to ensure that vector breeding habitat is minimized. These agencies and programs should also be consulted when developing maintenance schedules for stormwater management structures.

Taking the following actions can help to ensure that mosquito-management programs incorporate a systems-based approach:

- Properly design and construct stormwater control structures (especially regarding slopes, pipe inverts, and volumes) to minimize the inadvertent creation of standing water. Water should be held less than 72 hours whenever possible (shorter than minimum mosquito-breeding time).
- Minimize mosquito breeding for longer term or permanent stormwater storage (> 4 days) by introducing mosquito fish, by larvaciding, and by developing vegetation management plans. Include design depths greater than 4 feet to limit emergent vegetation that can enhance mosquito breeding habitat (e.g., cattails).
- Make resources available and allocate specific responsibility for ongoing operation and maintenance of stormwater facilities, including monitoring and treatment if necessary. Clean accumulated sediments and clear brush and other debris to minimize standing water build-up

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The Centers for Disease Control and Prevention (CDC) protects people's health and safety by preventing and controlling diseases and injuries; enhances health decisions by providing credible information on critical health issues; and promotes healthy living through strong partnerships with local, national, and international organizations.

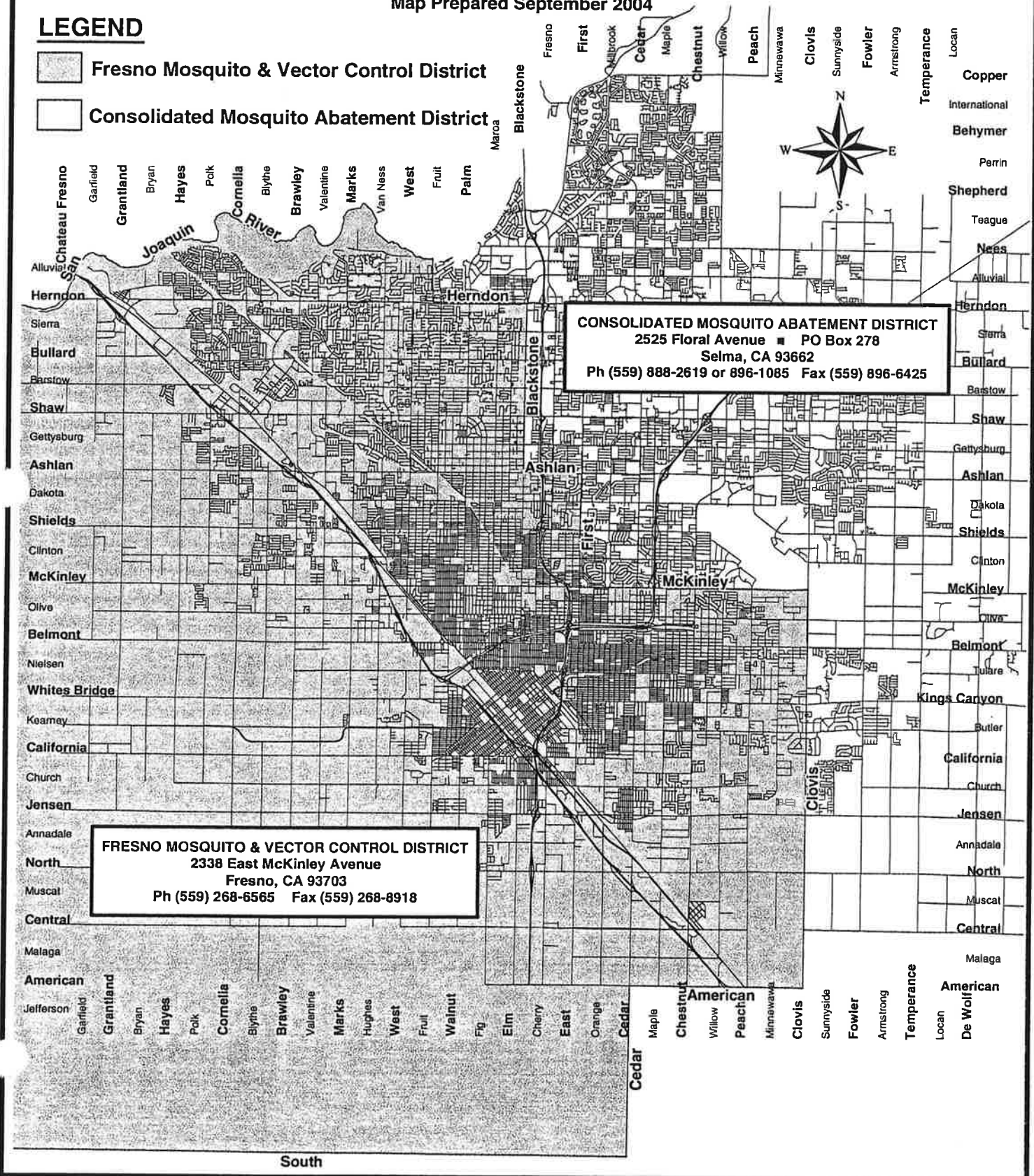


# Mosquito Control District Boundary Map (For the Fresno - Clovis Area)

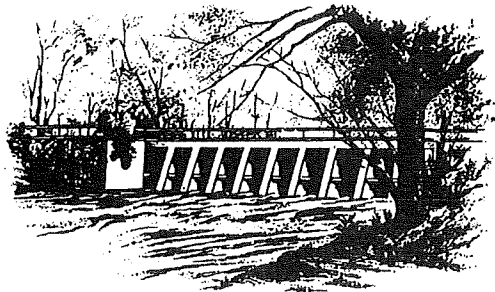
Map Prepared September 2004

## LEGEND

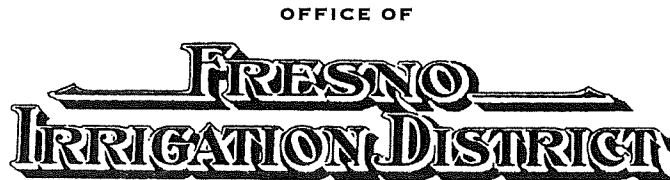
-  Fresno Mosquito & Vector Control District
-  Consolidated Mosquito Abatement District



South



YOUR MOST VALUABLE RESOURCE - WATER



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

August 19, 2019

Alondra Williams  
Development & Resource Management  
