

Exhibit I



DATE: March 28, 2024

TO: Robert Holt, Supervising Planner  
 Planning and Development Department

THROUGH: Harmanjit Dhaliwal, PE, Licensed Engineer Manager  
 Public Works Department, Land Planning & Subdivision Inspection Section

FROM: Adrian Gonzalez, Senior Engineering Technician  
 Public Works Department, Land Planning & Subdivision Inspection Section

SUBJECT: Public Works Conditions of Approval  
**T-6411 / P22-02943**  
 58-lot private single-family subdivision  
 126 W Church Avenue  
 DS Chouhan, LLC / Central Valley Engineering and Surveying

The Public Works Department, Traffic & Engineering Services 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.

<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, Land Planning & Subdivision Inspection Section <b>prior</b> to final map approval.			
X	<b>CFD Annexation Request Package</b>	Adrian Gonzalez	(559) 621-8693 <a href="mailto:Luis.Gonzalez@fresno.gov">Luis.Gonzalez@fresno.gov</a>

1. Verify and revise the map boundary. Incorrect boundaries could result in extending timelines due to the need for separate processes, timelines and fees.
2. Revise local street cross sections to *Public Works Standard* or resubmit cross sections to meet our minimum requirements as shown on the standards.
3. Identify all easements on the map.
  - Local Streets: If constructed **42'** or **50'**, a **1'** pedestrian easement is required on streets with driveway approaches.

**General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.

2. Right of way: All right-of-way “outside” of the subdivision border shall either be acquired **prior** to recordation of Final Map, or a deposit equal to the value of the right-of-way and an estimate of the City staff time necessary to acquire the right-of-way shall be submitted **prior** to recordation of the Final Map.
3. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Public Works Department for review and approval **prior** to recordation of the Final Map. Street: construction, signing, striping, traffic signal and streetlight.
4. Local to Collector Street Intersections: The intersection of two local continuous streets shall have a minimum of **160'** offset measured from centerline to centerline.
5. Outlots: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall prove to the City that the outlot is free of toxic or hazardous materials pursuant to the requirements of *City Administrative Order 8-1*, including, but not limited to, performing a Phase I Soils Investigation. The soils Investigation report shall be submitted to the Public Works Department for review and approval. The subdivider must obtain Public Works approval of the soils investigation report and complete any mitigation work identified by the soils investigation prior to subdivider’s submittal of the Final Map to the Public Works Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.
6. Encroachment Covenants: The construction of any private overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Engineering Services Division, **(559) 621-8681**. Encroachment covenants must be approved prior to issuance of building permits.
7. Street widening and transitions shall also include utility relocations and necessary dedications.
8. Overhead Utilities: Underground all existing overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.
9. Irrigation/Canal Requirements: Identify the easement and provide a final cross-sectional detail on the map.
10. The first order of work shall include a minimum of two points of vehicular access to the major streets for **any** phase of this development.
11. Intersection Visibility: Maintain visibility at all intersections as described in the *Fresno Municipal Code Section 15-2018*.
12. Driveway Approaches: The throat of the driveway approaches shall be the same width as the driveway. Approach widths shall be built to *Public Works Standard P-6*.

### **Frontage Improvement Requirements:**

#### **Public Streets:**

##### Church Avenue: 3-Lane Collector

1. Dedication Requirements:
  - a. Dedicate **12'** of property, for public street purposes, beyond map limits, per *Public Works Standard P-54*. Centerline shall be established per Official Plan Line No. 6.

- b. Dedicate a corner cut for public street purposes at the intersection of "A" Street and Church Avenue.
  - c. Relinquish direct access rights to Church Avenue from certain lots within this subdivision.
2. Construction Requirements:
- a. Construct concrete curb, gutter and a **12'** sidewalk to *Public Works Standard P-5*. The curb shall be constructed to a **12'** residential pattern (**5.5' - 6' - .5'**).
  - b. Planting and Irrigation of street trees shall conform to the minimum spacing, guidelines, and requirements as stated in the *Model Water Efficiency Landscape Ordinance, Public Works Standards and Specifications, Section 25 and 26*.
  - c. Construct standard curb ramps per *Public Works Standard* at all intersections.
    - Major street to local street: **R=20'-25'** per **P-24** and **P-25**
    - Entry: **R=20', P-28**
  - d. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
  - e. Construct an underground street lighting system to *Public Works Standard E-1 and E-7A, E-7B*, within the limits of this subdivision. Streetlights installed on major streets shall be fed from a service pedestal with a master photo control as detailed in *Section 3-3.17* of the *City Specifications and Standard Drawings E-15, E-17* and/or **E-18** or as approved by the City Engineer. Show the existing streetlight locations on the plans and that they are constructed per current City of Fresno Standards.

Thorne Avenue: Local

1. Dedication Requirements:
  - a. Dedicate **30'** of property, from centerline, for public street purposes, within the limits of this application, per *Public Works Standard P-56A*.
  - b. Dedicate a corner cut for public street purposes at the intersection of "D" Street and Thorne Avenue and Thorne Avenue and Church Avenue.
  - c. Relinquish direct access to Church Avenue from certain lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and a **4'** sidewalk, on west frontage of Thorne Avenue, to *Public Works Standard P-5* and **P-56A**. The curb shall be constructed to a **12'** residential pattern (**7.5' - 4' - .5'**).
  - b. Planting and Irrigation of street trees shall conform to the minimum spacing, guidelines, and requirements as stated in the *Model Water Efficiency Landscape Ordinance, Public Works Standards and Specifications, Section 25 and 26*.
  - c. Construct standard curb ramps per *Public Works Standard* at all intersections.
    - Local street: **P-28** and **P-31**
    - Entry: **R=20', P-28**
  - d. Construct **18'** of permanent paving per *Public Works Standard P-50*, within the limits of this subdivision and transition paving, as necessary.
  - e. Construct an underground street lighting system to *Public Works Standard E-1 and E-9A, E-9B* and **E-11**, within the limits of this subdivision. Show the existing streetlight

locations on the plans and that they are constructed per current City of Fresno Standards.

### **Interior Streets:**

1. Dedicate, design and construct all driveways, ramps, curb, gutter, sidewalk, permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to *Public Works Standards P-1, P-2, P-3, P-4, P-5, P-6, P-18, P-28, P-50, P-56A, E-1, E-9A, and E-9B*. 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 shall be provided on both sides of the street per *Public Works Standard P-56A* (50' 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 **12'** visibility triangle at all driveways.
5. Design local streets with a minimum of **250'** radius.

### **Specific Mitigation Requirements:**

#### **Within the subdivision border-**

1. Relinquish direct vehicular access rights to:
  - a. the south property line of lot 1 through 5, 27, and 55 through 58.
  - b. the east property line of lots 6 through 14.
  - c. the north property line of lot 26.
  - d. the west property line of lot 19 and 20.

#### **Outside of the subdivision border-**

1. Dedications:
  - Dedicate additional street right of way adjacent to parcel 477-030-03, 477-030-04 and 477-030-28.

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit**. Contact the Public Works Department, Frank Saburit at (559) 621-8797. The fees are based on the Master Fee schedule. In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would not be required to construct the signal but would be required to pay the applicable fee.

**Fresno Major Street Impact (FMSI) Fee:** This Map is in the **Infill Area**; therefore, pay all applicable City-wide regional street impact fees. In some cases, center section improvements or bridges may be conditioned on multiple maps. If the improvements are existing at the time of the

final map, the applicant would not be required to construct them, but would be required to pay the applicable fee.

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

Church Avenue: 3-Lane Collector (New Growth Street)

1. Dedicate and construct a **12'** center two-way left turn lane, one (1) **11'** westbound and one (1) **11'** eastbound travel lane and **5'** shoulders on each side, within the limits of this subdivision. If applicable stripe **200'** left turn pockets at all major intersections. If not existing, an additional **8'** dedication is required beyond the edge of pavement. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **55 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.

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**STREET TREE REQUIREMENTS**

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 40' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with AB 1881.
2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 40' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.
  - a. Street tree inspection fees shall be collected for each 40' of public street frontage or one tree per lot whichever is greater.
  - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
  - c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.
  - d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city-controlled property is in conformance with the Specifications of the City of Fresno.
  - e. Upon acceptance of the required work, warranty security shall be furnished to or retained by

the city for guaranty and warranty of the work for a period of ninety days following acceptance.

- f. Choose appropriate trees from the list of Approved Street Trees. <https://www.fresno.gov/publicworks/developer-doorway/#tab-5>

### **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 Homeowner'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 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 sidewalk 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.

Submit all landscape and irrigation plans, to the scale of 1" = 20', to [dpwplansubmittal@fresno.gov](mailto:dpwplansubmittal@fresno.gov) for plan review, prior to the installation of any landscaping within the right-of-way.

