City of FRESNO

REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. 3:20pm COUNCIL MEETING: 12/16/08
APPROVED BY
DEPARTMENT DIRECTOR
CITY MANAGER

December 16, 2008

FROM: KEITH BERGTHOLD, Interim Director
Planning and Development Department

THROUGH: DARRELL UNRUH, Planning Manager DU
Planning Division

BY: WILL TACKETT, Planner III
Planning Division

SUBJECT: **REVISED DEVELOPMENT AGREEMENT** BY AND BETWEEN THE CITY OF FRESNO AND ASHLAN/HAYES NO. 1 LP AS AUTHORIZED BY THE PROVISIONS OF GOVERNMENT CODE SECTION 65864 ET SEQ RELATING TO THE APPROXIMATELY 122.93 NET ACRE RESIDENTIAL AND COMMERCIAL DEVELOPMENT APPROVED BY TENTATIVE TRACT MAP NO. 5891/UGM AND CONDITIONAL USE PERMIT APPLICATION NO. C-07-308

Please consider the attached modified Development Agreement reflecting agreements reached between the city staff and the proponent of the Development Agreement (Ashlan/Hayes No. 1 LP) which resulted in changes to Sections 101 and 103 of the Development Agreement transmitted in the City Council's agenda packet. The changes were reached in agreement to address issues identified by the letter dated December 12, 2008, to the Mayor and City Council Members from The McCaffrey Group on behalf of the applicant.

THE McCaffrey GROUP

December 12, 2008

By Hand Delivered and Electronic Mail

The Honorable Mayor Autry and
The Honorable Members of the City Council
City Hall
2600 Fresno Street
Fresno, CA 93721

Re: Development Agreement for Tract Map No 5891

Dear Mayor Autry and Members of the City Council:

We have been working for a number of years on the most significant potential development in implementation of the West Area Community Plan on the site we own immediately east of the Central Unified School District's new campus. This is a very large project which will take a number of years to implement and will require a major investment (over $200 million). In today's market conditions that is no small undertaking. We have received all approvals required and are now before you with a proposed Development Agreement to secure our ability to carry forward with this project.

Although we have worked out almost all issues with your staff and appreciate their cooperation, there remain a few unresolved matters which are critical to our commitment to move forward. We are asking the Council to make the policy decisions necessary to allow us to make the financial commitment necessary to this long-term project of so much importance to the West Area Community Plan. The issues set forth in this letter may be resolved by the time you meet but we have been compelled to communicate with you regarding them at this time and, if not resolved by that time with staff, will be presented at your meeting on Tuesday.

Two of these issues go to the heart of the purpose of a Development Agreement, which involves vesting rights to approvals already obtained and limiting governmental discretion to interfere with the exercise of those rights in the future. That is the heart of any development agreement, a form of agreement with which Fresno has little experience but which is a well-recognized tool to encourage development and investment throughout the state. For a development agreement to be meaningful it must limit future City discretion to abrogate the approvals already obtained, either directly by the exercise of discretion inconsistent with those approvals and other agreements or indirectly by imposing additional financial burdens. In particular it is critical that a development agreement guaranty the right of a developer or builder, not merely to map a subdivision, but to construct homes and commercial buildings which have been approved, i.e. to obtain building

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permits. It is standard for development agreements to limit the further exercise of discretion to actions consistent with the prior approvals and the terms of the agreement, to protect developers against any form of building or sewer or water moratorium or the like (whether enacted by initiative or otherwise) and to protect the developer against the imposition of additional financial burdens not uniformly applied to all.

We have been unable to date to agree with staff on specific language in the Development Agreement being presented to you with respect to the following items and are proposing language which we ask you to change or add.

Section 103: This section seeks to reserve to the City certain authority despite the agreement. We have accepted that concept reluctantly but we have asked that the last sentence end with the phrase **"in a manner not inconsistent with this Agreement"** because we believe that failure to add such language causes the last sentence to undermine the commitment made by the Agreement itself that the City's police power is limited by the Agreement. **In the alternative we ask that the last sentence in this section be deleted since it goes to far in reserving authority to act in a manner inconsistent with the agreement.** It is recognized throughout the state that the fundamental purpose of a development agreement is to limit the City's otherwise free exercise of its police power with respect to the subject matter of the agreement, such as rezoning, disapproval of maps, refusal to issue building permits and so forth. We ask that you add the bold language to that section at the end.

Section 207: This section is specifically intended to protect developers against any future limits on the timing of actual building, including protection from moratoria. In 1984 the Supreme Court held that unless this subject were directly addressed, a subsequent moratorium on issuance of building permits, or water or sewer permits, etc. would be permitted. Ever since development agreements have included specific language to protect against such moratoria which would interfere with issuance of permits consistent with the prior approvals. We ask that the last phrase commencing **";or, unless...."** and ending **".... evidence in the record"** be deleted. Otherwise the Development Agreement will not protect against such moratoria or possibly even against rezonings or general plan amendments initiated by initiative or otherwise. It should be clear that we cannot afford to commit tens of millions in infrastructure and then be denied building permits or water or sewer hookups even if some group decides that there is an "emergency". This is part of the contract being made between the developer and the City -- to assure the ability to build and to be treated in a manner equal to existing development if any rationing or other actions are required to curtail services.

Section 101.1: We have had extensive negotiations with staff over reasonable limits on increases in impact fees and exactions since they go to the heart of project feasibility. In the main

we have reached agreement. We are forced to dissent from the idea that an index based on what utilities throughout the United States charge for hook-ups has any relationship to actual costs in Fresno. We have agreed to use the Engineering News Record (ENR) construction cost index to account for inflation in construction costs and believe that is only fair. We therefore ask that the ENR construction cost index be substituted for the proposed DPU Index in the draft.

These are the remaining issues unresolved as of today. Hopefully some or all will be resolved before Tuesday. If not we will address the Council on these issues and seek your support for these changes.

Very truly yours,

The McCaffrey Group, Inc.

Brent M. McCaffrey
President

Cc: Robert A. McCaffrey
John Sanger

Recording Requested By:
City Clerk
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

When Recorded, Mail To:
City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA. 93721-3603
Escrow No. 312990-RL

504

FRESNO County Recorder
Robert C. Werner
DOC- 2009-0042262
Check Number 1129
Monday, MAR 30, 2009 11:50:05
Ttl Pd $1,521.00 Nbr-0002961124
DJG/R6/1-504

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Cover Sheet for Recording

DEVELOPMENT AGREEMENT

By and Between

THE CITY OF FRESNO

AND

ASHLAN/HAYES NO. 1 L.P.

CITY OF FRESNO
City Clerk's Office (Original)

DEVELOPMENT AGREEMENT
By and Between
THE CITY OF FRESNO
and
ASHLAN/HAYES NO. 1 L.P.

THIS DEVELOPMENT AGREEMENT (**"Agreement"**) is entered into this 16th day of December, 2008 (the **"Effective Date"**) by and between the CITY OF FRESNO, a municipal corporation (the **"City"**), and ASHLAN/HAYES NO. 1, L.P. (**"Developer"**), pursuant to the authority of Section 65864 et seq. of the Government Code of the State of California with respect to that project known as Artisan Square located in the area bounded by West Gettysburg, West Ashlan, North Hayes and North Bryan Avenue and also identified as Tract Map No. 5891 (the "**Project**").

RECITALS

A. Legal Authority. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Sections 65864 et seq. of the Government Code (**"Development Agreement Law"**) authorizing any city, county or city and county to enter into a binding development agreement with an applicant for a development project, establishing certain development rights in the property which is the subject of the development project application. As a charter city, while the City is not limited to the Development Agreement Law to enter into development agreements, the City has elected to enter this Agreement under the Development Agreement Law.

B. Project Description. On March 13, 2008, the City finally approved the Mitigated Negative Declaration for the Project. The Project is located in the Northwestern area of the City in an area subject to the West Area Community Plan and consists of approximately 126.89 acres, controlled by Developer. The Project is a mixed use, master-planned project that will include approximately 648 single family dwelling units (with possible future conversion of a portion to multifamily or senior citizen residential as provided hereinafter) and four parcels for commercial buildings totaling approximately 50,000 square feet plus privately maintained common open space, landscaping areas and streets. Attached hereto as **Exhibit B** and incorporated herein by this reference is a diagram showing the Project governed by this Agreement. The Project includes all the Development Approvals (hereinafter defined).

C. Developer's Interest in Land. The Developer is a California limited partnership. The real property which is the subject of this Agreement ("Subject Property") is located in part in the City of Fresno and in part in Fresno County, which part is to be annexed to the City, and is all either owned in fee or controlled by option agreement by the Developer. The Subject Property is described in **Exhibit A** (attached hereto and incorporated by reference). Developer seeks to develop the Project on the Subject Property consistent with the Development Approvals and this Agreement.

D. Development Approvals. The following development approvals ("Development Approvals") affecting the Subject Property have been previously conditionally approved or are being approved by the City concurrently with this Agreement:

1. The Final Mitigated Negative Declaration ("MND"), including project-specific mitigation measures approved the City on January 5, 2008 and filed on March 13, 2008.

2. General Plan amendment pursuant to Plan Amendment Application No. A-07-08 approved by the City Council concurrently with this Agreement. (Resolution No. 2008-118).

3. Zoning Ordinance amendment pursuant to Rezone Application No. R-07-29 adopted by the City Council concurrently with this Agreement. (Ordinance No. 2008-32).

4. This Development Agreement approved by the City Council (Ordinance No. 2008-78, adopted on December 16, 2008).

5. Conditional Use Permit ("CUP") pursuant to CUP Application No C-07-308 approved by the Planning Commission on November 5, 2008 subject to the Conditions of Approval dated November 5, 2008 (attached as **Exhibit K** to this Agreement);

6. Vesting Tentative Tract Map No. 5891(UGM) approved by the Planning Commission on November 5, 2008, subject to the Conditions of Approval dated November 5, 2008 (attached as **Exhibit L**);

7. Tentative Cancellation of Agricultural Land Conservation Contracts (ALCC) Nos. AP-1250 and AP1251 approved by the City and Fresno County.

E. Certainty Desired. Developer desires to carry out the Project and the development of the Subject Property as a mixed use development consistent with the General Plan, the Development Approvals, and this Agreement. The complexity, magnitude and long term build-out of the Subject Property would be difficult for Developer to undertake if the City had not determined, through this Development Agreement, to inject a sufficient degree of certainty in the land use regulatory process to justify the substantial financial investment associated with development of the Subject Property. In order to obtain the housing, tax and other benefits the development of the Subject Property will provide and to assure that the impacts of the project will be adequately addressed, City desires certainty as to the scope of development, including the design standards, and in particular that needed infrastructure, facilities and services related to the project will be provided in a timely fashion. Developer desires certainty regarding the type and amount of development fees and exactions that it will be charged by the City and to define the design review and permitting process. Both Parties desire to

determine which Party will be responsible for particular infrastructure improvements, including financing of the public facilities and improvements, and the timeline for constructing these improvements. As a result of the execution of this Agreement, both Parties can be assured that the development of the Subject Property can proceed without disruption caused by a change in City planning and development policies and requirements.

F. Subsequent Development Approvals. In addition to the Development Approvals, the development of the Subject Property will require certain additional future land use and construction approvals from the City to implement the Development Approvals, specifically, phased final tract maps, improvement plans and subdivision agreements, possible site plans and use permits for certain commercial uses requiring the same under the Applicable Rules and building permits, all consistent with the Development Approvals and this Agreement (**"Subsequent Development Approvals"**). Subsequent Development Approvals may also include additional approvals may include approval for conversion of the 217 lot phase comprising approximately 23 acres designated on **Exhibit L** which is within the area designated on the General Plan for medium high density residential development and zoned R-2, in part or in whole, from the presently approved single family residential use to multifamily or senior citizen residential use, in whole or in part, up to a maximum development for 417 multifamily dwelling units or 651 senior housing units, or any combination allowed by the Applicable Rules, which may also be mapped as condominiums and offered for sale or rent. In the case that the Developer seeks such an approval for such conversion, City agrees to process Subsequent Development Approvals consistent with the current General Plan, West Area Community Plan and Fresno Municipal Code, as amended by the Development Approvals, whether or not any changes occur in the future to the General Plan, West Area Community Plan and the Fresno Municipal Code.