City of Fresno  
2600 Fresno Street, Third Floor  
Fresno, CA 93721

RE: Vesting Tentative Tract Map No. 6235, Accela Planning Application No. P19-03372  
N/E Olive and Armstrong avenues

Dear Ms. Williams:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. 6235, Accela Planning Application No. P19-03372 for which the applicant proposes the construction of a 122 lot single family homes planned residential development, APN: 310-220-30. FID has the following comments:

1. FID does not own, operate or maintain any facility located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's Temperance No. 37 runs westerly, crosses Temperance Avenue approximately 2,100 feet northeast of the subject property, crosses Armstrong Avenue approximately 900 feet north of the subject property, continues southerly along the west side of Armstrong Avenue, turns and continues westerly along the north side of Floradora Avenue approximately 50 feet northeast of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Temperance Avenue, Armstrong Avenue, Floradora Avenue, or in the vicinity of this pipeline, FID requires it review and approve all plans.
3. For informational purposes, FID's Mill No. 36 runs westerly, crosses Temperance Avenue approximately 2,900 feet northeast of the subject property, crosses Armstrong Avenue approximately 1,300 feet north of the subject property, and crosses Fowler Avenue approximately 2,900 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Temperance Avenue, Armstrong Avenue, Fowler Avenue, or in the vicinity of this Canal, FID requires it review and approve all plans.
4. For informational purposes, a privately owned canal known as the Temperance #3 No. 296 runs southerly, crosses Floradora Avenue approximately 2,000 feet northwest of the



subject property, and crosses Olive Avenue approximately 2,000 feet southwest of the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private facility. FID's records indicate that this line is active and will need to be treated as such. FID can supply a list of known users to the City upon request.

5. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area has been historically native or rural residential with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on 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 or require the use of reclaimed water, if available.
6. 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. 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.
7. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Fresno should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

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

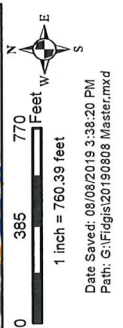
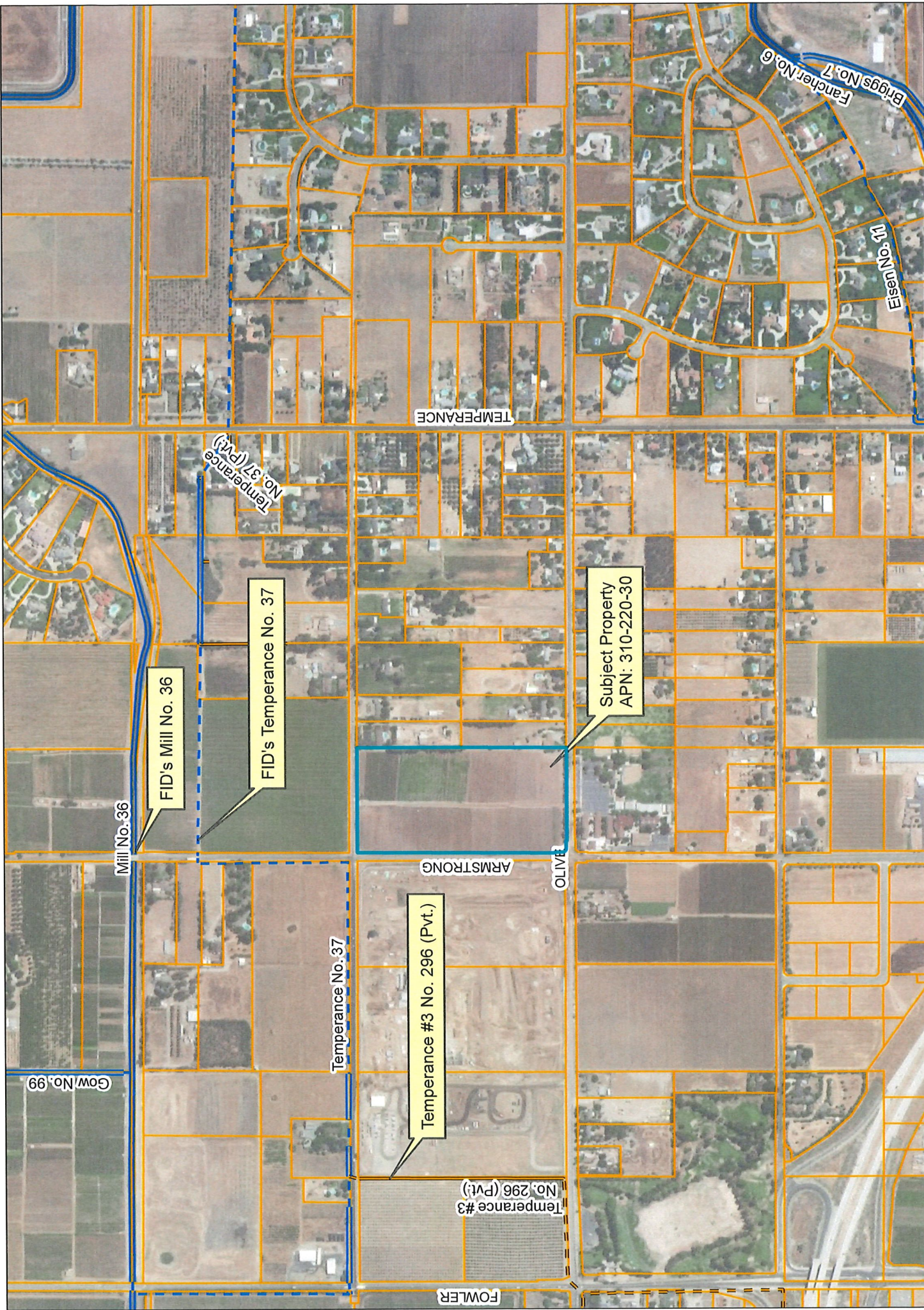
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment





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

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







# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT



August 13, 2019

Will Tackett  
City of Fresno  
Development and Resource Management Department  
Development Services Division  
2600 Fresno Street, Third Floor, Room 3076  
Fresno, CA 93721

**Project: Planning Application P19-03372, Tentative Tract Map 6235 – Wilson Homes**

**District CEQA Reference No: 20190994**

Dear Mr. Tackett:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the above referenced project. Per the Planning Application, the Project consists of a proposal to construct a 122-lot single family home planned development subdivision on a 19.65-acre site located at the east side of North Armstrong Avenue between East Floradora and East Olive Avenues (APN: 310-220-30), in Fresno, CA. The Project is subject to District Rule 9510 (Indirect Source Review). When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project level approval from a public agency. An Air Impact Assessment (AIA) application, Indirect Source Review (ISR) No. 20190326, has been submitted for the Project. The District previously commented on this project, P18-03144, Vesting Tentative Tract Map (VTTM) No. 6235, on November 6, 2018, (CEQA Reference No. 20181176) and has no additional comments at this time.

If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



Brian Clements  
Program Manager

AM: gs

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

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95358-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2019-AWP-9982-OE

Issued Date: 10/25/2019

Lorren Smith  
Harbour & Associates  
389 Clovis Avenur #300  
Clovis, CA 93612

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Houses
Location:	Fresno, CA
Latitude:	36-45-33.38N NAD 83
Longitude:	119-40-19.19W
Heights:	342 feet site elevation (SE) 35 feet above ground level (AGL) 377 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

\_\_\_\_ At least 10 days prior to start of construction (7460-2, Part 1)  
\_\_X\_\_ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 04/25/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-9982-OE.

**Signature Control No: 415801157-420984876**

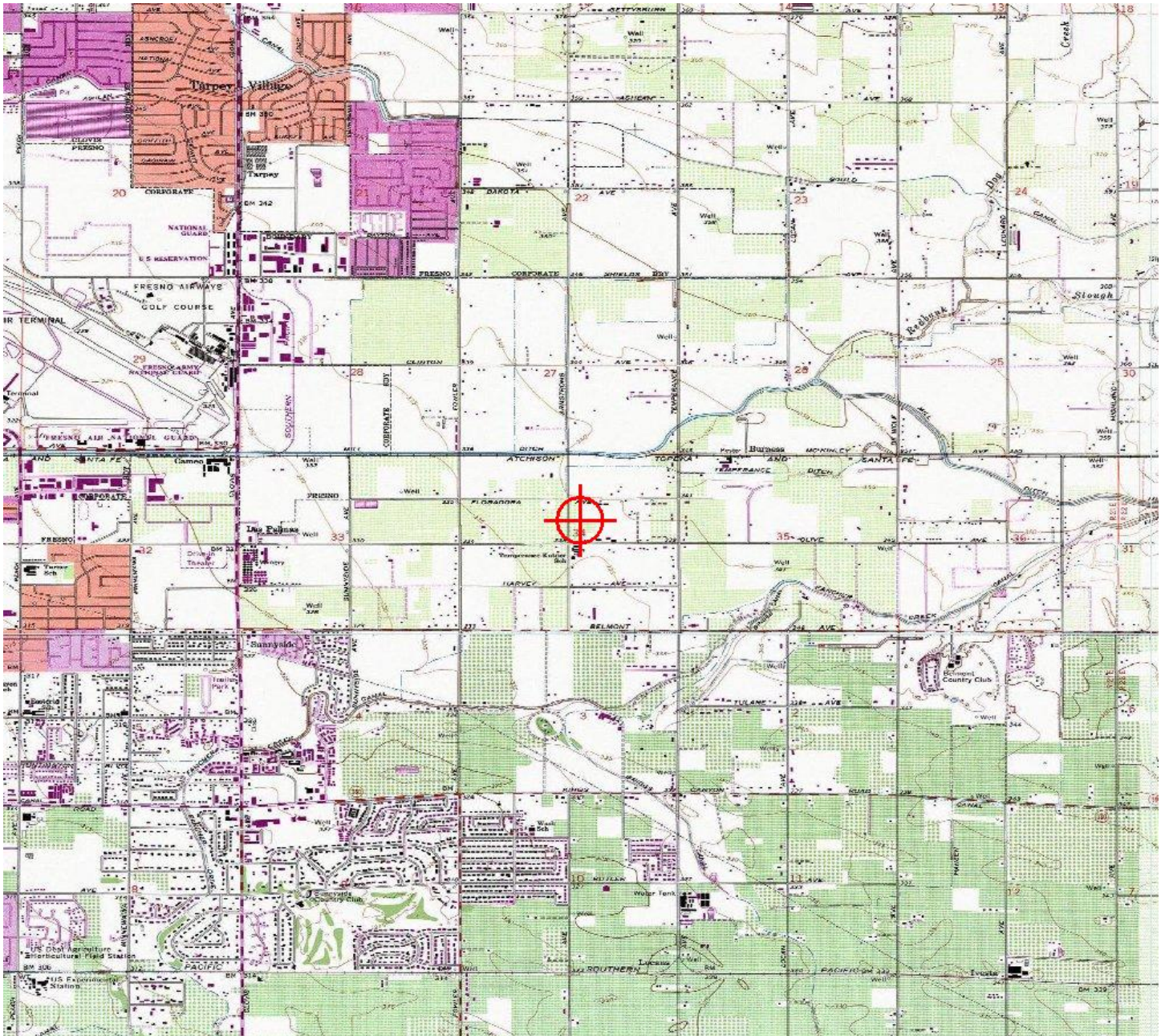
( DNE )