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## **The Property Owner's Maintenance Requirements**

\*\*\*\*\* 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. \*\*\*\*\*

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 having the purpose for 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.**

**\*All end lots, side yards, and front yards are the responsibility of the property owner and are not eligible for Services for maintenance by the CFD.**



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

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

For questions regarding these conditions please contact Adrian Gonzalez at (559) 621-8693 or [Luis.Gonzalez@fresno.gov](mailto:Luis.Gonzalez@fresno.gov)



## DEPARTMENT OF PUBLIC UTILITIES

### MEMORANDUM

**DATE:** September 13, 2023

**TO:** ROBERT HOLT – Supervising Planner  
Planning & Development Department – Current Planning

**FROM:** DEJAN PAVIC, PE, Projects Administrator  
Department of Public Utilities – Utilities Planning & Engineering

**SUBJECT: DPU CONDITIONS OF APPROVAL FOR P22-02943 TENTATIVE  
TRACT MAP 6411 – APNs 477-060-05 and 06**

#### **General Requirements**

1. Engineered improvement plans, prepared by a Registered Civil Engineer, if necessary, shall be submitted for Department of Public Utilities review and approval.
2. All Department of Public Utilities facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.
3. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
4. A street work permit is required for any work in the Right-of-Way.
5. All underground utilities shall be installed prior to permanent street paving.

#### **Water Service Requirements**

The nearest water mains to serve the Project are a 12-inch water main located in West Church Avenue and an 8-inch water main located in South Thorne Avenue. Water facilities are available to provide service to the Project subject to the following requirements:

1. Install an 8-inch water main (including installation of City fire hydrants) in South Thorne Avenue from the existing 8-inch water main located in South Thorne Avenue north across the Project frontage.
2. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
3. Installation of a new water service(s) and meter box(es) shall be required.

4. The applicant shall be financially responsible for the abandonment of any unused water services previously installed to the property.
5. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Department of Public Utilities Director or designee.
6. Destroy any existing on-site well(s) in compliance with the State of California Well Standards, Bulletins 74-81 and 74-90, or current revisions, issued by California Department of Water Resources, Fresno County standards, and City of Fresno standards. Applicant shall comply with Fresno Municipal Code (FMC) Section 6-518, as may be amended from time to time.

### **Water Supply Requirements**

1. The applicant shall be required to pay Water Capacity Fee charges for the installation of new water services and meters to serve the Project.
  - 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 Project.
  - b. The Water Capacity Fee charges by meter size are defined in the City's Master Fee Schedule (MFS).
  - c. The City reserves the right to require an applicant to increase or decrease the size of a water meter for the Project to ensure that it 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 applicant shall be required to pay all other water-related fees and charges in accordance with the City's MFS and FMC.

### **Sewer Requirements**

The nearest sanitary sewer mains to serve the Project are an 8-inch sewer main located in South Thorne Avenue and a 30-inch sewer main located in West Church Avenue. Sanitary sewer facilities are available to provide service to the Project subject to the following requirements:

1. A preliminary sewer design layout shall be prepared by the applicant's engineer and submitted to the Department of Public Utilities for review and conceptual approval prior

to submittal for City review or acceptance of the final map(s) and engineered plan and profile improvement drawing(s).

2. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in South Thorne Avenue from the existing 8-inch sewer main in South Thorne Avenue to the north property line of the Project.
3. If connecting to one of the 2 (two) 30-inch sewer trunks in West Church Avenue (closer to the Project), construct a 60-inch sewer manhole per Public Works Standards S-4 at the intersection of the proposed "A" Street (as identified on Tentative Tract Map No. 6411 dated 07/10/2022) and West Church Avenue.
4. All sanitary sewer mains shall be extended within the Project to provide service to each lot.
5. Installation of separate sewer service branch(es) shall be required to each lot.
6. All existing on-site private septic systems (including septic tanks) shall be destroyed and abandoned in compliance with the State of California standards, Fresno County standards, and City of Fresno standards, as may be amended from time to time. All sewer connections and sewer main extensions shall comply with FMC Section 6-303(a), as may be amended from time to time.
7. The applicant shall be financially responsible for abandonment of any unused sewer services previously installed to the property.

### **Sanitary Sewer Fees**

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

1. Later Sewer Charge.
2. Oversize Sewer Charge.
3. Wastewater Facility Sewer Charge (Residential)

### **Solid Waste Requirements**

The Project will be serviced as a Single-Family Residential property with Basic Container Service. Each lot will receive 3 containers to be used as follows: 1 (one) Gray container for solid waste, 1 (one) Green container for green waste, and 1 (one) Blue container for recyclable material.



2600 Fresno Street  
Fresno, California 93721-3604  
www.fresno.gov

## **Fire Department**

September 7, 2023

### **Comments**

1. This is a proposed 58 lot, public street, single family home subdivision.
2. This subdivision is within the primary service area of Fire Station #3 and there are no development restrictions related to fire department response.
3. Each lot is subject to the citywide fire service delivery impact fee.
4. The local residential street ROW sections shown do not comply with those specified in Public Works Standards 56A or 56B. The only PW standard for local streets with standard curbs and a street width of less than 28 feet is PW 56A which requires houses on only one side of the street with no parking on the opposite street. A 24-foot-wide street would not allow any on-street parking.
5. Thorne Ave. must be completed to "D" Street for a second point of fire access.
6. Provide public water mains and fire hydrants with two points of connection per Public Utilities and FFD requirements for single family home development.
7. Fire hydrants and all-weather fire access must be installed before delivery of combustible material to the job site.

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

**PUBLIC AGENCY**

ROBERT HOLT  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO STREET, THIRD FLOOR  
FRESNO, CA 93721-3604

**DEVELOPER**

BRENDA RAMIREZ, CENTRAL VALLEY  
ENGINEERING AND SURVEYING, INC  
2511 LOGAN ST.  
SELMA, CA 93662

PROJECT NO: **6411**

ADDRESS: **106 W. CHURCH AVE.**

APN: **477-060-05, 477-060-06**

SENT: **October 04, 2023**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
TT	\$48,130.00	NOR Review	\$409.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$1,141.00	Amount to be submitted with first grading plan submittal.
<b>Total Drainage Fee: \$48,130.00</b>		<b>Total Service Charge: \$1,550.00</b>		

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

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 3/07/24 based on the site plan submitted to the District on 8/22/23 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.) Creditable storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Creditable drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Creditable 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. 6411**

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 2 of 3

FR TRACT No. 6411

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

1.  a. Drainage from the site shall  
 b. Grading and drainage patterns shall be as identified on Exhibit No. 1.  
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
 Developer shall construct facilities as shown on Exhibit No. 1 as  
 None required.
  
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:  
 Grading Plan  
 Street Plan  
 Storm Drain Plan  
 Water & Sewer Plan  
 Final Map  
 Drainage Report (to be submitted with tentative map)  
 Other  
 None Required
  
4. Availability of drainage facilities:  
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.  
 d. See Exhibit No. 2.
  
5. The proposed development:  
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
 Does not appear to be located within a flood prone area.
  
6.  The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS

Page 3 of 3

FR  
TRACT  
No. 6411

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
  - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
  - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.

Debbie Campbell  
Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 10/4/2023 9:54:32 AM

Shauna L. Espinoza Mendoza  
Engineer III, RCE

Digitally signed by Shauna L. Espinoza Mendoza Date: 10/4/2023 9:54:17 AM

CC:

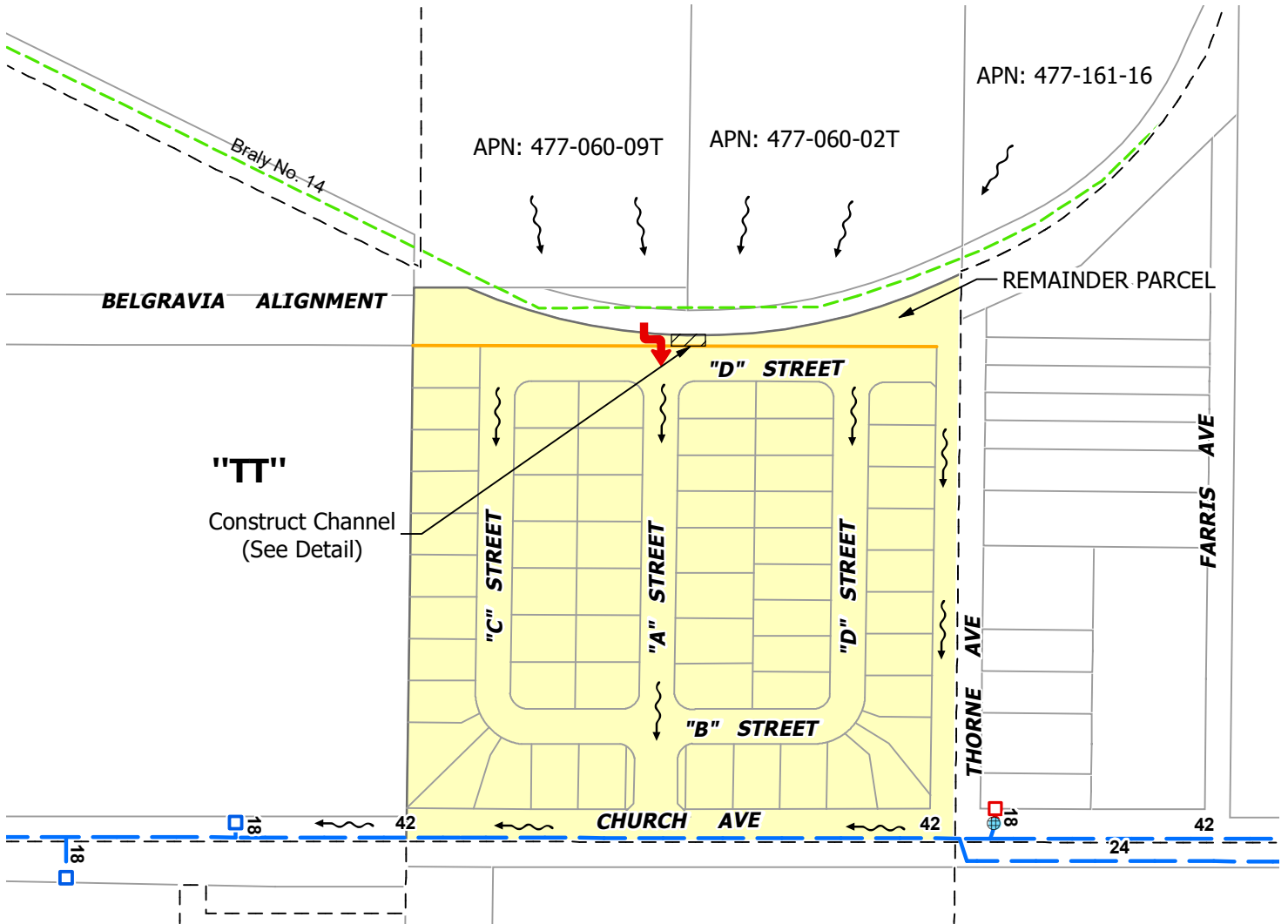
RAJ GREWAL, DS CHOUHAN, LLC

5187 W. CARMEN AVE.

FRESNO, CA 93722

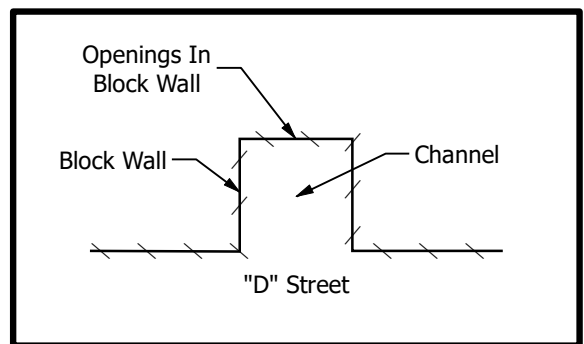


NOTE: THIS MAP IS SCHEMATIC. DISTANCES, AMOUNT OF CREDITABLE FACILITIES, AND LOCATION OF INLET BOUNDARIES ARE APPROXIMATE.



**LEGEND**

- Existing Master Plan Facilities
- Future Non-Master Plan Facilities
- Existing Temporary Inlet
- Inlet Boundary
- Direction Of Drainage
- Existing FID Facilities
- Proposed 6' High Block Wall
- Channel Easement To Be Dedicated By Developer
- Major Storm Breakover
- Limits Of TRACT 6411



Detail



1" = 200'

**TRACT 6411**  
**DRAINAGE AREA "TT"**

**EXHIBIT NO. 1**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**



## **OTHER REQUIREMENTS**

### **EXHIBIT NO. 2**

Tract 6411 is located in an area that has historically provided a passage for storm water flows from the area north of Tract 6411 across the proposed site to Church Avenue. The grading of the proposed site shall be designed such that there are not adverse impacts to the passage of said storm water from north of Tract 6411 to Church Avenue. Tract 6411 shall construct a channel and provide openings in the proposed block wall to allow storm water runoff conveyance from the area north of Tract 6411 to reach Church Avenue as shown in Exhibit No. 1. The block wall shall be extended to include the channel within the subdivided portion of the tract.

Tract 6411 is required to grant drainage covenants across Tract 6411, including the Remainder Parcel, for APNs 477-060-09T, 477-060-02T, and 477-161-16 to allow surface runoff to reach existing Master Planned facilities located in Church Avenue as shown on Exhibit No. 1.

The developer shall dedicate a Channel Easement to the District within the Remainder Parcel of Tract 6411 as shown on Exhibit No. 1 as a condition of the final map. No objects shall be placed in the Channel Easement that reduce the design capacity of the channel.

The developer must identify what streets within Tract 6411 will pass the major storm and provide calculations that show structures will have adequate flood protection. The developer should be aware that based on historical drainage patterns some of the streets located within the tract may need to be resized to pass larger event storms. District approval is not extended to street configuration. The developer may submit a drainage report indicating the path of the major storm flow and calculations confirming there is adequate protection of finished floors.

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



2907 S. Maple Avenue  
Fresno, California 93725-2208  
Telephone: (559) 233-7161  
Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

September 14, 2023

Robert Holt  
Development and Resource Management  
County of Fresno  
2200 Tulare Street, Sixth Floor  
Fresno, CA 93721

RE: Tentative Tract Map Application P22-02943, T-6411  
N/E Church and Fruit avenues

Dear Mr. Holt:

The Fresno Irrigation District (FID) has reviewed the City of Fresno's Tentative Tract Map Application P22-02943 the applicant is requesting authorization to subdivide two existing properties into a 60-lot conventional single-family residential subdivision, APN477-060-05. FID has the following comments:

**Summary of Requirements:**

- FID Board Approval.
- Review and Approval of all Plans.
- Execute Pipeline Replacement Agreement.
- Replace existing 30" CIP-MCP and 30" C-76 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**

1. FID's Braly No. 14 runs southwesterly, crosses Florence Avenue approximately 700 feet northeast of the subject property, traverses the northern portion of the subject property, and will be impacted by the proposed development. Should this project include any street and or utility improvements along California Avenue, Fruit Avenue, Florence Avenue, or in the vicinity of this Pipeline, FID requires it review and approve all plans.
2. The attached plans for the Braly No. 14 indicates a portion of the pipeline was installed in 1996 (27 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.

\\fdfs01\Eng\Agencies\FresnoCity\Tract Map\P22-02943\P22-02943 FID Comments.doc

**BOARD OF DIRECTORS**

President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOLF  
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

3. Records indicate FID has the following exclusive easement as Document No. 12468, in Book 5988, on Page 664, recorded on February 11, 1972, Official Records Fresno County.
4. FID requires the applicant replace the existing pipeline across the project location as a part of this project with new 30-inch diameter ASTM C-361 Rubber Gasketed Reinforced Concrete Pipe (RGRCP) in accordance with FID standards for developed parcels and that the applicant enter into an agreement with FID for that purpose.
  - a. 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.
  - b. 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.

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

1. FID's Braly No. 14 runs southwesterly, crosses Florence Avenue approximately 700 feet northeast of the subject property, traverses the northern portion of the subject property, and will be impacted by the proposed development. Should this project include any street and or utility improvements along California Avenue, Fruit Avenue, Florence Avenue, or in the vicinity of this Pipeline, FID requires it review and approve all plans.
2. Records indicate FID has the following exclusive easement as Document No. 12468, in Book 5988, on Page 664, recorded on February 11, 1972, Official Records Fresno County.
3. The attached plans for the Braly No. 14 indicates a portion of the pipeline was installed in 1972 (51 years old) as a 30-inch diameter ASTM C-76 Rubber Gasket Reinforced Concrete Pipe (RGRCP). FID's current standard for developed parcels located in the urban areas (residential, industrial, and commercial) is ASTM C-361 RGRCP. The ASTM C-76 pipe has a weaker joint connection and is not designed to handle the constant internal head pressure that is typically experienced on low-head irrigation pipelines such as this one.

4. FID requires the applicant replace the existing pipeline across the project location as a part of this project with new 30-inch diameter ASTM C-361 Rubber Gasketed Reinforced Concrete Pipe (RGRCP) in accordance with FID standards for developed parcels and that the applicant enter into an agreement with FID for that purpose.
  - c. 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.
  - d. 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. No trees will be allowed within FID's exclusive easement, any trees to be planted around the pipeline shall maintain a distance of 10 feet from edge of pipe.
2. FID requires its review and approval of all Private and Public facilities that encroach into FID's property/easement. If FID allows the encroachment, the Public or Private party will be required to enter into the appropriate agreement which will be determined by FID.
3. FID requires the 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 pipeline, or result in drainage patterns that could adversely affect FID.
4. FID requires it review, approve and be made a party to signing all improvement plans which affect its easements and pipeline facilities including but not limited to Grading and Drainage, Sewer and Water, FMFCD, Street, Landscaping, Dry Utilities, and all other utilities.
5. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing the final map/plans.
6. 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.