G. Consistent with General Plan. The City hereby finds and determines that execution of this Agreement is in the best interests of the public health, safety and general welfare and is consistent with the General Plan and the West Area Community Plan.

H. Voluntary Agreement. This Agreement is voluntarily entered into by the Developer in order to implement the General Plan and in consideration of the rights conferred and the procedures specified herein for the development of the Subject Property. This Agreement is voluntarily entered into by the City in the exercise of its legislative discretion in order to implement the General Plan and the West Area Community Plan and in consideration of the agreements and undertakings of the Developer hereunder.

I. Project Provides Substantial Benefits. This Agreement furthers the public health, safety and general welfare, and the provisions of this Agreement are consistent with the General Plan. For the reasons recited herein, the City and Developer have determined that the Project is a development for which this Agreement is appropriate. This Agreement will eliminate uncertainty regarding Development Approvals and Subsequent Development Approvals, thereby encouraging planning for, investment in and commitment to use and develop the Subject Property. Continued use and development of the Subject Property is anticipated to, in turn, provide the following

substantial benefits and contribute to the provision of needed infrastructure for area growth, thereby achieving the goals and purposes for which the Development Agreement Law was enacted:

a. Provide for the housing needs of a variety of households of various sizes and incomes and for neighborhood commercial services to serve such households and others in the vicinity;

b. Provide for a mixed use, pedestrian-friendly environment which reduces the need for travel;

c. Provide for a new community development especially suitable for the area immediately adjacent to the new Central Unified School District campus;

d. Provide for the recreational and open space needs of this new mixed use community and for new infrastructure serving the West Area Community Plan.

e. Meet the goals of the General Plan and of the West Area Community Plan.

f. Implement new standards for urban development through the facilitation and adoption of Alternative Public Improvement Standards, utilizing narrower travel lanes and wider sidewalks with park strips, in order to complement design components such as reduced yard setbacks, smaller lots, and aesthetically pleasing two-story dwelling units that provide spatial definition and are oriented to a new kind of community development that fosters pedestrian connectivity and potential for a mix of uses and residential densities.

J. CEQA. The City Council, in its independent judgment, at a public hearing on December 16, 2008, found that no subsequent or supplemental environmental impact report or environmental document in addition to the previously filed MND (as identified in Paragraph D) is necessary for the approval of this Agreement. The City Council found that there have been no changes proposed to the development of the Subject Property by the adoption of this Agreement which relate to new significant environmental impacts not previously considered. No subsequent changes are anticipated to occur with respect to circumstances under which the project will be undertaken, and no information has become, or is anticipated to become available which will relate to significant effects not previously discussed, nor will any significant effect previously analyzed in the MND become more severe, nor will mitigation measures or alternatives not found to be feasible or not previously considered have any significant effect.

K. This Agreement was reviewed at a duly noticed public hearing before the Planning Commission of the City on December 10, 2008, and recommended for approval.

L. The City Council, after a duly noticed public hearing, found that the provisions of this Agreement are consistent with the City's General Plan, the West Area Community Plan, and other applicable plans and policies of the City, all as amended by the Development Approvals. A copy of the staff report to Council is attached as **Exhibit I**.

M. On the Effective Date, the City Council adopted Ordinance No. 2008-78 approving this Agreement and approved by ordinance or resolution, as appropriate, the Development Approvals set forth in Paragraph D to be approved by the City Council. A copy of the Ordinance is attached hereto as **Exhibit J** and incorporated herein by this reference.

N. In accordance with Section 65867.5 of the Subdivision Map Act, and pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008, the proposed Development Agreement provides that Vesting Tentative Tract Map No. 5891/UGM has complied with the provisions of Section 66473.7 relative to the determination of a "sufficient water supply" as defined therein through the preparation of a Water Supply Assessment dated April 30, 2008.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Developer (each herein sometimes called a "**Party**" and jointly the "**Parties**") hereby agree as follows:

AGREEMENT

ARTICLE 1
GENERAL PROVISIONS

100. Property Description and Binding Covenants. The Subject Property is that property described in **Exhibits A and B**. The Developer represents that it has a legal or equitable interest in the Subject Property and that all other persons holding legal or equitable interests in the Subject Property (excepting owners or claimants in easements) are bound by this Agreement. It is intended and determined that the provisions of this Agreement shall constitute covenants which shall run with the Subject Property, and the burdens and benefits hereof shall bind and inure to all successors in interest to the Parties. The Developer hereby warrants that any and all parties having record title interest at the time of execution of this Agreement in the Subject Property which may ripen into a fee have subordinated to this Agreement and that all such instruments of subordination, if any, are attached hereto and made a part of this Agreement.

101. Vested Rights. Developer shall have a vested right to develop the Subject Property for the period this Agreement is in effect in accordance with the Development Approvals, Subsequent Development Approvals, the provisions of this Agreement and Applicable Rules, (as defined in Section 102). The Parties have negotiated and agreed upon the impact fees, dedications, and exactions, including, without limitation,

reservations, bonding or insurance requirements or taxes, that will be required in connection with the development of the Subject Property. The impact fees, dedications, and exactions applicable to the Subject Property are set forth in Sections 202.2 and 203 and the Development Approvals. The Parties intend that these shall be the only impact fees, dedications, and exactions applicable to the development of the Subject Property. The amounts of the impact or entitlement/permit processing fees shall be only those provided to for in the master fee schedule in effect on the Effective Date adjusted only for inflation in the actual costs incurred by City as hereinafter provided in this Section 101.

1. The Development will be subject to any increases in existing City of Fresno development impact fees, UGM, and permit fees provided that any such increase in the fee does not exceed the lesser of increases in the actual costs incurred by City or, in the case of impact fees for facilities for which Developer is entitled to reimbursement based on its actual costs of Off-Site Improvements, the increase in the ENR Construction Cost Index ("ENR"), provided that in all cases such fee is applied uniformly Citywide or uniformly across the applicable service area with respect to the same use or cause to which such fee is related; and, that said fee is truly an updated existing fee that finances the same public infrastructure improvements. If an existing impact fee is expanded, then the developer shall only be required to pay the portion of the fee that covers the same planned public infrastructure facilities as the existing fee. Developer shall be entitled to the benefit of any decreases in fees occurring during the term of this Agreement. The Developer shall pay all applicable processing fees in effect at the time of Developer's submittal of applications for subsequent Development Approvals, or the submittal of plans for Off-Site improvements, including but not limited to construction plans for streets, sewer lines, and traffic signals.

2. If the City chooses to change the method upon which an impact fee is charged, then the burden upon the Developer for that particular type of infrastructure shall be no greater than the applicable UGM or impact fee that is in effect at the time of the Effective Date, adjusted for the lesser of increases in actual costs incurred or the ENR, as applied to the restructured fee, as for example, in cases wherein the City chooses to change the method of collection by transitioning to a new fee program, such as occurred with UGM fees for Fire, Parks and Major Streets, which were all replaced by Citywide impact fees between 2005 and 2007. The City is contemplating a similar transition for UGM water and sewer fees, in which case the Developer would only be subject to the adjusted amount of the current UGM oversize sewer, UGM transmission grid main and UGM water well service area fees, subject to the

limits established by the lesser of increases in actual costs or the ENR.

3. The Developer shall be exempt from any new development impact fees that the City may adopt in the future for facilities, permits or impacts not currently covered by existing UGM fees or existing development impact fees.

To the extent not otherwise provided in this Agreement, the conditions of approval and mitigation measures in the Development Approvals related to dedications and reservation of easements are intended to meet the requirements of Government Code section 65865.2 related to a development agreement providing a provision for the reservation or dedication of land for a public purpose.

102. Rules, Regulations and Official Policies.

102.1 Applicable Rules, Regulations and Official Policies. For the term of this Agreement, the rules, regulations, ordinances and official policies governing the permitted uses of land, density, design, improvement and construction standards and specifications applicable to the development of the Subject Property shall be the Applicable Rules as defined in this Section 102.1. The Applicable Rules are defined as those rules, regulations, and official policies set forth in (i) the Development Approvals; (ii) this Agreement (including Exhibits); and (iii) with respect to matters not addressed by these documents, those plans, codes, rules regulations, official policies, standards and specifications in force on the Effective Date, to the extent not inconsistent with the Development Approvals and this Agreement. The Applicable Rules shall also include any Subsequent Development Approvals granted as of the date of their effect and any changes in the General Plan, West Area Community Plan, Fresno Municipal Code or any future rules, ordinances, regulations or policies adopted by the City which are made applicable by the provisions of Section 102.2.

Except as otherwise provided in this Agreement, to the extent any future changes in the General Plan, West Area Community Plan, Fresno Municipal Code or any future rules, ordinances, regulations or policies adopted by the City purport to be applicable to the development of the Subject Property but are inconsistent with the terms and conditions of this Agreement, the terms of this Agreement shall prevail, unless the parties mutually agree to amend or modify this Agreement pursuant to Section 700.

To the extent not otherwise provided in this Agreement, the requirements of the Applicable Rules shall fulfill the requirements of Government Code section 65865.2 related to the agreement specifying allowed uses, allowed density and intensity of uses and maximum height and size of proposed buildings.

102.2. Changes in State or Federal Law. This Section shall not preclude the application to the development of the Subject Property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required to be applied to the subject Property by changes in state or federal laws or regulations. In

the event state or federal laws or regulations enacted after the date of this Agreement, or action by any governmental jurisdiction other than the City, prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, then the Parties shall meet and confer in good faith to determine the feasibility of modifying, extending or suspending one or more provisions of this Agreement as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction. In any such meeting, the Developer carries the burden, in the first instance, to provide options to the City that demonstrate the feasibility of modifying, extending or suspending the Agreement in part. Developer is required to provide all engineering and analyses to support its position that meet industry and city standards.

To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including the City, required by federal or state agencies) have the effect of preventing, delaying or modifying development of the Subject Property, the City shall not in any manner be liable for any such prevention, delay or modification of said development. The Developer is required, at its cost and without cost to or obligation on the part of the City, to participate in such regional or local programs and to be subject to such development restrictions as may be necessary or appropriate by reason of such actions of federal or state agencies (or such actions of regional and local agencies, including the City, required by federal or state agencies).

103. City's Reservation of Authority. The Parties acknowledge that the intent of the Parties is that this Agreement be construed in a manner that protects the vested rights granted to Developer herein to the maximum extent allowed by law. The Parties further acknowledge and agree, however, that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions contained in this Agreement are intended to reserve to the City all of its police power and/or statutory or other legal powers or responsibilities that cannot be so limited. This Agreement shall be construed to reserve to the City all such power and authority which cannot be restricted by contract, including compliance with the California Environmental Quality Act (CEQA). Nor shall this Agreement be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit the discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws, and entitlement of use which require the exercise of discretion by the City or any of its officers or officials in a manner not inconsistent with this Agreement.

104. Term; Recordation. The term of this Agreement shall commence upon the date upon which the ordinance approving this Agreement becomes effective as a matter of law, and shall extend for a period of twenty (20) years. Thereafter, unless said term is modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties, subject to the provisions of Section 700 hereof, upon expiration of said term, this Agreement shall be deemed terminated and of no further force and effect and the Parties shall, upon request of the City, execute an appropriate certificate of termination which shall be recorded in the official records of the City, subject, however, to the provisions of Section 307 hereof. The Director of Planning and Development shall record the Agreement within 10 days after the date on which this ordinance becomes

effective as a matter of law. Developer may record this Agreement thereafter. In the event that any litigation is commenced by any third party challenging the Development Approvals, the term of this Agreement shall be extended for the period involved in achieving final resolution of such litigation.

105. Sale or Assignment; Release. This Agreement, its rights, duties or obligations may be assigned, sold, exchanged or transferred, in whole or in part, in connection with a transfer by Developer of all or a portion of its interests in the Subject Property, subject to the following conditions:

105.1 Except as set forth in subsection 105.2, a sale, transfer or assignment of all or a portion of Developer's interest in this Agreement shall not require the approval of the City provided that any proposed assignee or transferee shall agree to assume and be bound by all applicable duties, obligations and covenants of the Developer under this Agreement. The assumption must be set forth in an assumption agreement in a form reasonably acceptable to and approved in writing by the City. Any assumption agreement shall include a Notice to the assignee that they may be subject to fees for development of the property consistent with this Agreement.