Karen McDonald  
Specialist

Attachment(s)  
Map(s)



# TOPO Map for ASN 2019-AWP-9982-OE







**DATE:** August 20, 2019

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

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

**SUBJECT:** PUBLIC WORKS CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT  
MAP NO. 6235 REGARDING MAINTENANCE REQUIREMENTS (P19-03372)

**LOCATION:** 1600 North Armstrong Avenue  
**APN/ACREAGE:** 310-220-30

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



November 12, 2019

## Review Comments for Tentative Map Tract application: P19-03372

### **Airports**

This review was performed by:  
Status: Review Complete

### Airspace Protection

> Airspace review required for any objects over 100 feet tall.

### **County PW and Planning**

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

ROW outside of the City Limits are subject to County Plan Lines. Please ensure ultimate build out and improvements as a result of this project reflect accordingly.

### **DPU Planning and Engineering**

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

## Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is a 10-inch sewer main located in East Alluvial Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. Construct a 10-inch sanitary sewer main (including sewer house branches to adjacent properties) in East Floradora Avenue from the existing 10-inch main located east of the proposed project to the east property line of said project.
2. Construct a 10-inch sanitary sewer main (including sewer house branches to adjacent properties) in East Olive Avenue from the existing 12-inch main located east of the proposed project to the east property line of said project.
3. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
4. All underground utilities shall be installed prior to permanent street paving.
5. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
6. 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.
7. 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.
8. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
9. Installation of sewer house branch(s) shall be required.
10. Separate sewer house branches are required for each lot.
11. Street work permit is required for any work in the Right-of-Way.
12. Abandon any existing on-site private septic systems.