7. FID does not allow FID owned property or easements to be in common use with public utility and/or utility 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 Fresno enters into the appropriate agreement.
8. FID requires the developer and/or the developer's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
9. Footings of retaining walls shall not encroach onto FID property/easement areas.
10. 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.
11. 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
12. 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.
13. 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.
14. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.

Robert Holt  
Re: P22-02943  
September 14, 2023  
Page 5 of 5

15. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

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

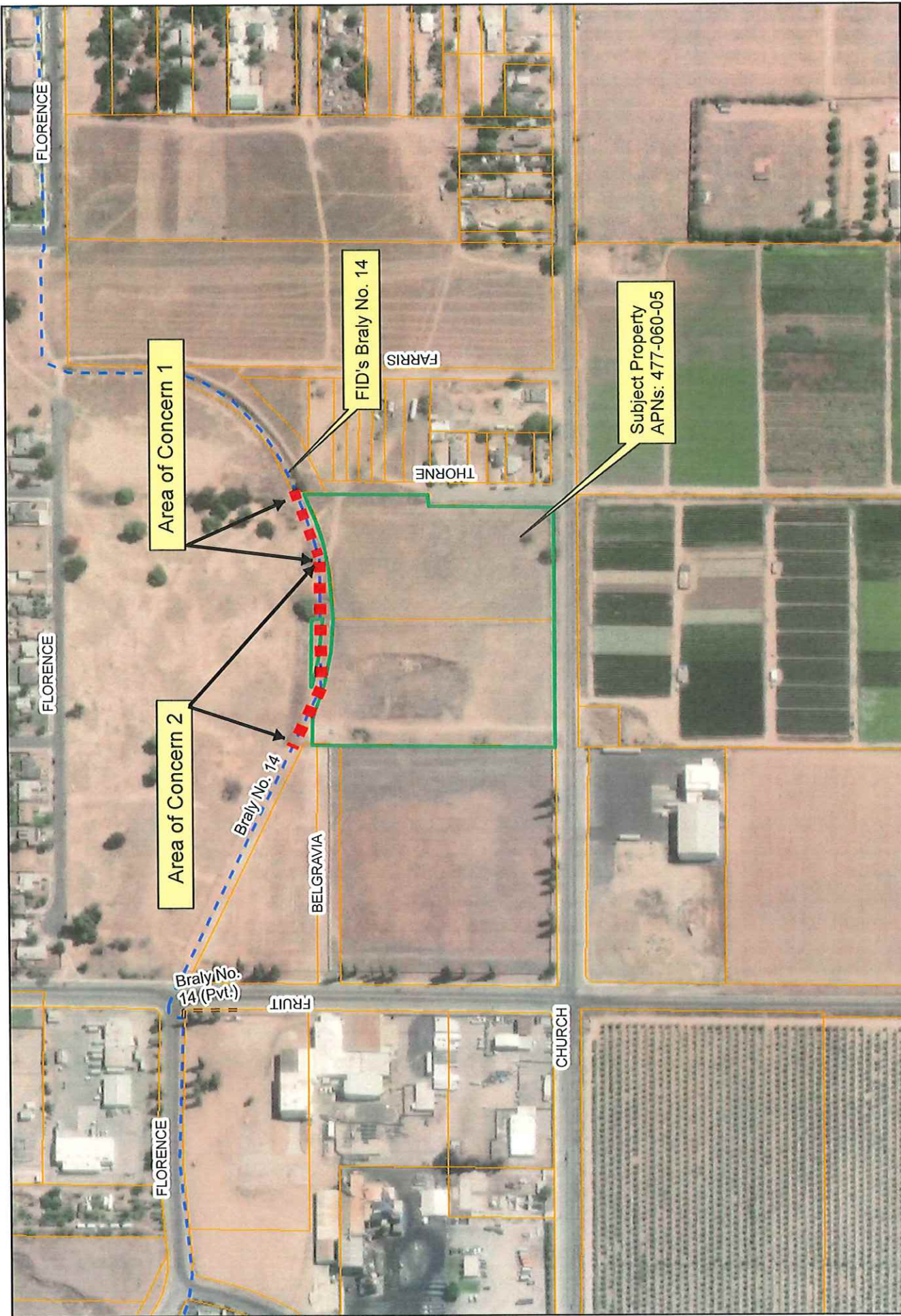
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment





FRESNO IRRIGATION DISTRICT

**Legend**

- FID Canal
- FID Pipeline
- Private Canal
- Private Pipeline
- Abandoned Canal
- Abandoned Pipeline

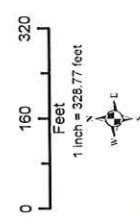
- Stream Group
- Other-Creek/River
- Other-Pipeline

- 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.

Path: G:\Fidgis\20230727 FID Master.mxd  
 Spatial Reference  
 Name: NAD 1983 StatePlane California IV FIPS 5404





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

THIS AGREEMENT, made and entered into this 10th day of February, 1972, by and between the REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, hereinafter referred to as "FIRST PARTY", and the FRESNO IRRIGATION DISTRICT, a public corporation hereinafter referred to as "SECOND PARTY":

RECORDING REQUESTED BY

WITNESSETH:

WHEREAS, pursuant to a judgment of the Superior Court of the State of California in and for the County of Fresno in that certain condemnation action entitled "Redevelopment Agency of the City of Fresno, a public body corporate and politic, Plaintiff, vs. Barkey Shamshoian, Mary Shamshoian, et al, Defendants," No. 147725 in said court, which said judgment is recorded in Book 5921, page 988 of Official Records of Fresno County, First Party is the owner of that certain real property in the County of Fresno, State of California described as follows:

That portion of Lots 13 and 14 of the Fresno Colony described as follows:

Commencing at the Northwest corner of Lot 13 of Fresno Colony, in the center of Fruit Avenue, according to the map of said colony; thence east 650 feet to the Northeast corner of said Lot 13; thence South 600 feet to the Northerly bank of Braley Canal; thence Northwesterly along said ditch to the center of Fruit Avenue; thence North along the center line of said Avenue, 280 feet to the point of beginning; together with that portion of the East half of Lot 14 lying North of Braley Canal; and the North half of the West half of Lot 14, all in Fresno Colony, according to the map thereof recorded in Book 2 Page 8 of Plats.

EXCEPTING from all of said land the North 30 feet thereof, and

WHEREAS, Second Party owns an open irrigation canal running over, across and through said real property and over, across and



First Party, together with a 30 foot right of way and easement for the maintenance and operation of said canal, all of which is a portion of Second Party's Braley Canal No. 14, and

WHEREAS, First Party wishes to substitute a pipeline for said open canal and to relocate said pipeline upon and within a new and different right of way and easement over, across and through said real property owned by First Party and said real property adjacent thereto, and District is willing to consent to the installation and substitution of said pipeline for said open canal subject to the conditions herein specified.

NOW, THEREFORE, it is agreed as follows:

I.

First Party hereby grants to Second Party a perpetual right of way and easement over, across and through the above described real property owned by First Party for the construction, installation, maintenance, alteration, repair, improvement, reconstruction, enlargement and operation of pipes, pipelines and conduits to be used for the purpose of conducting, transporting, and distributing water, including the water flowing in said Braley Canal No. 14, through said pipes, pipelines and conduits. Said right of way and easement shall consist of a strip of land 30 feet wide lying 6.50 feet (measured at right angle) Southerly of and 23.50 feet (measured at right angle) Northerly of the following described line:

Commencing at the Southwest corner of the Northeast quarter of Section 17, Township 14 South, Range 20 East, M.D.B. & M., thence N. 0°00'00" E., and along the West line of said Northeast quarter of Section 17, a distance of 994.60 feet; thence N. 89°14'05"E., a distance of 45.10 feet; thence S. 65°59'34" E., a distance of 111.02 feet; thence S. 65°33'50" E., parallel with and distant 6.50 feet Northeasterly of the Northeasterly line of Lot 12 of Suburban Home Tract, according to the map thereof recorded in Volume 6 at Page 30 of Record of Surveys in the office of the County Recorder, Fresno County, California, a distance of 164.46 feet; thence



the office of said County Recorder, said point being the True Point of Beginning of this Description; thence S. 63°08'57" E., along the prolongation of the last described course a distance of 64 feet, more or less, to a point that bears S. 63°08'57" E. a distance of 483.17 feet from the beginning of said last described course; thence N. 89°10'27" E. a distance of 256.23 feet; thence N. 88°08'41" E. a distance of 242.57 feet; thence N. 72°22'24" E. a distance of 24.00 feet,

together with all rights, convenient or incidental to said use, including the right of ingress to and egress from said right of way and easement over and across said property owned by First Party.