105.2 The Developer shall reimburse the City for its legal and administrative costs to review the assignment and provide notice and interpretations to the assignee. Upon such assignment and assumption Developer shall be released from Developer's obligations hereunder with respect to the portion of the Subject Property transferred. In the event of a partial transfer, Developer may choose to retain some or all rights, duties and responsibilities as Developer with respect to the transferred property. Developer shall have the right to designate any successor as Developer ("Successor Developer") if Developer no longer retains any interest in the Subject Property so long as the Successor Developer assumes all Developer's responsibilities.

Upon the sale, transfer or assignment of Developer's rights, interests, and obligations under this Agreement as to the Property or portion thereof, and the sale, assignment or transfer of all or any portion of the Property therewith, Developer shall be released from its obligations under this Agreement with respect to the Property, or portion thereof, so sold, assigned or transferred arising subsequent to the effective date of such sale, assignment or transfer. Upon any sale, assignment or transfer of any portion of the Property, City agrees to look solely to the buyer, assignee or transferee, or designated Successor Developer (if different) for compliance by such transferee with the provisions of this Agreement as such provisions relate to the portion of the Property acquired by such transferee. The preceding sentence shall not preclude the City from looking to the transferor for fulfillment of its obligations under this Agreement that both: (1) relate to any portion of the Property that has been transferred; and (2) arose before the transfer of any portion of the Property. Nonetheless, failure to deliver a written assumption agreement does not (a) affect the running of any covenants in this Agreement with the land, or (b) negate, modify or otherwise affect the liability of any transferee under this Agreement. A default by any buyer, assignee, or transferee shall only affect that portion of the Property owned by such transferee and shall not cancel or diminish in any way any rights hereunder with respect to any portion of the Property not owned by such buyer,

assignee or transferee. Each buyer, assignee or transferee shall be responsible for the reporting and annual review requirements relating to the portion of the Property owned by such buyer, assignee or transferee, and any amendment to this Agreement between City and a buyer, assignee or transferee shall only affect the portion of the Property owned by such transferee.

In the event of each partial transfer of the Property, in the absence of a specific, designated Successor Developer, City and Developer shall cooperate to determine whether allocation of rights and responsibilities among owners of the Property would best be clarified or resolved by execution of amendments to this Agreement or of new agreements in full or partial replacement of this Agreement, and each agrees to execute the same without imposition of new duties on either party so as to fulfill the purposes of this Agreement.

Notwithstanding the foregoing, the City may object to the sale, transfer or assignment of all or a portion of Developer's interest in this Agreement the duties and obligations of Developer and release of Developer hereunder, including designation as Successor Developer, with respect to any proposed purchaser, transferee, or assignee with respect to whom City presents substantial evidence as to such proposed purchaser, transferee or assignee's previous failure to comply with the provisions of federal or state law, the Fresno Municipal Code or agreements with the City relating to development projects within the City of Fresno (or the same by the principals or owners or officers of said purchaser, transferee or assignee.) Unless City's objections are resolved to the reasonable satisfaction of the City, the sale, transfer or assignment shall not take place.

Except to the extent that any property owners association has incurred obligations, the purchaser of any lot that is both (a) not subject to further subdivision (other than a lot subject to a condominium map), and (b) subject to the jurisdiction of the California Department of Real Estate, shall take title to such lot free and clear of any obligations arising under this Agreement, without the execution or recordation of any further document, when title to the lot transfers to such purchaser.

105.3 If the Developer transfers the Subject Property and assigns this Agreement in violation of the terms of this Section, the City may terminate the Agreement at its discretion with fifteen (15) days written notice.

ARTICLE 2
DEVELOPMENT OF THE SUBJECT PROPERTY

200. Permitted Uses and Development Standards. In accordance with and subject to the terms and conditions of this Agreement, the Developer may develop the Subject Property for the uses in accordance with the Applicable Rules as set forth in Section 102.1 of this Agreement.

201. Approvals.

201.1 Processing Subsequent Development Approvals.

201.1.1 Timely Submittals By Developer. Developer acknowledges that City cannot begin processing Subsequent Development Approvals until Developer submits complete applications. Developer shall use its best efforts to (i) provide to City in a timely manner any and all documents, applications, plans, and other information necessary for City to carry out its obligations hereunder; and (ii) cause Developer's planners, engineers, and all other consultants to provide to City in a timely manner all such documents, applications, plans and other required materials as set forth in the Applicable Rules. Developer shall use all reasonable efforts to submit or cause to be submitted documents, applications, plans and other information necessary for City to carry out its obligations hereunder that are in a final form, not subject to unreasonable changes by the Developer and that comply with this Agreement and all Applicable Rules.

201.1.2 Timely Processing By City. Upon submission by Developer of all appropriate applications and applicable processing fees for any Subsequent Development Approval, City shall promptly and diligently, subject to the reasonable availability of City resources and City's procedural requirements, commence and complete all steps necessary to act on Developer's Subsequent Development Approval applications. Upon Developer's request and at the City's discretion, the City may provide, at Developer's expense, additional staff and/or staff consultants, working under the sole direction of the City, for concurrent, expedited planning and processing of each Subsequent Development Approval application. The City reserves the right to reject any incomplete non-conforming submittals.

201.1.3 Effect of Legal Proceedings. Notwithstanding any pending administrative or judicial proceedings, initiative or referendum concerning the Development Approvals or Subsequent Development Approvals, and provided that such actions by City or Developer are not proscribed by law or court order, City shall process the Developer's applications for Subsequent Development Approvals as provided for herein to the fullest extent allowed by law and Developer may proceed with development pursuant to the Development Approvals or Subsequent Development Approvals to the fullest extent allowed by law.

201.2 Certificates of Occupancy. Subject to any requirements in this Agreement for issuance of certificates of occupancy, the City shall use all reasonable efforts to diligently and promptly provide a certificate of occupancy for any portion of the Subject Property when applied for by the Developer and upon completion of all necessary requirements to obtain a certificate of occupancy.

201.3 Non-Development Entitlement Plan Review. Nothing provided in this Section 201 is intended to include the submission and review by the City of plans for Off-Site Improvements (as required under **Exhibit F**), including but not limited to, constructions plans for streets, sewer lines, and traffic signals. Review of Off-Site Improvements shall be pursuant to the Applicable Rules, except as otherwise provided herein.

202. Improvements and Public Facilities.

202.1 Financing and Construction. Developer is responsible for financing and constructing the following on-site improvements (whether private or public) and public facilities in conjunction with the development of the Subject Property, all as set forth in the mitigation measures of the MND for the Project and the Development Approvals:

202.1.1 On-Site Improvements. Developer shall construct all the On-Site Improvements described as provided in **Exhibit E**. All On-Site Improvements will be the responsibility of the Developer without any right to reimbursement or credits except as provided in this Agreement or in the Development Approvals. Developer shall provide to City a list of On-Site improvements that constitute public works of improvement and shall pay prevailing wages for labor required to construct those improvements on that list, to the extent required under the Labor Code, sections 1720, 1721 and any other applicable provisions related to the payment of prevailing wages. Certain On-Site Improvements, including all sewer and water lines and storm drainage systems shall be offered to the City for dedication within public streets, public utility easements or equivalent easements to be granted to the City.

Developer shall be entitled to credit against exactions or fees with respect to park and recreation facilities pursuant to the Development Approvals for the land dedicated to such facilities and costs incurred by Developer in designing and constructing the park and recreation facilities available for uses comparable to those financed from the City's fees and exactions. The amount of said credit shall be determined as set forth in the Fresno Municipal Code and the City's implementing policies in effect as of the Effective Date. City shall be entitled to ensure that continued operation and maintenance by property owners associations is assured in the covenants, conditions and restrictions on the Subject Property or portion thereof related to such facilities.

202.1.2 Off-Site Improvements. Developer will construct all Off-Site Improvements as provided in **Exhibit F** pursuant to the description and timing provided in that exhibit. Developer acknowledges that these Off-Site Improvements constitute public works of improvement and are, therefore, subject to the requirements of California Labor Code, sections 1720, 1721 and any other applicable provisions related to the payment of prevailing wages. All off-site water, sewer, drainage pipelines, and underground utilities required by the Development Approvals in the roadways shown in **Exhibit F** shall be installed prior to any phased road improvements shown unless otherwise approved by Developer and City pursuant to the procedures as set forth in Section 202.4. Developer shall provide payment and performance security for each phase. The type and amount of the payment and performance security shall be as set forth in Fresno Municipal Code, section 12-1016, entitled Improvement Security. In addition, Developer shall install a traffic signal at Ashlan/Hayes prior to issuance of the first certificate of occupancy for (a) the commercial portion phase, (b) the multi-family phase in the southwest portion, or (c) Phase Four, whichever occurs first.

202.1.3 Financing of Off-Site Improvements. Developer is responsible for financing the construction of the Off-Site Improvements described in **Exhibit F.** The Developer will receive reimbursements and credits from the City from appropriate fee

programs for Off-Site Improvements to the extent that they are expressly provided for in the Applicable Rules or in this Agreement.

202.2 Community Facilities District. Developer may request and City shall use its good faith efforts to form a community facilities district(s) ("CFD") or to include the Subject Property in an existing CFD, for the purpose of funding all or a portion of the On-Site or Off-Site Improvements to be dedicated to the City, including without limitation, design, acquisition and construction costs, and public facility maintenance costs or public services. Upon request from the Developer, City shall diligently and expeditiously initiate CFD proceedings utilizing the special tax mechanisms authorized under the law of the State of California or the Fresno Municipal Code where the property subject to special taxes provides primary security for payment of the special taxes, provided, however, any such CFD shall be in conformance with City policies regarding land-based financing. City's obligations under this section are contingent upon the Developer providing adequate security to cover the costs of formation of the district and issuance of the bonds and upon the Developer providing the information or documents within the Developer's control which are necessary to form the district and issue the bonds (e.g., the list of infrastructure intended to be funded by the District and the area to be included in the District.) Developer may recover costs of formation and issuance from bond proceeds to the extent permitted by law. Nothing provided herein is intended to create a legal duty of the City to form a CFD.

202.3 Public Works Development Standards; Specifications. In completing the construction of the On-Site and Off-Site Improvements described in **Exhibits E and F**, developer shall comply with (a) the conditions and terms of the Development Approvals and Subsequent Development Approvals, (b) all approved construction plans, (c) all applicable laws, ordinances, and resolutions in effect at the time of construction, and (d) the construction standards applicable to the Project contained in the City's Standard Specifications in effect at the time of construction applicable to the Project. If the City does not have standard specifications for any particular construction to be performed but appropriate standards are available from the State of California, Division of Highways (Caltrans), then, Developer will complete construction in accordance with such standards and specifications. City acknowledges that the Project will involve the construction of private streets on site to be maintained by one or more owners associations and that such streets will be constructed to different standards than those applicable to City owned streets. Such private streets and associated improvements will be designed by the Developer and shall be submitted to the City Engineer for review and approval prior to construction. Developer will complete all construction to the satisfaction of, and use materials satisfactory to, the City Engineer. The City Engineer may inspect all construction and materials.

202.4 Completion and Acceptance of Public Facilities. The City's final written acceptance of any On-Site and Off-Site Improvements to be offered for dedication to the City and to be maintained by City thereafter will constitute a finding that the improvements comply with the plans and specifications required above. Individual On-Site Improvements and Off-Site Improvements may be separately bonded by Developer. The City may not unreasonably condition, delay or withhold acceptance of

Off-Site Improvements based upon the completion of On-Site Improvements. The determination of when certain On-Site and Off-Site Improvements need to be completed and the amount of improvement security for said improvements shall be made between the City and Developer during the processing of phased final maps and confirmed in writing in separate subdivision agreements, the terms of which shall not be inconsistent with the terms of this Agreement. Once the City and Developer determine which On-Site and Off-Site Improvements need to be completed with a particular phase, Developer shall provide separate engineered drawings for the improvements to be completed during the particular phase and may obtain separate improvement security for the On-Site and Off-Site Improvements for each phase. To the extent that phasing of certain On-Site and Off-Site Improvements have already been agreed to by the City and Developer, as included in the Development Approvals, that phasing scheme shall govern. On-Site Improvements and Off-Site Improvements to be dedicated as public facilities shall be owned by the City upon their completion and acceptance.