## Sanitary Sewer Fees

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

1. Sewer Lateral Charge.
2. Sewer Oversize Area.
3. Wastewater Facilities Charge (Residential Only)
4. The City of Fresno currently does not own capacity in the Fowler Avenue Trunk Sewer line north of Tulare Avenue; however, the City of Fresno has negotiated a temporary exchange and interim use of capacity owned by the City of Clovis in the Fowler Avenue Trunk Sewer. This exchange of capacity is conditioned upon Fresno replacing Clovis' capacity with capacity in future facilities agreeable to Clovis and at a cost yet to be determined.
5. Whereas, the necessary and appropriate fees for future replacement of Clovis' Fowler Avenue Trunk Sewer capacity have not been established and adopted by the City Council; the Developer in-lieu of constructing separate sanitary sewer facilities that would otherwise be required of this project (to provide for collection and conveyance of sanitary sewage discharged from the project to an approved point of discharge to the Sewer System located south of Tulare Avenue) shall provide payment of an "Interim Fee Surety" based on the current dollars and the present value of money per living unit or living unit equivalent for the impending fees.
6. Said "Interim Fee Surety" may be deferred through a Fee Deferral Agreement to the issuance of a building permit or occupancy. Following adoption of a fee established for replacement of Clovis' capacity in the Fowler Avenue Trunk Sewer by the City Council, "Interim Fee Sureties" provided by the Developer shall be applied to the established fee and any amounts in excess shall be refunded.

**DPU Solid Waste Management**

This review was performed by: Kevin Gray

Status: Reviewed with Conditions

Tract 6235 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

**DPU Water Division**

This review was performed by: Robert Diaz

Status: Review Complete

1. On-site water facilities shall be private.
2. Separate water services with meter boxes shall be provided to each lot.
3. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.
4. Destruct any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-81 and 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
5. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
6. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.
7. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

The water supply requirements for this project are as follows:

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

**Fire Review**

This review was performed by: Byron Beagles

Status: Review Complete

This is a proposed 257 lot public street, single family home development to be constructed in three phases. Conditions of Fire Department approval are as follows:

1. The entire tract is within a 3.0 mile response distance from existing permanent Fire Station 10 and has no development restrictions related to fire response.
2. Provide fire hydrants per Public Utilities requirements for single family home development with a minimum of two points of connection (1500 gpm @ 20 psi residual pressure with hydrants spaced no more than 600 feet apart).
3. All fire hydrants shall be in service and two points of access of all-weather construction shall be installed and maintained during all phases of construction.
4. For Phase 3; construction of E. McKinley Ave to N. Arroyo Ave will be required to provide a second point of access for that phase.
5. Both N. Armstrong and E. Floradora are currently rural residential county roads. During improvements to those two streets, all weather access to the tract entry points must be maintained.
6. The proposed public street section within the tract is 35 feet in width as measured to the curb flow lines. This is not an Public Works adopted local residential street section but is acceptable to Fire subject to Public Works approval as has been recent past practice.

#### **Flood Control District**

This review was performed by:

Status: Review Complete

See attached FMFCD NOR for comments.

NOR & Grading plan review fees due.

Drainage Fees due.

#### **Fresno County Environmental Health**

This review was performed by:

Status: Reviewed with Conditions

Recommended Conditions of Approval:

- Construction permits for the proposed project should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Construction permits for the proposed project should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City's municipal code and the Fresno County Noise Ordinance.
- If the applicant proposes to use and/or store hazardous materials and/or hazardous wastes, they shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

#### **Historic Preservation**

This review was performed by: Laura Van Onna

Status: Review Complete

No Comment

#### **Irrigation District**

This review was performed by:

Status: Review Complete

Please refer to FID's comments in documents tab.

**Land Division Impact Fees**

This review was performed by: Frank Saburit  
Status: Review Complete

City of Fresno Development Impact Fees & Charges - Reference document: TTM 6235.pdf

**Long Range Planning**

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

Property is located on a planned trail; please refer to Figure MT-2 of the General Plan and the Active Transportation Plan.

**Public Works Engineering**

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

Comments are located under P19-00846.

**Public Works TIS Review**

This review was performed by: Jill Gormley  
Status: Add'l Info Requested

Please see comments in 8/22/19 email to Jose Benavides.

**Public Works-CFD**

This review was performed by: Ann Lillie  
Status: Review Complete

see conditions in the documents file.

**Traffic Planning**

This review was performed by: Louise Gilio  
Status: Reviewed with Conditions

See Traffic Planning Conditions of Approval