## II.

First Party further agrees that as soon as reasonably possible, not to exceed one year, it shall obtain for Second Party from the owners of the real property adjacent to the property owned by First Party in Lot 13 of Fresno Colony, by deed or other conveyance in form satisfactory to Second Party, a perpetual right of way and easement over said adjacent real property for all of the purposes described and set forth in Paragraph I hereof. Said right of way and easement shall consist of a strip of land 30 feet wide lying 6.50 feet (measured at right angle) Southerly of and 23.50 feet (measured at right angle) Northerly of the following described line:

Commencing at the Southwest corner of the Northeast quarter of Section 17, Township 14 South, Range 20 East, M.D.B. & M., thence N. 0°00'00" E., and along the West line of said Northeast quarter of Section 17, a distance of 994.60 feet; thence N. 89°14'05" E. a distance of 45.10 feet to the True Point of Beginning of this description; thence S. 65°59'34" E., a distance of 111.02 feet; thence S. 65°33'50" E., parallel with and distant 6.50 feet Northeasterly of the Northeasterly line of Lot 12 of Suburban Home Tract, according to the map thereof recorded in Volume 6 at Page 30 of Record of Surveys in the office of County Recorder, Fresno County, California, a distance of 164.46 feet; thence S. 63°08'57" E., parallel with and distant 6.50 feet Northeasterly of the Northeasterly line of Lot 13 of said Suburban Home Tract, a distance of 419 feet, more or less, to a point on the East line of Lot 13 of Fresno Colony, according to the map thereof recorded in Book 2

together with all rights, convenient or incidental to said use, including the right of ingress to and egress from said right of way and easement over and across the real property owned by said grantors. Title to said right of way and easement shall be free and clear of encumbrances not consented to in writing by Second Party.

### III.

It is understood and agreed that First Party shall forthwith at its own expense lay, construct and install a pipeline over, upon and within said right of way and easement conveyed to First Party under paragraph I of this agreement and over, upon and within the right of way and easement to be obtained for Second Party under paragraph II of this agreement. Said pipeline shall be 30 inches in diameter (inside measurement) and shall be in accordance with plans and specifications to be prepared by First Party and approved by Second Party's engineer. Said pipeline shall be installed with such inlets, outlets and other structures and facilities as may be required to conduct the flow of water in said Braley Canal No. 14 over, across and through said real properties in said pipeline in lieu of said open canal now existing thereon.

### IV.

Second Party agrees to contribute eighty cents (\$.80) per lineal foot to the cost of the pipeline so installed by First Party, provided said contribution shall not exceed \$1,120.00.

### V.

First Party agrees to commence the laying and installation of said pipeline, structures and appurtenances forthwith and to complete the installation thereof not later than March 1, 1972. First Party agrees that the construction and installation of said



the flow or distribution of water through Second Party's present facilities as required by Second Party.

#### VI

First Party shall within thirty-five (35) days after the completion of the work, pay the entire cost of laying, constructing and installing said pipeline, inlets, outlets and other structures including the cost of all labor, materials, equipment, installation, trenching, backfilling, leveling and testing. Second Party shall reimburse First Party eighty cents (\$.80) per lineal foot of pipe installed (but not exceeding \$1,120.00) within thirty (30) days after receiving a billing from First Party showing evidence that said entire cost has been paid by First Party. In the event that First Party shall not pay the entire cost thereof and complete said work in accordance herewith, Second Party may, but shall not be required to, pay such cost and complete such work, and First Party does hereby agree to repay to Second Party any amounts so expended, with interest thereon at the rate of 7% per annum, provided said amount expended does not exceed Thirty Thousand Dollars (\$30,000.00), which shall be the maximum bid price that can be awarded for the construction of the proposed pipeline project.

#### VII

First Party agrees to keep and maintain said pipeline, inlets, outlets, and other structures appurtenant thereto, in good operating condition and repair for a period of two years after the completion of construction and the acceptance thereof by Second Party, and to pay all costs of such repairs and maintenance and of any replacement of any part thereof, required to maintain said pipeline and structures in good condition. First Party agrees that in the event it shall fail, neglect or refuse

structures during said period of two years, Second Party shall have the right, but shall not be required, to make any such repairs or replacements. First Party agrees to repay to Second Party the cost of any such repairs or replacements with interest at the rate of 7% per annum.

#### VIII

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

#### IX

Upon acceptance by Second Party of said pipeline and structures and the full performance of this agreement by First Party, Second Party agrees to abandon that portion of its present Braley Canal and right of way (subject to Article 6.5 of the California Public Resources Code) which will be replaced by said pipeline and said new rights of way and easements.

#### X

Second Party agrees that it will not object to the construction and maintenance by First Party of bicycle paths or other recreational facilities upon said rights of way and ease-

ments so long as said bicycle paths or other facilities do not interfere with the construction, maintenance or operation of said rights of way, easements or pipelines.

XI

It is understood and agreed that Second Party has no right, title or interest in and to said real property adjacent to the real property owned by First Party except a right of way and easement for the construction, maintenance and operation of an open irrigation canal and that it does not purport to give First Party any right to construct said pipeline over said real property other than to consent to the use of a portion of Second Party's right of way and easement for such construction. First Party agrees to indemnify and hold Second Party harmless from and against any liability to First Party or to any other person and any loss, expense, attorney's fees or costs which may be suffered or incurred by Second Party resulting from the performance of this agreement or from any breach of said agreement by First Party.

XII

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

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

ATTEST:

  
James Hendricks, Executive  
Director/Secretary

REDEVELOPMENT AGENCY OF  
THE CITY OF FRESNO

By:   
Jack Kazanjian, Chairman

APPROVED AS TO LEGAL FORM AND ADEQUACY:



FRESNO IRRIGATION DISTRICT

By: Alvin J. Quist  
President

Attest: Florence B. Carter  
Secretary

State of California }  
County of Fresno } ss.

On this 10th day of February in the year one thousand nine hundred and Seventy-two, before me, Paul H. Willison a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Alvin J. Quist President and Florence B. Carter 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 K108

Paul H. Willison  
Notary Public in and for said County and State





BID TABULATION

Construction of Project Improvements  
Piping of Braly Canal  
Contract No. NDP A-4-189  
Activity Area D-6  
Program No. Calif. A-4

REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

Date: January 18, 1972

Time: 10:00 a.m.

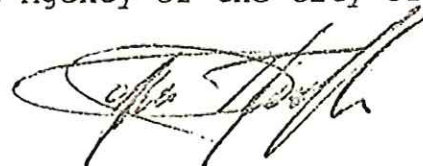
Bidder and Address

Net Bid Amount

1. Haskell Construction Company 3486 So. Maple Fresno, California 93725	\$29,558.73
2. Great Valley Construction Company, Inc. 715 Helm Building Fresno, California 93721	\$32,362.73
3. El Camino Construction Company 834 W. Indianapolis Fresno, California 93705	\$34,223.00
4. Gentz Construction Company 3220 W. Belmont Fresno, California 93728	\$43,053.00

I, James Hendricks, Executive Director of the Redevelopment Agency of the City of Fresno, do hereby certify that this is a true and correct copy of the Bid Tabulation of bids received by the Redevelopment Agency of the City of Fresno for the Construction of Project Improvements - Piping of Braly Canal, Activity Area D-6 (NDP A-4-189), Program No. Calif. A-4.

The bids were opened and read by Harold Hill, Chief Engineer, bids were tabulated by Sherwin Shields, Assistant Engineer and Walter Leach, Assistant Engineer, of the Redevelopment Agency of the City of Fresno. Bids were reviewed by Maurice E. Smith, Attorney for the Redevelopment Agency of the City of Fresno.