202.5 Warranty of Public Facilities. Prior to City's acceptance of particular On-Site Improvements or Off-Site Improvements, Developer shall provide a warranty for any defects (whether latent or patent) in work or material or design in the Off-Site Improvements that occur or appear within one year after the date of written acceptance to take effect as to each of those at the time of their acceptance. The warranty shall provide that the City may give written notice to repair or correct any defect within (7) seven calendar days of notice, occurring or appearing within one year, and Developer and/or its warrantor will repair or correct the defect without additional cost to the City. After a failure of the On-Site Improvement or Off-Site Improvements requiring an emergency repair by City crews, the Developer or its warrantor shall reimburse all reasonable costs for labor and materials within forty-five (45) days of invoice. Failure to repair or correct any defect may result in an offset to, or suspension of, reimbursements, if any, or may be considered a default of this Agreement, until the repair or correction is completed to the reasonable satisfaction of the City. Developer shall include the City as a named beneficiary to any subcontract for or warranty of the public facilities. Furthermore, Prior to City acceptance of On-Site or Off-Site improvements, Developer shall provide Warranty Security of the type and in the amounts set forth in Fresno Municipal Code, section 12-1016. This subsection will survive termination of this Agreement.

202.6 Smart Irrigation Systems. Prior to first certificate of occupancy for a dwelling unit, the City will provide a watering schedule for the use of smart irrigation systems.

202.7 Formation of Property Owners Association for Maintenance of On-Site Improvements not Dedicated to City. Developer shall cause to be formed one or more property owner associations to be responsible for the maintenance of all On-Site Improvements of the Project which are not to be dedicated to the City which, at the present time, are envisioned to include at least the following: (1) all streets, alleys, paths and trails within the Subject Property; (2) all landscaped medians and other areas within the Project boundaries, (3) all parks and recreation areas within the Project boundaries, (4) all common area lighting within the Project boundaries, and (5) all signage within the Project boundaries. All of the foregoing are anticipated to be common areas transferred to

the relevant property owners association. At this time it is anticipated that there will only be one property owners association in which assessments are apportioned among residential and nonresidential users; however, it is possible that a separate commercial property owners association could be formed to address specific issues and responsibilities within the nonresidential portion of the Project. Sewers, water lines and storm drains and all Off-Site Improvements are to be located within public utility easements or otherwise accessible to the City for maintenance and to be dedicated to and maintained by the City. The covenants, conditions and restrictions for the property owners association shall include all of the provisions set forth in Fresno Municipal Code, section 12-1026 and shall grant the City the right to enforce those provisions by any legal or equitable means against the property owners association or against any individual property owner and entitle the City to attorneys fees, legal expenses and costs should it prevail in any litigation to enforce or interpret those provisions.

203. Dedications and Other Exactions. Developer shall be responsible for only those dedications and other exactions provided in the Development Approvals.

204. Impact Fees; Reimbursements and Credits. Developer shall be responsible for paying only those fees provided in the Development Approvals as provided in Section 101. The Developer shall be eligible for reimbursements and credits for the Off-Site Improvements required under Section 202.1.3 as provided in Section 101. Notwithstanding the above, Developer shall be responsible for paying any fees the City collects for other agencies pursuant to (i) State or Federal law or (ii) any City agreements or City ordinances adopted or entered into to comply with State or Federal law or judgment of a court of law.

205. Conditions to and Formula for Reimbursement for Off-Site Improvements. Reimbursement and/or credits that the Developer is expressly allowed, for improvements listed in **Exhibit F,** shall be given from appropriate fee programs as provided in the Fresno Municipal Code and/or adopted City policies for those fee programs as they exist at the time the reimbursement and/or credit is sought, but to no lesser degree than provided as of the Effective Date.

206. Books and Records. Developer shall establish and maintain throughout the term of this Agreement, and for a four (4) year period following the date of the last reimbursement, records and accounts on the Subject Property and its development, in accordance with normal business practices, any reasonable request of the City, and applicable laws, rules and regulations. At the times and in the forms as the City may reasonably request, Developer shall furnish City with statements, records, reports, data and information related to the costs to be reimbursed. The City, at its cost, has the right during reasonable business hours to inspect and copy Developer's records, books, and documents related to the reimbursable costs. Not more frequently than annually, the City at its cost has the right, but not the obligation, to audit the Developer's books and records.

207. Project Timing. The Parties acknowledge that Developer cannot at this time predict when, or the order in which, individual buildings on the Subject Property will be developed. Such decisions with respect to phasing of development of the Subject Property will depend upon a number of circumstances not within the control of Developer, including, without limitation, market conditions and demand for the use or uses of the Subject Property, the condition of capital markets and availability of appropriate financing for the development of the Subject Property (such as construction or interim and permanent loans, and/or equity capital) and other similar factors. In order to retain the flexibility necessary to respond to such market conditions, Developer shall have the right to develop the Subject Property in phases, in such order, and at such times as Developer deems appropriate within the exercise of its subjective business analysis of those factors determining, in Developer's judgment, the appropriate course of development of the Subject Property. However, in connection with each phase, Developer shall be required to comply with the Development Approvals.

In light of the California Supreme Court's decision in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to provide for the timing of development allowed a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the parties' intent to cure any such deficiency in this Agreement by acknowledging and expressly providing that Developer may develop the Subject Property and portions of both in the order and at the times Developer, in its sole discretion, deems appropriate based on Developer's analysis of those factors determining, in Developer's subjective business judgment, the appropriate pace and timing of the development of the Project. The adoption or modification of any laws or regulations by City, including limits on building permits or connections to water or sewer or other infrastructure, whether by initiative or otherwise, limiting or prescribing the pace or timing of development or construction within City is in conflict with this Agreement, and the adopted or modified law or regulation is not applicable to development of the Project, unless Developer in its sole discretion elects to have the adopted or modified law or regulation apply to the development of the Project; or, unless the City Council makes a finding that there is an immediate and substantial threat to public health and safety with significant adverse effects which cannot be mitigated or avoided by any other feasible alternatives, such as imposition on the Project of restrictions equivalent to those borne by all properties within the City.

208. Amendments to Development Approvals. Given the long-term build-out of the project, the Parties acknowledge that development of the Subject Property may require amendments to Development Approvals or Subsequent Development Approvals. Amendments to the Development Approvals or Subsequent Development Approvals shall be processed as follows:

208.1 Administrative Amendments. Upon the written request of Developer for an amendment or modification to a Development Approval or Subsequent Development Approval, the Planning Director or his/her designee shall determine: (i) whether the requested amendment or modification is minor; and (ii) whether the requested

amendment or modification is consistent with the Applicable Rules. If the Planning Director or his/her designee finds that the proposed amendment or modification is minor, consistent with the Applicable Rules, and is not subject to further environmental review under CEQA (*See* CEQA Guidelines §§ 15162, 15163), the amendment shall be determined to be an "Administrative Amendment" and the Planning Director or his/her designee may approve, or may approve with appropriate conditions, the Administrative Amendment consistent with the City's procedures for minor revisions and/or amendments to special permits, including any requirements for notice, public hearing, and appeal rights. The determination of whether a requested amendment or modification is an Administrative Amendment shall be within the reasonable discretion of the Planning Director. Notwithstanding the foregoing provision, if the Director determines that an amendment has the potential to affect a facility under the responsibility of another City department, the Director shall refer the amendment to the Director of the affected Department (and/or his or her designee) who must also concur that the amendment is a minor amendment under the terms provided in this Section. For example, if an amendment has the ability to affect traffic, the Director of Public Works (and/or his or her designee) must concur that the amendment is administrative, if an amendment has the ability to affect sewer loads, the Director of Public Utilities Department (and/or his or her designee) must concur that the amendment is administrative.

Examples of amendments or modifications which may, depending on particular circumstances, be treated as Administrative Amendments, include, but are not limited to, the following: (1) lot line adjustments that do not result in a significant change in the lot size and that comply with the requirements of the Subdivision Map Act; (2) alterations in vehicle circulation patterns or vehicle access points which do not adversely affect capacity or service levels; (3) changes in trail alignments; (4) substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan; (5) variations in the location of structures that do not substantially alter the design concepts of the project; and (6) minor alterations in design or configuration of buildings, infrastructure or other facilities that are consistent with the development standards set forth in the Development Approvals; and (7) minor adjustments to the Subject Property legal description. Administrative Amendments are subject to a processing fee as provided in Section 101.

208.2 Material Amendments. Any request of Developer for an amendment or modification to a Development Approval or Subsequent Development Approval that is determined by the Planning Director or his/her designee (or a director of another City department under the terms in Section 208.1) to be a material amendment ("Material Amendment"), as opposed to an Administrative Amendment, shall be subject to review, consideration and action pursuant to the laws in effect at the time the Material Amendment is considered for approval. Notwithstanding any provision in the Agreement to the contrary, the City may impose mitigation measures necessary to comply with CEQA for Material Amendments. Material Amendments are subject to processing fees as provided in Section 101. Notwithstanding the foregoing portions of this Section 208.2, any Subsequent Approval sought by Developer pursuant to Recital F, whether deemed a Material Amendment or not, shall be processed as provided in Recital F.

208.3 Future Amendments. Any future amendment or modification to a Development Approval or Subsequent Development Approval shall be incorporated in this Agreement without the need to amend this Agreement.

209. Encumbrances and Lender's Rights.

209.1 Permitted Encumbrances. This Agreement shall be superior and senior to any lien placed upon the Subject Property. Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any mortgage or deed of trust on the Subject Property made in good faith and for value. The Parties agree that this Agreement shall not prevent or limit any owner of an interest in the Subject Property from encumbering the Subject Property or any portion thereof with any mortgage, deed of trust or other security device (any such device, a "Mortgage") securing financing with respect to the Subject Property. City acknowledges that the holder of any such mortgage, deed of trust or other security device ("Lender") may require certain Agreement interpretations and modifications and agrees, from time to time, to meet with Developer and representatives of such Lender(s) to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement and does not result in the City subordinating this agreement to any lien or deed of trust. As used herein the term "Lender" does not include any affiliate of or entity controlled by Developer or its owners, officers, directors, principals or members.

209.2 Lender's Rights. If Lender timely requests, in writing, receipt of notice of any event of default given under this Agreement to Developer or any other holder of an interest in part or all of the Subject Property, then City shall provide a copy of such notice to Lender within ten (10) days of sending the notice of default to Developer or other holder of an interest in part or all of the Subject Property. The Lender shall have the right, but not the obligation to cure the default during the remaining cure period allowed to the defaulting party under the terms of this Agreement. Notwithstanding anything to the contrary herein, each Lender has a period of ninety (90) days after the receipt of that notice from City to cure or remedy, or to commence to cure or remedy, the event of default claimed or the areas of noncompliance set forth in City's notice. If the event of default or the noncompliance is of a nature that can only be remedied or cured by the Lender upon obtaining possession, the Lender shall diligently seek to obtain possession through a receiver or otherwise, and shall thereafter remedy or cure the event of default or noncompliance within 90 days after obtaining possession. If any event of default or noncompliance cannot, with diligence, be remedied or cured within those ninety (90) day periods, then the Lender has additional time as may be reasonably necessary, as reasonably determined by the City, to remedy or cure the event of default or noncompliance if the Lender commences to cure during those ninety (90) day periods, and thereafter diligently pursues completion of that cure. Nothing in this Agreement permits or authorizes any Lender to undertake or continue construction or completion of any improvements comprising the Project beyond the extent necessary to conserve or protect improvements or construction already made, without first having expressly assumed Developer's obligations under this Agreement in the manner specified herein

and curing all defaults. The Lender shall receive a second default notice thirty (30) days before the City institutes legal proceedings.

209.3 Lender Non-Liability. Any Lender who comes into possession of the Subject Property, or any part thereof, pursuant to foreclosure of a Mortgage or taking a deed in lieu of such foreclosure, shall take the Subject Property, or part thereof, subject to the terms of this Agreement, *provided*, however: (1) in no event shall such Lender be liable for any defaults or monetary obligations of Developer arising prior to acquisition of title to the Subject Property by such Lender; (2) no Lender has any obligation under this Agreement to construct or complete the construction of improvements, or to guarantee that construction or completion; and (3) if Developer shall have defaulted under this Agreement before Lender takes title to the Subject Property or any part thereof, Lender shall enjoy the same rights and privileges with respect to such default as if (a) Lender were Developer, and (b) title were still held by Developer. Nothing in this Agreement shall be deemed or construed to permit or authorize Lender to devote the Subject Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement. The foregoing provisions shall not accrue to the benefit of a Lender who proceeds in the manner of a Subsequent Developer in developing and approving the Subject Property. Limiting itself to those development activities set forth in the next to last sentence of Section 209.2 shall create a presumption that a Lender has not proceeded to become a Subsequent Developer.

209.4 Estoppel Certificate. Within thirty (30) days following any written request which either city or Developer may make from time to time, the other shall sign and deliver to the requesting party a statement certifying that: (1) this Agreement is unmodified and in full force and effect or, if there have been modifications hereto, that this Agreement is in full force and effect, as modified, and stating the date and nature of such modifications; (2) there are not current uncured defaults under this Agreement or specifying the dates and nature of any such defaults; and (3) any other reasonable information requested. The failure to deliver such statement within such time shall be conclusive upon the party which fails to deliver such statement that this Agreement is in full force and effect without modification and that there are no uncured defaults in the performance of the requesting party. The City's Planning Director, or other City officer having adequate knowledge to do so, shall be authorized to execute any such statement. An estoppel certificate obtained under this section may be relied upon by transferees and Lenders.

ARTICLE 3
DEFAULT, REMEDIES, TERMINATION

300. General Provisions.

Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either Party to perform any term or provision of this Agreement shall constitute a default. In the event of default or breach of any terms or conditions of

this Agreement, the Party alleging such default or breach shall give the other Party not less than thirty (30) days notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured. During any such thirty (30) day period, the Party charged with being in default shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other Party to this Agreement may at its option:

1. Terminate this Agreement, in which event neither Party shall have any further rights against or liability to the other with respect to this Agreement or the Subject Property; provided, however, if portions of the Subject Property are held in separate ownership at the time such event of default occurs and such event of default is related only to one portion, this Agreement may be terminated only as to such portion and no such termination shall impair the continuing applicability of this Agreement to the remainder of the Subject Property; or

2. Institute legal or equitable action to cure, correct or remedy any default, including, but not limited to, an action for specific performance of the terms of this Agreement; provided, however, that in no event shall either party be liable to the other for money damages for any default or breach of this Agreement.

301. Developer Default; Enforcement.

No building permit shall be issued or building permit application accepted for the building shell of any structure on any portion of the Subject Property if the permit applicant owns or controls such portion of the Subject Property and if such applicant or any entity or person controlling such applicant has been found to be in default as to such portion of the Subject Property by the City Council of the City of Fresno under the terms and conditions of this Agreement, unless such default is cured or this Agreement is terminated. A default as to an owner of any portion of the Subject Property shall have no impact on any portion of the Subject Property not owned by such defaulting owner. The Developer shall cause to be placed in any covenants, conditions and restrictions applicable to the Subject Property, or in any ground lease or conveyance thereof, an express provision for an owner of the Subject Property, lessee or City, acting separately or jointly, to enforce the provisions of this Agreement and to recover attorneys' fees and costs for such enforcement.

302. Annual Review.

The City Manager shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by the Developer with the terms and conditions of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code Section 65865.1. Notice of such annual review shall include the statement that any review may result in amendment or termination of this

Agreement. The costs of notice and related costs incurred by the City for the annual review conducted by the City pursuant to this Section 302 shall be borne by the Developer.

The City Manager shall provide thirty (30) days prior written notice of such periodic review to the Developer. Such notice shall require the Developer to demonstrate good faith compliance with the terms and conditions of this Agreement and to provide such other information as may be reasonably requested by the City Manager and deemed by him to be required in order to ascertain compliance with this Agreement. If, following such review, the City Manager is not satisfied that the Developer has demonstrated good faith compliance with all the terms and conditions of this Agreement, the City Manager may refer the matter, along with his recommendations, to the City Council.

Failure of the City to conduct an annual review shall not constitute a waiver by the City of its rights to otherwise enforce the provisions of this Agreement; nor shall the Developer have or assert any defense to such enforcement by reason of any such failure to conduct an annual review.

303. Enforced Delay; Extension of Times of Performance.

In addition to specific provisions of this Agreement, either Party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, systemic financial distress, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental entities' enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulations, litigation or similar grounds for excused performance. If written notice of such delay is given within thirty (30) days of the commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

304. Limitation of Legal Acts.

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

305. Applicable Law and Attorneys' Fees.

This Agreement shall be construed and enforced in accordance with the laws of the State of California. Developer acknowledges and agrees that the City has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or meaning of this Agreement shall be that accorded legislative acts of the City. Except as set forth herein, should any legal action be brought by a Party for breach of this Agreement or to enforce any provision herein, the prevailing Party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court.

306. Invalidity of Agreement.

1. If this Agreement is determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment.

2. If any provision of this Agreement is determined by a court to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any law which becomes effective after the date of this Agreement and either party in good faith determines that such provision is material to its entering into this Agreement, either party may elect to terminate this Agreement as to all obligations then remaining unperformed in accordance with the procedures set forth in Section 300, subject, however, to the provisions of Section 307 hereof.

307. Effect of Termination on Developer's Obligations.

Termination of this Agreement shall not affect the Developer's obligations to comply with the General Plan and the terms and conditions of any and all land use entitlements approved with respect to the Subject Property prior to such termination, nor shall it affect any other covenants of the Developer specified in this Agreement to continue after the termination of this Agreement. If portions of the Subject Property are held in separate ownership at the time of such termination, this Agreement may be terminated only as to such portion and no such termination shall impair the continuing applicability of this Agreement to the remainder of the Subject Property.

308. Certificate of Compliance. If after an Annual Review based upon City's own investigation and information provided by Developer, City finds Developer has complied in good faith with this Agreement, City shall issue to Developer a Certificate of Compliance certifying that Developer has so complied through the period of the applicable Annual Review. The Certificate of Compliance must be in recordable form and must contain such information as may be necessary to impart constructive notice of City's finding. Upon issuance of the Certificate of Compliance, City is estopped from pursuing any remedy under this Agreement for any default which City knew or should have known existed prior to or on the date of the Certificate of Compliance. Developer may record the Certificate of Compliance in the Official Records of the County of Fresno.

309. Certificate of Satisfaction. After completion of the Project, City, upon request of Developer, shall execute in recordable form and deliver to Developer a Certificate of Satisfaction, certifying that Developer has satisfied all of Developer's obligations under this Agreement to the date of the certification. Upon issuance of a Certificate of Satisfaction, City is estopped from pursuing any remedy under this Agreement for any default which City knew or should have known existed prior to or on the date of the Certificate of Satisfaction. Developer may record the Certificate of Satisfaction in the Official Records of the County of Fresno.

309.1 Policy on Alleged Construction Defects. City and Developer acknowledge that it is in the best interests of City, Developer, homeowners and homebuyers that all parties be able to rely upon a high quality of construction in a new community in order to protect health and life safety and to preserve the reputation of the community and its sustainability and integrity, including dwelling units and common areas and spaces to be maintained by property owners associations. City and Developer also acknowledge that there has been an increase in construction defect litigation throughout California, including claims based on alleged failures to comply with the California Building Code and claims based on alleged failures to meet local standards of good workmanship and materials. Accordingly, City and Developer agree that if a the owner of a dwelling unit ("Owner") or a property owners association ("Association"), claims that a condition exists at the residence or the common areas or spaces that does not comply with the California Building Code as amended and adopted by the City of Fresno, the Owner or Association shall either repair the condition or provide a written disclosure statement describing the condition to all potential lenders and buyers of the Owner's property or of any property within the Association or to any member and lender to the Association. Furthermore, upon notice of such a claim City shall record a Notice of Claimed Construction Defect(s) on the applicable Owner's or Association property to assure compliance with this policy and shall record a Notice of Repair of Claimed Construction Defect(s) after the Owner or Association has obtained all required permits to perform the repair work and has repaired the claimed construction defect(s), and after the repair work has been inspected and approved by City. Prior to recording the Notice of Claimed Construction Defect(s), City shall first give written notice to Developer and to Owner and Association of its intention to record same and shall give them a reasonable opportunity to object, provided that City shall decide whether to record such Notice based on the provisions of this paragraph. City shall have no liability to any party for damages resulting from City's actions hereunder and Developer's only remedy for City's failure to act hereunder shall be by a claim for specific performance. Developer is not entitled to recover attorneys fees or litigation expenses associated in seeking specific performance of this section.

ARTICLE 4
INDEMNITY; INSURANCE

400. Indemnity/Insurance.

400.1 Indemnification. To the furthest extent allowed by law, Developer shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers against any legal challenges to the Development Approvals, including any challenges arising out of the City's alleged violation of the California Environmental Quality Act, and from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, Developer or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance of this Agreement or the performance of

any or all work to be done on On-Site Improvements or Off-Site Improvements pursuant to this Agreement (including, but not limited to design, construction and/or ongoing operation and maintenance unless and until the facility is dedicated to and officially accepted by the City). Developer's obligations under the preceding provisions include any claims related to or arising out of the Developer's claim of a right to exclude public utilities from private streets. Developer's obligations under the preceding sentence shall apply regardless of whether Developer or any of its officers, officials, employees or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, agents or volunteers.

If Developer should subcontract all or any portion of the services to be performed under this Agreement, Developer shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph. The Developer further agrees that the use for any purpose and by any person of any and all of the streets and improvements required under this Agreement, shall be at the sole and exclusive risk of the Developer at all times prior to final acceptance by the City of the completed street and other improvements. This section shall survive termination or expiration of this Agreement.

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

a. COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and shall include insurance for bodily injury, property damage and personal injury with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, contractual liability (including indemnity obligations under this Agreement),with limits of liability of not less than $2,000,000 per occurrence for bodily injury and property damage, $1,000,000 per occurrence for personal injury and $3,000,000 aggregate for products and completed operations.

b. COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Business Auto Coverage Form CA 00 01 and shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 B Any Auto), with combined single limits of liability of not less than $5,000,000 per accident for bodily injury and property damage.

c. WORKERS' COMPENSATION insurance as required under the California Labor Code. Developer shall file with the City pursuant to Section 3800 of the Labor Code, a Certificate of Workers' Compensation.

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

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

The above described policies of insurance shall be endorsed to provide an unrestricted 30 calendar day written notice in favor of City of policy cancellation of coverage, except for the Workers' Compensation policy which shall provide a 10 calendar day written notice of such cancellation of coverage. **In the event any policies are due to expire during the term of this Agreement, Developer shall provide a new certificate evidencing renewal of such policy not less than fifteen (15) calendar days prior to the expiration date of the expiring policy(ies).** Upon issuance by the insurer, broker, or agent of a notice of cancellation in coverage, Developer shall file with City a new certificate and all applicable endorsements for such policy(ies).

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form and shall name City, its officers, officials, agents, employees and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Developer's insurance shall be primary and no contribution shall be required of City. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, agents, employees and volunteers. Except for the Products and Completed Operations coverages, Developer shall have furnished City with the certificate(s) and applicable endorsements for all other required insurance prior to City's execution of the Agreement. With regard to the Products and Completed Operations coverages, the necessary Certificates of Insurance and all necessary endorsements shall be furnished to the City prior to Developer commencing work to construct any of the improvements required by this Agreement, or the City's issuance of any permits to construct any of the improvement covered by this Agreement, whichever occurs first. Nothing in the preceding sentence is intended to authorize the Developer or any of its subcontractors to proceed with the work covered by this Agreement without first obtaining any necessary City permits to perform any part of that work.

Developer shall furnish City with copies of the actual policies upon the request of City's Risk Manager at any time during the life of the Agreement or any extension, and this requirement shall survive termination or expiration of this Agreement.

If at any time during the life of the Agreement or any extension, Developer fails to maintain the required insurance in full force and effect, the Director of Public Works, or his/her designee, may order that the Developer, or its contractors or subcontractors,

immediately discontinue any further work under this Agreement and take all necessary actions to secure the work site to insure that public health and safety is protected. All payments due or that become due to Developer shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement.

The fact that insurance is obtained by Developer shall not be deemed to release or diminish the liability of Developer, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Developer. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Developer, its principals, officers, agents, employees, persons under the supervision of Developer, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

Upon request of City, Developer shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

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

401. Notice to Developer.

The City shall promptly give notice to Developer in accordance with Section 600 of this Agreement of any case, action or proceeding brought against the City concerning this Agreement or the Subject Property.