James Hendricks, Executive Director  
Redevelopment Agency of the  
City of Fresno

# FRESNO IRRIGATION DISTRICT

ROBERT E. LEAKE, JR. ... MANAGER

ROBERT MOUNT ... DISTRICT ENGINEER

## PLANS FOR CONSTRUCTION OF BRALY CANAL NO. 14 PIPING PROJECT

Funded in Part by a Loan from the Department of Water Resources Under the Provisions of the Water Conservation Bond Law of 1986 ( Proposition 44 )

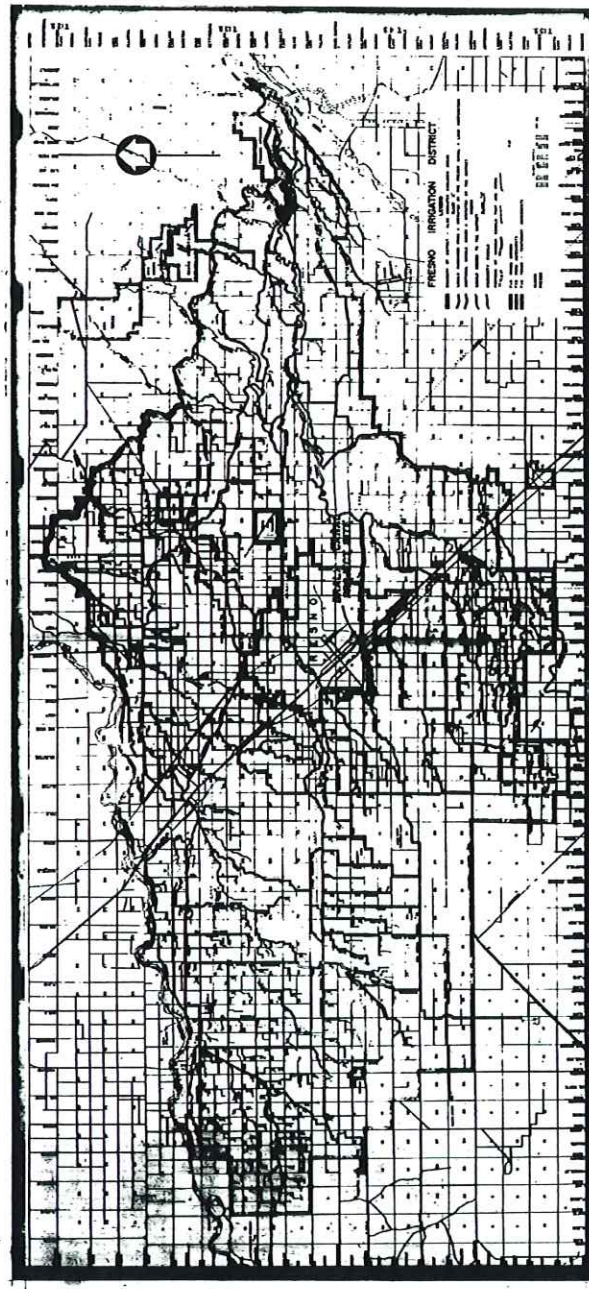
48 HOURS Before Excavating CALL "U.S.A." TOLL FREE 800 227-2600 UNDERGROUND SERVICE ALERT

Construction contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to excavate and complete responsibility for the project. This requirement shall be made to apply to all utility work and shall be subject to design performance standards from any and all utility, and if altered, in consultation with the performance of work on the project, accepting liability arising from the use of engineering of design.

City of Fresno  
City of Fresno  
City of Fresno  
City of Fresno

### STANDARD SYMBOLS and ABBREVIATIONS

Proposed Pipeline Construction	Property Line, Co. E/W & R.R. R/W
Section Line & Section Corner monument	FID easement
Telephone Cable	Edge of Pavement
Service Poles with Meter	Telephone Poles, Service Poles, Power Poles & Transformer Poles
Temporary Bench Mark	Pump with Concrete Base
Stand Pipe	Slime
Marking Underground Irrigation Line	Existing Irrigation Structures
Trees, Trunk Diameter as noted	Vineyards
Structure as noted	Sanitary Sewer Mainhole
Irrigation Valves	Railroad Tracks
Fences as noted	Underground electrical conduit
Sheet Piles	Gas Main
Water Line	



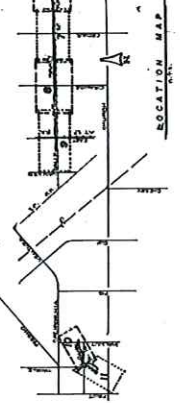
APPROVALS:

VICINITY MAP

DISCLAIMER: Design shown on this map is for informational purposes only. It is not intended to be used for any other purpose. The user assumes all liability for any use of this map.

### NOTES

1. When underground utilities are shown on this plan, the location, depth, and dimensions of structures are believed to be reasonably correct. Before any excavation is made, the contractor shall be responsible for locating and marking all utilities. It is the contractor's responsibility to verify the location and depth of all utilities shown on this plan. If any utility is not shown on this plan, the contractor shall be responsible for locating and marking it. If any utility is shown on this plan and the contractor is not sure of its location or depth, the contractor shall be responsible for locating and marking it.
2. All work shall be done in accordance with the requirements of Fresno County, City of Fresno, and Fresno Irrigation District.
3. All work areas shall be left in a neat and presentable condition. Existing driveways, sidewalks, and other physical improvements shall be preserved, repaired, or replaced as required.
4. Contractor shall conduct his operations in a manner which will least affect crops and the harvesting of other farming operations associated with the crops. Due regard is made for the safety of the public.
5. Highway and Utility Research was performed by and coordinated through Fresno Irrigation District.
6. The design was prepared by Probst & Probst, Inc. City of Fresno Title has been obtained.
7. Survey information supplied by Fresno Irrigation District.

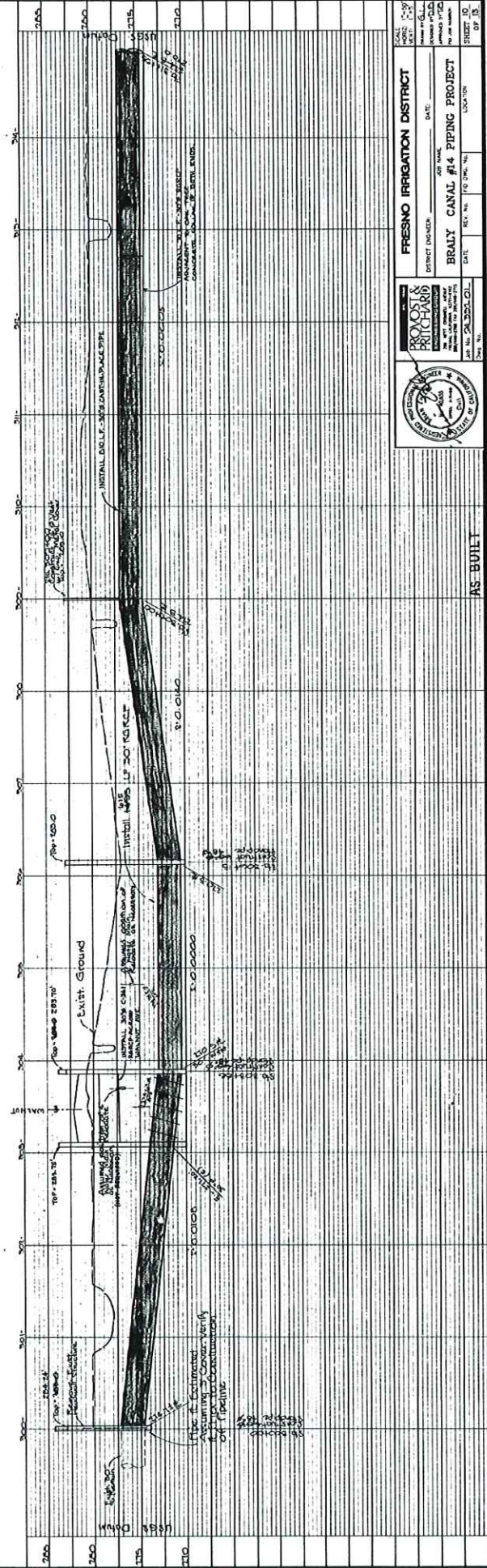
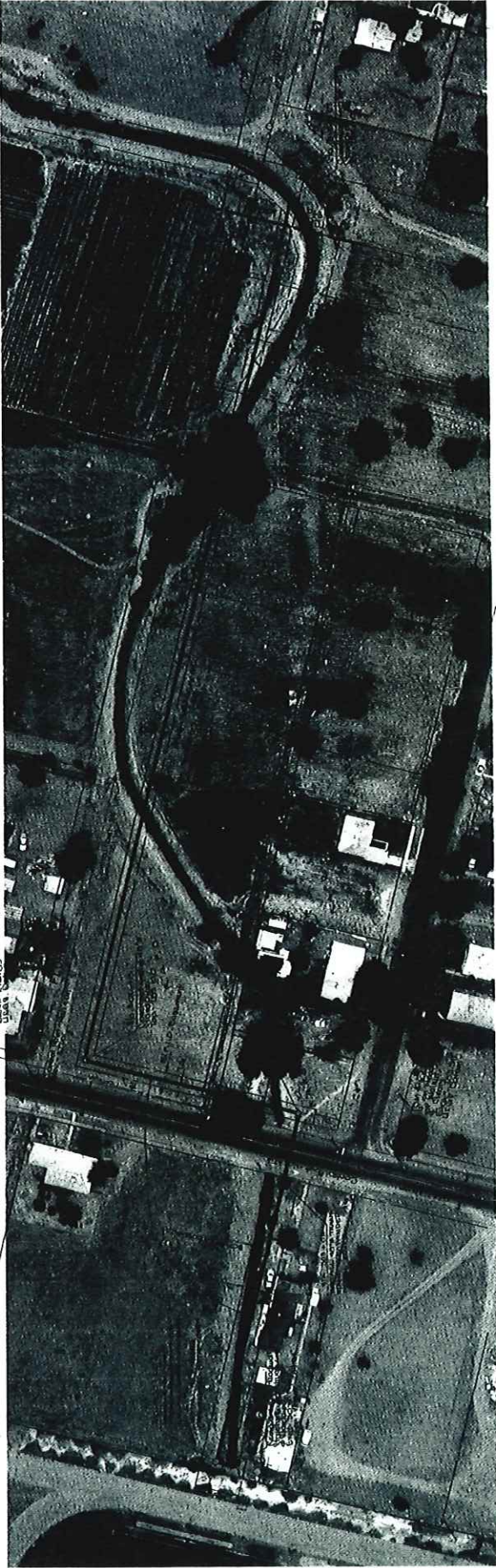