ARTICLE 5
PROJECT AS A PRIVATE UNDERTAKING

500. Project as a Private Undertaking.

It is specifically understood and agreed by and between the Parties hereto that the development of the Subject Property is a separately undertaken private development and that the contractual relationship created hereunder between the City and Developer is

such that Developer is an independent contractor and is not an agent of the City. None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between the City and Developer or to provide third party beneficiary rights to any person or entity not a Party hereto. The only relationship between the City and the Developer is that of a governmental entity regulating the development of private property and the owner of such private property.

ARTICLE 6
NOTICES

600. Notices.

All formal notices required by this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, to the principal offices of the City and the Developer with copies sent as set forth below. The addresses of the parties as of the date hereof are as set forth below. Such written notices, demands, correspondence and communication may be directed in the same manner to such other persons and addresses as either party may from time to time designate in writing. The Developer shall give written notice to the City, within ten (10) days after the close of escrow, of any sale or transfer of any portion of the Subject Property and any assignment or partial assignment of this Agreement, specifying the name or names of the transferee, the transferee's mailing address, the legal description of the land sold or transferred, and the name and address of any person or entity to whom any notice relating to this Agreement shall be given with respect to such transferred portion of the Subject Property.

Notices required to be given to the City shall be addressed as follows:

City of Fresno
Planning and Development Department
2600 Fresno Street
Fresno, California 93721
Attention: Planning Director

Notices required to be given to the Developer shall be addressed as follows:

Ashlan/Hayes No. 1, L.P.
c/o Brent McCaffrey
7020 Van Ness Boulevard
Fresno, CA 93711

with a copy to:

Sanger & Olson
576 Sacramento Street, 7th Floor
San Francisco, CA 94111-3023

ARTICLE 7
MISCELLANEOUS

700. Amendment of Agreement.

This Agreement may be amended from time to time with respect to any portion of the Subject Property by mutual consent of the City and the Developer (to the extent that it continues to own any portion of the Subject Property) and of the then-current owner(s) of the portions of the Subject Property affected by such amendment, with City costs payable by the amendment applicant, in accordance with the provisions of Government Code Sections 65867 and 65868.

701. Waiver of Provisions.

No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. No waiver of any right or remedy with respect to any occurrence or event shall be deemed a waiver of any other occurrence or event.

702. Time of Essence.

Time is of the essence for each provision of this Agreement of which time is an element.

703. Entire Agreement.

This Agreement is executed in two duplicate originals, each of which is deemed to be an original. This Agreement consists of twenty-nine (29) pages and eight (8) exhibits, which constitute the entire understanding and agreement of the Parties. Said exhibits are identified as follows:

Exhibit A: Legal Description of the Subject Property

Exhibit B; Diagram of Area Subject to Agreement

Exhibit C: **[Deleted]**

Exhibit D: **[Deleted]**

Exhibit E: On-Site Improvements

Exhibit F: Phasing of Off-Site Improvements (two pages: a list and a approved phasing map)

Exhibit G: **[Deleted]**

Exhibit H: **[Deleted]**

Exhibit I: Staff Report to Council

Exhibit J: Ordinance Adopting Development Agreement

Exhibit K: Conditional Use Permit

Exhibit L: Vesting Tentative Tract Map 5891.

Recitals A through N are incorporated into the Agreement. In the event of inconsistency between the Recitals and the provisions of Articles 1 through 7, the provisions of Articles 1 through 7 shall prevail.

IN WITNESS WHEREOF, the City and the Developer have executed this Agreement as of the date first set forth above.

CITY:

APPROVED AS TO FORM:

John Fox, Deputy City Attorney

Date: 2/10/2009

CITY OF FRESNO

By: Andrew T. Souza 2/12/09
Andrew T. Souza, City Manager

DEVELOPER:

ASHLAN/HAYES NO. 1, L.P., A CALIFORNIA LIMITED PARTNERSHIP

By: MCCAFFREY GROUP, INC.
Its General Partner

By:
Brent M. McCaffrey
Its President

ATTEST:
REBECCA E. KLISCH
CITY CLERK
By Elva Sommerville
Deputy

STATE OF CALIFORNIA)
) SS.
COUNTY OF FRESNO)

On February 2, 2009, before me, Michele L. Hogan, Notary Public, personally appeared, Brent M. McCaffrey, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity(ies) on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public _____
My Commission Expires: April 29, 2011

L.S.

MICHELE L. HOGAN
Commission # 1742698
Notary Public - California
Fresno County
My Comm. Expires Apr 29, 2011

CLERK'S CERTIFICATION

State of California)
County of Fresno)

On February 24, 2009, before me, Elvia Sommerville, Deputy City Clerk, City of Fresno, personally appeared, Andrew T. Souza, City Manager, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to be that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

REBECCA E. KLISCH, CMC
City Clerk, City of Fresno

BY Elvia Sommerville
Deputy

CITY OF FRESNO
INCORPORATED OCT. 12, 1885

EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to in this Agreement is described as follows:

Parcel 1:

The North half of the Northwest quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Except the North 30 feet thereof heretofore conveyed to Fresno Traction Company.

Parcel 2:

The North one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Parcel 3:

The South one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the South 165.00 feet of the West 548.00 feet, as conveyed to David Scarabello, by Gift Deed dated may 21, 1985 as Document No. 85067612, Official Records.

Parcel 4:

The North one-half of the North one-half of the Southwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom all oil, gas and minerals previously reserved of record.

Parcel 5:

The North half of the North half of the Southeast quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, in the City of Fresno, County of Fresno, State of California, Mount Diablo Base and Meridian,

Excepting therefrom the South 150 feet of the East 215 feet of the North half of the North half of the Southeast quarter of the Southeast quarter of said Section 16.

Also the most Westerly 660 of Parcel 2 of Parcel Map No. 4474, recorded in Book 31, Page 26 of Parcel Maps, Fresno County Records.

Exhibit "A"
Legal Description cont.

Parcel 6:

The South 3/4ths of the Southwest quarter of the Southeast quarter and the West half of the South 3/4ths of the Southeast quarter of the Southeast quarter all in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof, Fresno County Records.

Excepting therefrom the South 287 feet of the North 474 feet of the West 440 feet of the South 3/4ths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 208 feet of the North 682 feet of the West 228 feet of the South 3/4ths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 326.00 feet of the East 295.00 feet of the West half of the South 3/4ths of the Southeast quarter of the Southeast quarter of said Section 16.

Parcel 7:

The South half of the North half of the South half of the East half of the East half of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the United States Government Township Plat.

Parcel 8:

The North 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 13 South, Range 19 East, Mount Diablo base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof.

Excepting therefrom the North 330 feet of the East 330 feet thereof.

Parcel 9:

The North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the East 210 feet of the South 420 feet thereof.

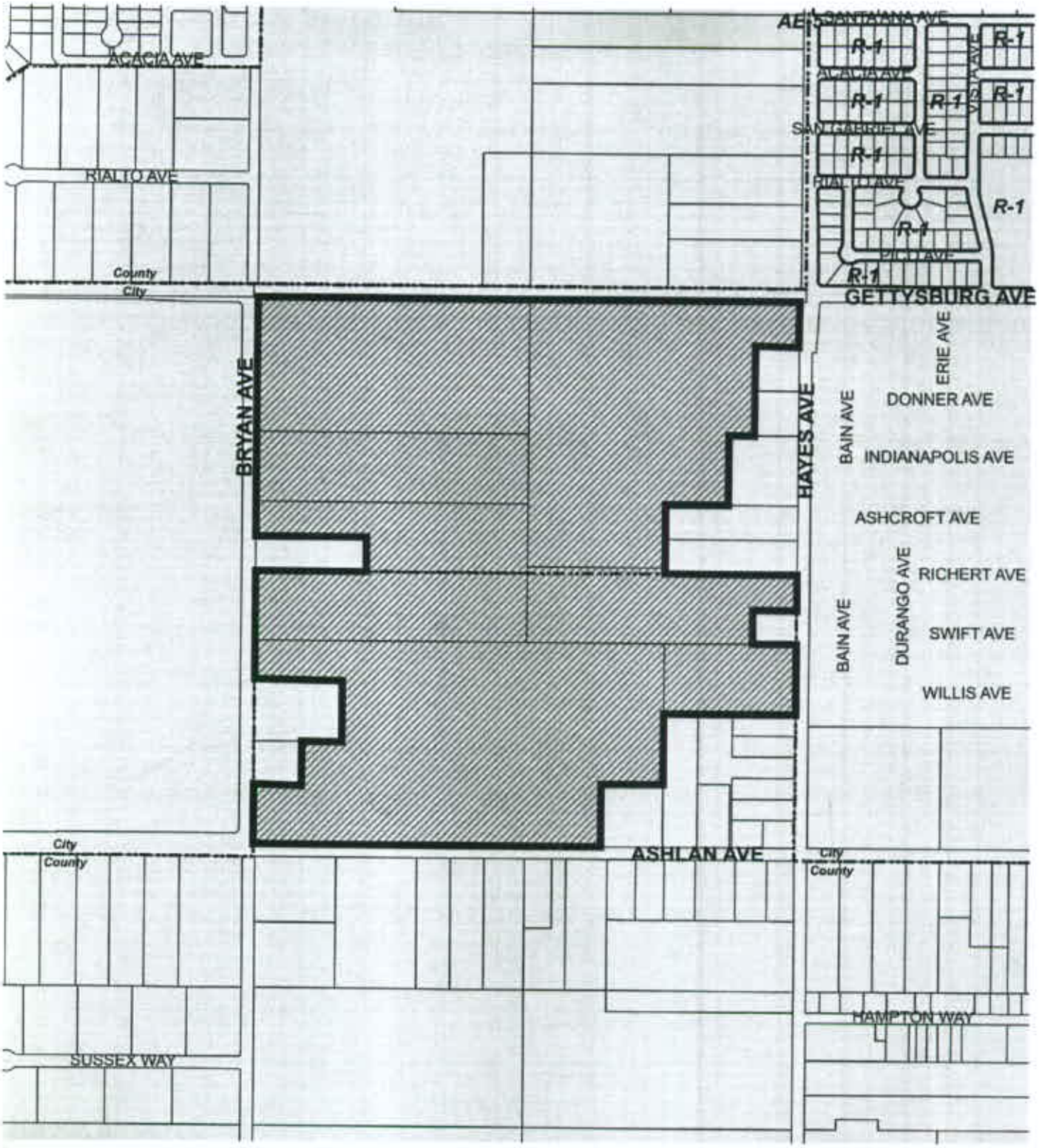
Also excepting therefrom the interest as deeded to Fresno Traction Company, a corporation, over the North 30 feet of said Southeast 1/4, as deeded in that certain Indenture recorded October 7, 1913 in Volume 535 of Deeds, at page 196, Fresno County Records.

Parcel 10:

The Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the South 30 feet thereof.

EXHIBIT B



LEGEND

Subject Property

U.G.M. Area

VICINITY MAP

VESTING TENTATIVE MAP OF TRACT NO. 5891/UGM

REZONE APPLICATION NO. R-07-029

From AE-20 and R-A (county) to R-1/UGM, R-2/UGM, and C-1/UGM

CONDITIONAL USE PERMIT NO. C-07-308

NOT TO SCALE

PLANNING & DEVELOPMENT DEPARTMENT

A.P.N.: 311-070-01,07,17, 19,39,48,50,54

ZONE MAP: 2044

BY/DATE: D.N. / 12-11-07

EXHIBIT E

Exhibit E Onsite Improvements

(All items included hereinbelow are a general listing of those improvements applicable to the development of the subject property. All improvements are to be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008)

- Curb & Gutter (including curb ramps, driveway approaches, etc.)
- Median Island Curb
- Asphalt and Street Pavement
- Sidewalk and Street Furniture (including flags, banners, identification signs and kiosks).
- Landscape and Irrigation for Parks, Open Space, and Buffer purposes, including:
  - Major Street Entryways
  - Aggregated Open Space
  - Pedestrian Connections/Pathways
  - Interior "End-Block" Treatments
  - "Anti-Graffiti" Buffers Adjacent to Required Walls and Fences
  - Street Trees, Parkway Landscaping, and Alley Shading
- Fountains
- Entry Monuments
- Required Fences and/or Solid Masonry Walls
- Emergency Access Gates, Barriers and Barricades
- Sewer Main, Manholes and Laterals
- Abandonment of all existing Private Sewer Septic Systems
- Water Main, valves, Fire Hydrants, and Laterals
- Seal and Abandon existing Well(s)

- Storm Drain Pipelines, Inlets and Manholes
- Rule 15 PG&E, Cable TV, and Telephone
- Piping of Private Irrigation Canal(s)
- Street Lights
- Parking Lot Improvements
- Demolition of existing Extant Structures
- Construction of proposed Residential and Commercial Structures

EXHIBIT F

Exhibit F Offsite Improvements

(All items included hereinbelow are a general listing of those improvements applicable to the development of the subject property. All improvements are to be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008; and pursuant to the Phasing of Street Improvements as identified within this Exhibit or the Phasing of Public Utility Facilities as identified within this Agreement)

- Curb & Gutter including Bus Bay Curb and Gutter at identified locations
- Raised Concrete Median Islands at identified locations
- Asphalt and Permanent Street Pavement at identified locations
- Sidewalk at identified locations and Walkable Paths across adjacent property for safe routes to schools
- Circular or "Hammerhead" Driveways for identified adjacent properties
- Landscape and Irrigation for Open Space purposes along the major street frontages; including Bicycle and Pedestrian Trail.
- Sewer Main, Manholes and Laterals
- Water Main, Valves, Fire Hydrants, Laterals and Reclaimed Water System
- Water Supply Well(s)
- Storm Drain Pipelines, Inlets and Manholes
- Piping of Private Irrigation Canal(s)
- PG&E, Cable TV, and Telephone (Ashlan, Hayes, Gettysburg, Bryan)
- Undergrounding of Overhead Utilities
- Traffic Signals (Ashlan, Hayes, Gettysburg, Bryan) and Stop Signs at identified locations.
- Street Lights (Ashlan, Hayes, Gettysburg, Bryan), Underground Lighting Systems and Trail Lighting
- Right of Way Acquisition (Ashlan, Hayes, Bryan)

- Construction of additional lanes and widening within identified street segments outside project boundary
- Construction of left and right-turn lanes with pockets and acquisitions at identified intersections
- Installation of stop signs, safety lighting and signalization at identified intersections
- Installation of Intelligent Transportation System (ITS) conduits and fiber with pole boxes and equipment at identified intersections with West Ashlan Avenue for synchronization
- Provisions for necessary lane configurations and proper transitions for appropriate speeds at identified intersections
- Full improvements and construction of walkable paths across remainder and outlying lots that create bottlenecks
- Installation of safe pedestrian crossings and sidewalk access from all subdivision outlets to the CUSD Schools and accommodation for bike lanes.

PAGES 1 AND TWO OF THREE PAGES (THIRD PAGE WITH PHASING MAP)

SHAW AVENUE

TO BE COMPLETED WITH 1st PHASE OF LOTS:
SHAW AVENUE:
INSTALL EASTBOUND AND WESTBOUND RIGHT LANE AND LEFT TURN POCKETS.
BRYAN AVENUE:
RE-STRIPE EXISTING PAVEMENT TO PROVIDE RIGHT AND LEFT TURN LANES FOR NORTH-BOUND TRAFFIC.

TO BE COMPLETED WITH 1st PHASE OF LOTS:
SHAW AVENUE:
INSTALL EASTBOUND AND WESTBOUND RIGHT LANE AND LEFT TURN POCKETS.
HAYES AVENUE:
INSTALL RIGHT AND LEFT TURN LANES FOR NORTH-BOUND TRAFFIC.

PLAN PREPARATION WITH 2nd PHASE, CONSTRUCTION WITH 3rd PHASE OF LOTS:
HAYES AVENUE:
INSTALL TWO NORTH-BOUND AND ONE SOUTH-BOUND LANE FROM INTERSECTION IMPROVEMENTS TO SANTA ANNA AVENUE.

FINAL MAPS:

58 LOTS	63 LOTS
88 LOTS	52 LOTS
67 LOT	78 LOTS
68 LOTS	81 LOTS
	COMMERCIAL

SPECIAL NOTES:

- MAJOR STREET FRONTAGE IMPROVEMENTS WILL BE CONSTRUCTED AT TIME OF DEVELOPMENT OF FINAL MAP.
- TRAFFIC SIGNAL CONSTRUCTION COSTS ESTIMATED ARE IN EXCESS OF CALCULATED FEE.

N

SCALE IN FEET

0 60 120 180

SIDEWALK FROM BRYAN TO ENTRY ROAD ALONG GETTYSBURG TO BE INSTALLED WITH 1st PHASE OF LOTS (EITHER TEMPORARY OR PERMANENT).

INSTALL TEMPORARY TIMBER BARRICADE WITH 1st PHASE OF LOTS.

GETTYSBURG AVENUE

TO BE COMPLETED WITH 1st PHASE OF LOTS:
HAYES AVENUE:
WIDEN SOUTH BOUND LANES TO ALLOW FOR RIGHT, LEFT AND 2 THROUGH MOVEMENTS. EXISTING IMPROVEMENTS PROVIDE SAME FOR NORTH-BOUND TRAFFIC.
GETTYSBURG AVENUE:
INSTALL LEFT, THROUGH AND RIGHT LANES FOR EAST BOUND TRAFFIC. RE-STRIPE EXISTING IMPROVEMENTS TO PROVIDE SAME FOR WEST-BOUND TRAFFIC (PAVEMENT ALREADY INSTALLED).
INSTALL TRAFFIC SIGNAL.

CURB & GUTTER & OUTSIDE TRAVEL LANE PLAN PREPARATION & CONSTRUCTION WITH DEVELOPMENT OF GREEN MAP ON HAYES.

BRYAN AVENUE

HAYES AVENUE

POLK AVENUE

CORNELIA AVENUE

TO BE COMPLETED WITH 1st PHASE OF LOTS:
HAYES AVENUE:
INSTALL SOUTH APPROACH TO ALLOW FOR RIGHT, LEFT AND THROUGH LANES. WIDEN NORTHBOUND LANES TO ALLOW FOR LEFT AND SHARE RIGHT/THROUGH MOVEMENTS.
ASHLAN AVENUE:
INSTALL RAISED MEDIAN WITH LEFT POCKET, RIGHT AND THROUGH LANES IN EACH DIRECTION.
MAINTAIN ALL-WAY STOP.

PLAN PREPARATION WITH 3rd PHASE, CONSTRUCTION WITH 4th PHASE OF LOTS:
POLK AVENUE:
EXISTING IMPROVEMENT PROVIDE FOR LEFT AND SHARED RIGHT/THROUGH MOVEMENTS FOR NORTH AND SOUTH-BOUND TRAFFIC.
ASHLAN AVENUE:
INSTALL RAISED MEDIAN WITH LEFT TURN POCKET, RIGHT AND THROUGH LANES FOR EAST & WEST-BOUND TRAFFIC.
INSTALL TRAFFIC SIGNAL WITH 6th PHASE OF LOTS (PLAN PREPARATION IN 5th PHASE).

ASHLAN AVENUE

PLAN PREPARATION WITH 4th PHASE; CONSTRUCTION WITH 5th PHASE OF LOTS:
HAYES AVENUE:
INSTALL ADDITIONAL PAVEMENT TO FULL BUILD-OUT OF SOUTH BOUND LANES. MAINTAIN STRIPING TO SHOW RIGHT, LEFT AND ONE THROUGH LANE. MAINTAIN NORTH BOUND LANES AS CONSTRUCTED.
ASHLAN AVENUE:
INSTALL ADDITIONAL PAVEMENT TO FULL BUILD-OUT ON NORTH SIDE OF ASHLAN WEST OF HAYES. MAINTAIN REMAINDER OF ASHLAN AT INTERSECTION AS CONSTRUCTED.
INSTALL TRAFFIC SIGNAL AT ASHLAN/HAYES AVENUES.

ASHLAN AND BRYAN AVENUE IMPROVEMENTS SHALL BE REQUIRED WITH MULTI-FAMILY AND/OR COMMERCIAL DEVELOPMENT INCLUDING TRAFFIC SIGNAL.

PLAN PREPARATION & CONSTRUCTION WITH MULTI-FAMILY AND/OR COMMERCIAL DEVELOPMENT:
INSTALL RAISED MEDIAN AND ONE TRAVEL LANE EACH DIRECTION BETWEEN HAYES/ASHLAN, POLK/ASHLAN AND CORNELIA/ASHLAN INTERSECTIONS.

Phasing of improvements
Any conditions that are not included on this map will be done with phase 8 or 9. This map is intended to include all roadway improvement conditions.
3/15/08

EXHIBIT I

EXHIBIT I

City of FRESNO

REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. COUNCIL MEETING: 12/16/08
APPROVED BY
DEPARTMENT DIRECTOR
CITY MANAGER

December 16, 2008

FROM: KEITH BERGTHOLD, Interim Director
Planning and Development Department

THROUGH: DARRELL UNRUH, Planning Manager
Planning Division

BY: WILL TACKETT, Planner III
Planning Division

SUBJECT: CONSIDERATION AND ADOPTION OF ADENDUM TO ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-07-08/R-07-29/C-07-308/T-5891 AND APPROVE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF FRESNO AND ASHLAN/HAYES NO. 1 LP AS AUTHORIZED BY THE PROVISIONS OF GOVERNMENT CODE SECTION 65864 ET SEQ RELATING TO THE APPROXIMATELY 122.93 NET ACRE RESIDENTIAL AND COMMERCIAL DEVELOPMENT APPROVED BY TENTATIVE TRACT MAP NO. 5891/UGM AND CONDITIONAL USE PERMIT APPLICATION NO. C-07-308

KEY RESULT AREA

One Fresno

RECOMMENDATION

Staff recommends the City Council take the following action:

1. Require payment of the necessary development agreement processing fee prior to execution of the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.

2. APPROVE the addendum to the environmental finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891/UGM dated March 13, 2008, that the project proposal will not have a significant effect on the environment subject to the implementation of the identified mitigation conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130).

3. Introduce and Adopt Ordinance approving the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 LP for the development of property as approved by Tentative Tract No. 5891 and Conditional Use Permit No. C-07-308

EXECUTIVE SUMMARY

Subsequent to the City Council's approval of Plan Amendment Application No. A-07-08 and Rezone Application No. R-07-29, the Fresno City Planning Commission, at its meeting on November 05, 2008, approved Vesting Tentative Tract Map No. 5891/UGM and Conditional

Use Permit Application No. C-07-308 (filed by the McCaffrey Group) authorizing the subdivision and planned development of approximately 122.93 net acres (126.89 gross acres) of property located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenues. Vesting Tentative Tract Map No. 5891/UGM and Conditional Use Permit Application No. C-07-308 provide for a 738-lot, single family residential (648 dwelling units) subdivision and neighborhood commercial shopping center (4 lots) with 86 Outlots proposed to be dedicated for various open space, private street and parking purposes.

Under the provisions of Section 65865 et seq. of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property. The purpose of the Development Agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, and secure investment in, and commitment to, public facilities and infrastructure in the vicinity of the project in order to assure the maximum efficient utilization of resources at the least economic cost to the public.

The purpose of the subject proposed development agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P. (McCaffrey Group) is to Negotiate and stipulate terms respective to: (1) Vested Rights; (2) The timing within which key elements of the project need to be constructed; (3) The sale, transfer or assignment of all or a portion of the project and rights, duties or obligations of the agreement; (4) Allocation of fee credits and reimbursements (i.e. developer financing); (5) The subjectivity of the project to exactions such as adopted regional mitigation fee assessments; (6) Acknowledgement of potential or permitted alternatives to the approved project (e.g. density and intensity of uses) and conditions, terms, restrictions and requirements for subsequent discretionary actions; and, (7) The duration of the agreement.

Staff recommends approval of the Development Agreement in accordance with the requirement findings which must be made pursuant to applicable statutes and as contained in the attached resolution.

KEY OBJECTIVE BALANCE

Council action regarding this proposed land use application optimizes the three Key Objectives of Customer Satisfaction, Employee Satisfaction, and Financial Management. Affirmative action by the Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant/customer. Prudent financial management is accomplished with the completion of this land use application in an expedient manner inasmuch as the applicant/customer must pay a processing fee to the City of Fresno for this application and that fee is, in turn, funding the operations of the Planning and Development Department which is an enterprise funded activity. However, at the time the presentation of this matter to the City Council, the applicant has not paid the required processing fee for the development agreement application. Employee satisfaction is derived from completing a project in a responsible, professionally competent and technically correct manner thereby enhancing the sense of accomplishment in the completion of the application process which is expected to result in the development that will contribute to a pleasing and functional urban community.