FRESNO IRRIGATION DISTRICT	
DATE: _____	REV. NO.: _____
PROJECT: BRALY CANAL #14 PIPING PROJECT	
LOCATION: _____	
DRAWN BY: _____	
CHECKED BY: _____	
SCALE: _____	
SHEET NO. OF _____	



PL 1475  
 TO: E/S of Main  
 FROM: 7/9 14 7/19

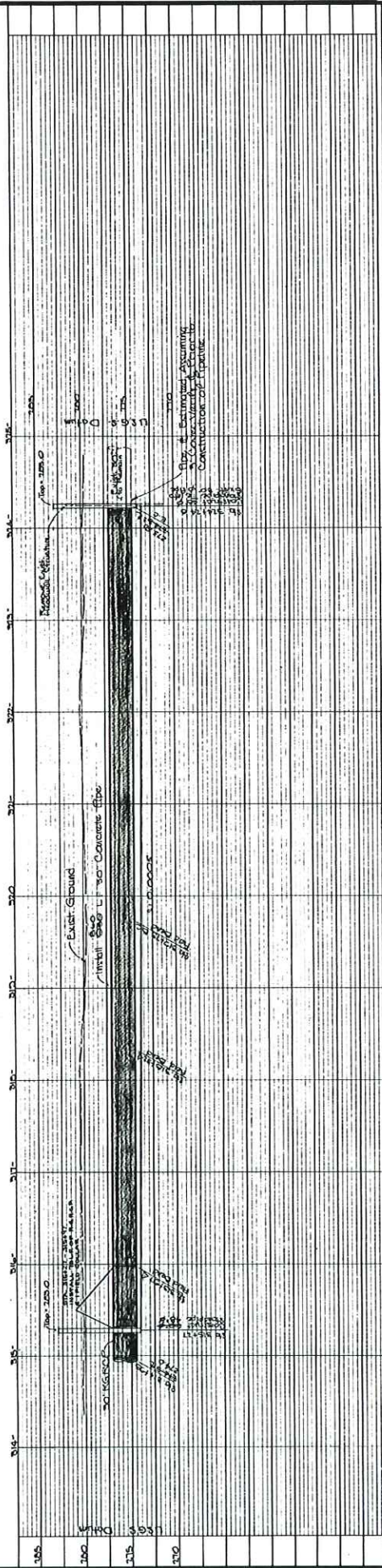
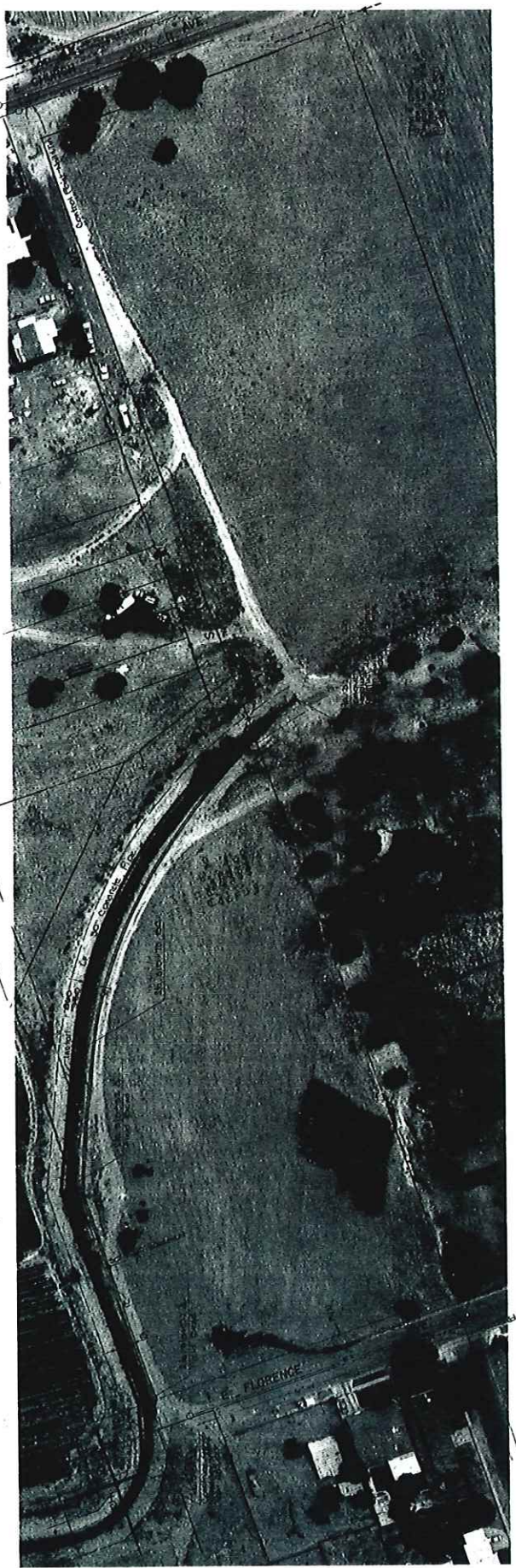
DATE OF DRAWING: 7/9/19  
 DRAWN BY: J. B. C. 1475



<b>FRESNO IRRIGATION DISTRICT</b>	
DISTRICT OFFICE	DATE
PROJECT NAME	LOCATION
<b>BRADLEY CANAL #14 PIPING PROJECT</b>	
DISTRICT ENGINEER	CHECKED
DATE	DATE

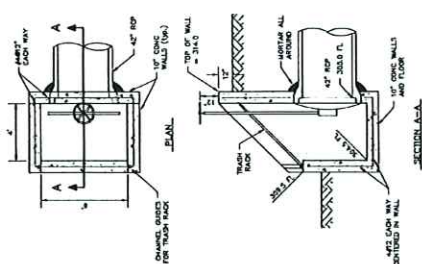


PC 1512

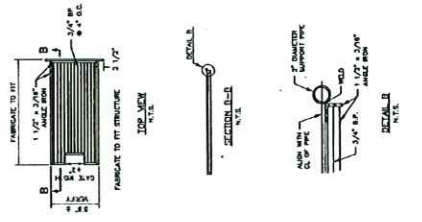


<b>FRESNO IRRIGATION DISTRICT</b> DISTRICT ENGINEER: _____ DATE: _____ BRALY CANAL #14 PIPING PROJECT DRAWN BY: _____ REV. NO. 10 DATE: _____ LOCATION: _____ SHEET 11 OF 10	
<b>AS-BUILT</b>	

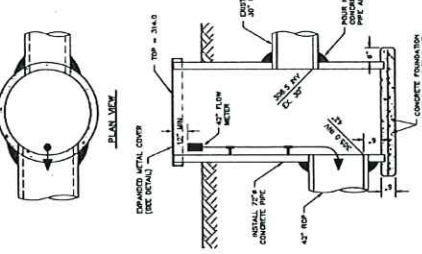




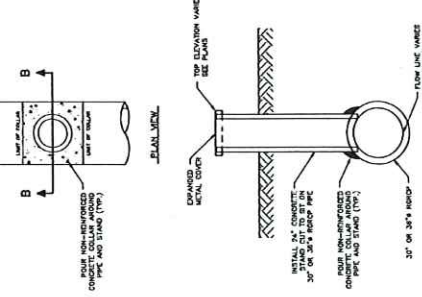
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N.T.S.  
STA. 11+82



**FRASE BACK DETAIL**  
N.T.S.

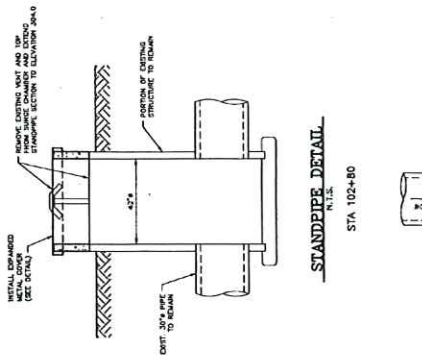


**STANDPIPE WITH METER DETAIL**  
N.T.S.  
STA. 12+40

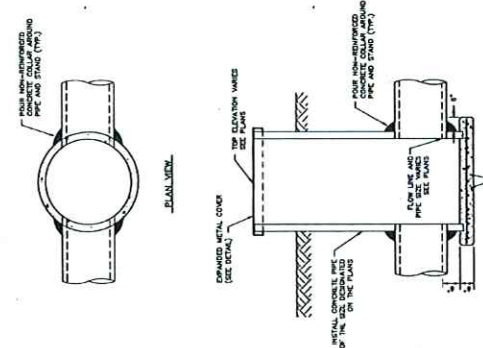


**24\"/>**

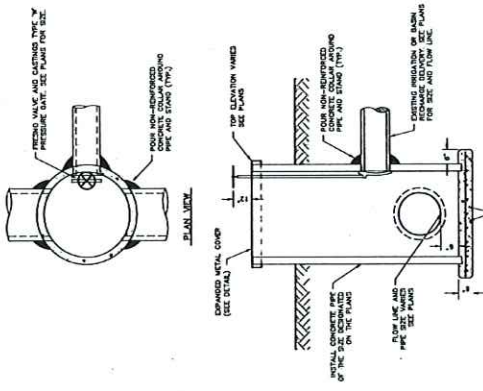
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- STA 123+00 STA 156+00 STA 182+80 STA 214+20
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- STA 148+75 STA 169+04 STA 200+45



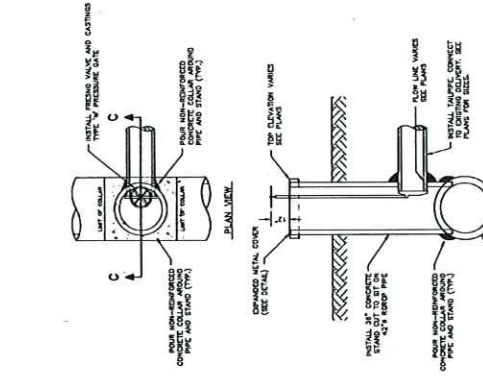
**STANDPIPE DETAIL**  
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STA. 102+80



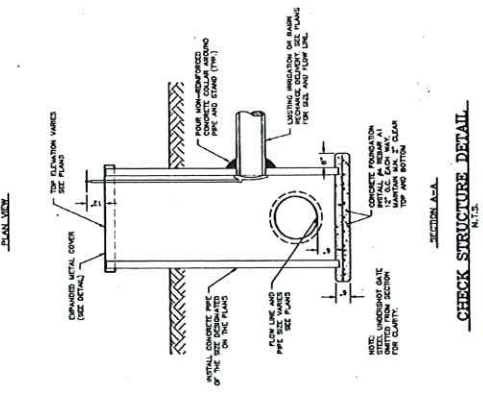
**STANDPIPE DETAIL**  
N.T.S.  
STA 128+95



**STANDPIPE WITH CANAL GATE DETAIL**  
N.T.S.  
STA 76+00 STA 116+38 STA 128+95



**IRRIGATION TURNOUT DETAIL**  
N.T.S.  
STA. 144+45 STA. 63+92 STA. 73+10



**CHECK STRUCTURE DETAIL**  
N.T.S.  
STA 23+12 STA 53+12 STA 77+40  
STA 103+79 STA 146+37 STA 182+16

		<b>PROSIST &amp; BRITCHARD</b> CIVIL ENGINEERS 100 N. CALIF. ST. SUITE 100 SACRAMENTO, CALIF. 95811 TEL. 916/441-1111 FAX 916/441-1112	DATE: _____ REV. NO.: _____ TO DRAW: _____ BY: _____
SCALE: AS SHOWN	PROJECT: FRESNO IRRIGATION DISTRICT	DISTRICT CHECKED: _____	DATE: _____
DESIGNED BY: _____	DRAWN BY: _____	CHECKED BY: _____	DATE: _____
PROJECT NO.: _____	PROJECT NAME: BRALY CANAL #14 PIPING PROJECT	LOCATION: _____	DATE: _____
SHEET NO.: _____	TOTAL SHEETS: _____	DATE: _____	REV. NO.: _____
		STA. 23+12 STA 53+12 STA 77+40 STA 103+79 STA 146+37 STA 182+16	





2600 Fresno Street  
Fresno, California 93721-3604  
www.fresno.gov

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## **Fresno County Environmental Health Division**

September 7, 2023

### **Comments**

Our records indicate the location of this project lies within 1,000 feet from the boundary of the Hyde Park closed disposal site. As such, any development or disturbance of the site may be subject to additional specific regulatory requirements under Title 27 California Code of Regulations (CCR).

Recommended Conditions of Approval:

1. The proposed residential project is near the boundary of a known landfill (Hyde Park) and potential areas of landfill gases, special provisions should be taken to comply with guidelines pertaining thereto. Prior to any future development, the applicant should be required to comply with the provisions set forth within the Post Closure Land Use Plan Elements of the California Code of Regulations Title 27, Section 21190 et. Seq. A phase two environmental study should be performed to determine if landfill gases are present and offer mitigation measures. Contact the Fresno County Department of Public Health, Environmental Health Division, Solid Waste Program at (559) 600-3271 for more information. (A landfill mitigation plan should be required prior to commencing any construction activities.)
2. Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
3. Construction permits for the proposed development 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.
4. The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Fresno Municipal Code.

5. Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
6. 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.
7. Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.





August 31, 2023

Re: P22-02943  
T-6411 – NWC of Church & Throne

Dear City of Fresno,

Thank you for providing PG&E the opportunity to review the proposed plans for P22-02943 dated 8/22/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

September 12, 2023

Jennifer Clark  
City of Fresno  
Planning and Development Department  
2600 Fresno Street, Room 3043  
Fresno, CA, 93721-3604

**Project: Tentative Map Tract P22-02943 for Churchwood Estates**

**District CEQA Reference No: 20230752**

Dear Ms. Clark:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Tentative Map Tract (TMT) from the City of Fresno (City) for the Churchwood Estates project. Per the TMT, the project consists of 60 dwelling unit single-family residential (Project). The Project is located 106 W. Church Avenue, in Fresno, CA. The Project lies within one of the communities in the state selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities.

The District offers the following comments at this time regarding the Project:

**1) Assembly Bill 617**

AB 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantaged communities, like those in which the Project is located. The South Central Fresno AB 617 community is one of the statewide communities selected by CARB for development and implementation of a CERP.

Following extensive community engagement and collaboration with the Community Steering Committee, the CERP for the South Central Fresno Community was adopted by the District's Governing Board in September 2019 and by CARB in February 2020.

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

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

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

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

During the development of the CERP, the Community Steering Committee expressed concerns regarding the proximity of emission sources to nearby sensitive receptors like schools, homes, day care centers, and hospitals, and the potential future industrial development within the community that may exacerbate the cumulative exposure burden for community residents. The Community Steering Committee also expressed the desire for more meaningful avenues of engagement surrounding the land-use decisions in the area. As these issues can most effectively be addressed through strong partnerships between community members and local land-use agencies. Furthermore, the District recommends the City assess the emission reductions measures and strategies included in the CERP and address them in the environmental review, as appropriate, to align the City work with the air pollution and exposure reduction strategies and measures outlined in the CERP.

For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:

<http://community.valleyair.org/selected-communities/south-central-fresno>

## **2) Project Related Emissions**

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM<sub>10</sub>, PM<sub>2.5</sub> standards.

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI):

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

### **2a) Construction Emissions**

The District recommends, to further reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

## **3) Health Risk Screening/Assessment**

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here:  
[http://www.valleyair.org/transportation/ceqa\\_idx.htm](http://www.valleyair.org/transportation/ceqa_idx.htm).

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

#### **4) Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: [www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

#### **5) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends

the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

## **6) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

## **7) Electric Infrastructure**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

## **8) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to

contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **8a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

### **8b) District Rule 9510 - Indirect Source Review (ISR)**

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 50 dwelling units of residential.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. Currently for this Project, the District received an AIA application (ISR project #20220043)

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at:  
<http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance, and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

**8c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at:  
<http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

**8d) District Rule 4601 (Architectural Coatings)**

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:  
<http://www.valleyair.org/rules/currnrules/r4601.pdf>

**8e) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For



additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

#### **8f) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:

<http://valleyair.org/rule4901/>

#### **8g) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

**9) District Comment Letter**

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 contact Eric McLaughlin by e-mail at [eric.mclaughlin@valleyair.org](mailto:eric.mclaughlin@valleyair.org) or by phone at (559) 230-5808.

Sincerely,

Brian Clements  
Director of Permit Services



For: Mark Montelongo  
Program Manager