Fresno City Planning Commission

The Fresno City Planning Commission, at its meeting on November 05, 2008, approved Vesting Tentative Tract Map No. 5891/UGM and Conditional Use Permit Application No. C-07-308 (filed by the McCaffrey Group) thereby authorizing the subdivision and planned development of approximately 122.93 net acres (126.89 gross acres) of property located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenues. Vesting Tentative Tract Map No. 5891/UGM and Conditional Use Permit Application No. C-07-308 propose a 738-lot, single family residential (648 dwelling units) subdivision and neighborhood commercial shopping center (4 lots) with 86 Outlots proposed to be dedicated for various open space, private street and parking purposes.

On December 10, 2008, the Planning Commission considered and recommended that the City Council approve the Development Agreement for the project as provided by Tentative Tract No. 5891 and Conditional Use Permit No. C-07-308. **The report to the Planning Commission and attachments provides in detail a description of the project together with the purpose and provisions of the development agreement.**

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the West Area Community Plan area, including the Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan. These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed amendment of the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to

the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined that based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no substantial evidence in the record that the addition of the Development Agreement to the project description contained in the initial study and Mitigated Negative Declaration prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 ("MND"), through the Addendum dated December 16, 2008 results in a substantial change in the project through the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Accordingly, pursuant to the following findings, provided in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines, the Addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891may be approved:

1. Substantial changes have not occurred in the project and new significant environmental effects or increases in severity of effects have not occurred subsequent to preparation of the mitigated negative declaration.

2. The project addressed within the proposed development agreement remains consistent with the tentative tract map and conditional use permit approved by the Planning Commission on November 5, 2008.

3. The conditions of project approval, including the mitigation measures addressing potential adverse environmental effects remain applicable and no changes to these measures are proposed by the development agreement.

4. The development agreement does not propose substantial changes with respect to the circumstances under which the project will be implemented.

5. In addition, no new information of substantial importance to the nature or severity of potential environmental impacts or the effectiveness of the identified mitigation measures have been identified.

These determinations can be made based upon the knowledge that the environmental assessment initial study was recently prepared and benefitted from all existing knowledge with the exercise of reasonable diligence.

Findings of Consistency

Section 65867.5 of the Subdivision Map Act provides that a development agreement is a legislative act that shall be approved by ordinance and is subject to referendum and requires

that: (1) A development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan; and, (2) A development agreement that includes a subdivision, as defined in Section 66473.7 (of the Subdivision Map Act), shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Section 66473.7 relative to the determination of a "sufficient water supply" as defined therein.

For the purposes of approving the adoption of the proposed Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P., the City of Fresno is proposing that the abovereferenced and following findings be made:

1. *The proposed project is a development for which the Development Agreement is appropriate.*

   As the proposed project is of a size and scale and at a location to which it may be acknowledged, by the City of Fresno, that the Developer cannot at this time predict when, or the order in which, individual buildings on the Subject Property will be developed; and, that such decision with respect to phasing of development of the Subject property will depend upon a number of circumstances not within the control of the Developer, (including, without limitation, market conditions and demand for the use or uses of the Subject Property, the condition of capital markets and availability of appropriate financing for the development of the Subject Property and similar factors), it may be determined that a development agreement is appropriate in order to provide certainty and assurances (to both the City of Fresno and the Developer) that the approved project can be built in a manner which will not waste resources, escalate the cost of housing and other development to the consumer, or discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

2. *The proposed Development Agreement, in accordance with Section 65867.5 of the Subdivision Map Act, is consistent with the 2025 Fresno General Plan and West Area Community Plan.*

   As the proposed Development Agreement relates to the development and subdivision of the Subject Property as proposed by Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM, which were approved on November 05, 2008 and determined (along with the design, improvements, density and zoning ordinance criteria), to be consistent with the goals, objectives, and policies of the 2025 Fresno General Plan and West Area Community Plan; and, further because the Agreement reinforces those conditions of approval and mitigation measures for the proposed project, which have been deemed necessary to assure compliance with said plans, it may be determined that the Development Agreement is also consistent with said plans.

3. *The proposed Development Agreement complies with the Fresno Municipal Code and other applicable ordinances, standards, policies, and regulations of the City of Fresno.*

As the proposed Development Agreement relates and reinforces the development and subdivision of the Subject Property, or "Project", as proposed by Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM, which were approved on November 05, 2008; and, further because the Project has been determined, subject to the Conditions of Approval dated November 05, 2008, to comply with the design and property development standards of the Zoning Ordinance and local Subdivison Ordinance (except as modified in accordance with Planned Development Allowances), it may be determined that the Development Agreement complies with the Fresno Municipal Code and all applicable ordinances, standards, policies, and regulations of the City of Fresno.

4. *The proposed Development Agreement furthers the public health, safety, and general welfare; and, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Subject Property.*

The proposed Development Agreement furthers the public health, safety, and general welfare in that it helps to: assure the improvement of the Subject Property; the provision of much needed infrastructure improvements within the vicinity of the Subject Property; the efficient use of resources; and, the minimization of economic burdens to the public and community. Furthermore, due to the quality of development proposed and the amenities it proposes to introduce to the area in which it is proposed to be located, it may be determined that the Development Agreement (in assuring the project may be built), contributes to the enjoyment and valuation of property of other persons located in the vicinity.

5. *The proposed Development Agreement provides for clear and substantial public benefit to the City of Fresno and residents along with a schedule for delivery of the benefit.*

As acknowledged within the proposed Development Agreement, it is anticipated that the development of the Subject Property in accordance with the Agreement: (1) Provides for the housing needs of a variety of households of various sizes and incomes and for neighborhood commercial services to serve such households and others in the vicinity; (2) Provides for a mixed use, pedestrian-friendly environment which reduces the need for travel; (3) Provides for a new community development especially suitable for the area immediately adjacent to the new Central Unified School District campus; (4) Provides for the recreational and open space needs of this new mixed use community and for new infrastructure serving the West Community Plan area; and, (5) Implements new standards for urban development through the facilitation and adoption of Alternative Public Improvement Standards, utilizing narrower travel lanes and wider sidewalks with park strips, in order to complement design components such as reduced yard setbacks, smaller lots, and aesthetically pleasing two-story dwelling units that provide spatial definition and are oriented to a new kind of community development that fosters pedestrian connectivity and potential for a mix of uses and residential densities. It may also be determined that the proposed Development Agreement, through the provisions contained therein respective to the duration of the Agreement, vested rights, timing and phasing of improvements, does provide a schedule for delivery of benefits.

6. *The construction of public facilities required in conjunction with the development is adequate to serve the development.*

   Through the processing of Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM the City of Fresno has considered the potential effects of the proposed development on the environment and the availability of sufficient public facilities and services. Pursuant to the Conditions of Approval and mitigation measures adopted for development of the Subject Property it may be determined that there are adequate public facilities to serve the development. This determination has been verified by the City of Fresno Departments of Public Utilities and Public Works.

7. *The proposed Development Agreement provides specified conditions under which further development not included in the agreement may occur.*

   The provisions of Recital "F" and Section 208 within the proposed Development Agreement relating to "Subsequent Development Approvals" and "Amendments to Development Approvals", respectively, provide specified conditions under which further development not included in the Agreement may occur.

8. *The proposed Development Agreement requires a faithful performance bond or other appropriate security in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions, and/or requirements of the Agreement.*

   The provisions of the proposed Development Agreement do require a faithful performance bond and other appropriate security in amounts deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions, and/or requirements of the Agreement.

9. *The proposed Development Agreement provides that Vesting Tentative Tract Map No. 5891/UGM has complied with the provisions of Section 66473.7 of the Subdivision Map Act relative to the determination of a "sufficient water supply" as defined therein.*

   A water supply study has been prepared for the proposed project and is structured to comply fully with the requirements of Senate Bills (SB) 221 and 610. The results/conclusions of that study have been incorporated within the analyses of the proposed project with respect to the California Environmental Quality Act and conditioning of the proposed project for approval. This study indicates that the City of Fresno will have sufficient supplies available during normal, single, and multiple dry years to meet the demands associated with the proposed Project along with all reasonably foreseeable planned and future developments within Fresno's sphere of influence. The City of Fresno Department of Public Utilities has reviewed and verified said study.

CONCLUSION / RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the 2025 Fresno General Plan the West Area Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, and upon payment of the required processing fees, it can be concluded that the proposed Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P. is consistent with the 2025 Fresno General Plan and West Area Community Plan and, that the associated Vesting Tentative Tract Map No. 5891/UGM will comply with the provisions of Section 66473.7 of the Subdivision Map Act subject to compliance with the terms of the Development Approvals as referenced within the Agreement.

Staff recommends that the City Council take the following actions.

1. Require payment of the necessary development agreement processing fee prior to execution of the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.

2. APPROVE the addendum to the environmental finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891/UGM dated March 13, 2008, that the project proposal will not have a significant effect on the environment subject to the implementation of the identified mitigation conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130).

3. Introduce and Adopt Ordinance approving the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 LP for the development of property as approved by Tentative Tract No. 5891 and Conditional Use Permit No. C-07-308.

Attachments: Vicinity Map and Project Exhibits
Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.
Conditions of Approval for Tentative Tract No. 5891 and Conditional Use Permit No. C-07-308
Addendum to Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 and subsequently adopted by the Fresno City Council on May 20, 2008.
Planning Commission Resolution Nos. 12894 and 12895 for Vesting Tentative Tract Map No.5891/UGM and Conditional Use Permit Application No. C-07-308, respectively.
Planning Commission Resolutions No.
City Council Ordinance Bill

THE McCaffrey GROUP

December 12, 2008

By Hand Delivered and Electronic Mail

The Honorable Mayor Autry and
The Honorable Members of the City Council
City Hall
2600 Fresno Street
Fresno, CA 93721

Re: Development Agreement for Tract Map No 5891

Dear Mayor Autry and Members of the City Council:

We have been working for a number of years on the most significant potential development in implementation of the West Area Community Plan on the site we own immediately east of the Central Unified School District's new campus. This is a very large project which will take a number of years to implement and will require a major investment (over $200 million). In today's market conditions that is no small undertaking. We have received all approvals required and are now before you with a proposed Development Agreement to secure our ability to carry forward with this project.

Although we have worked out almost all issues with your staff and appreciate their cooperation, there remain a few unresolved matters which are critical to our commitment to move forward. We are asking the Council to make the policy decisions necessary to allow us to make the financial commitment necessary to this long-term project of so much importance to the West Area Community Plan. The issues set forth in this letter may be resolved by the time you meet but we have been compelled to communicate with you regarding them at this time and, if not resolved by that time with staff, will be presented at your meeting on Tuesday.

Two of these issues go to the heart of the purpose of a Development Agreement, which involves vesting rights to approvals already obtained and limiting governmental discretion to interfere with the exercise of those rights in the future. That is the heart of any development agreement, a form of agreement with which Fresno has little experience but which is a well-recognized tool to encourage development and investment throughout the state. For a development agreement to be meaningful it must limit future City discretion to abrogate the approvals already obtained, either directly by the exercise of discretion inconsistent with those approvals and other agreements or indirectly by imposing additional financial burdens. In particular it is critical that a development agreement guaranty the right of a developer or builder, not merely to map a subdivision, but to construct homes and commercial buildings which have been approved, i.e. to obtain building

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www.mccaffreygroup.com

permits. It is standard for development agreements to limit the further exercise of discretion to actions consistent with the prior approvals and the terms of the agreement, to protect developers against any form of building or sewer or water moratorium or the like (whether enacted by initiative or otherwise) and to protect the developer against the imposition of additional financial burdens not uniformly applied to all.

We have been unable to date to agree with staff on specific language in the Development Agreement being presented to you with respect to the following items and are proposing language which we ask you to change or add.

Section 103: This section seeks to reserve to the City certain authority despite the agreement. We have accepted that concept reluctantly but we have asked that the last sentence end with the phrase **"in a manner not inconsistent with this Agreement"** because we believe that failure to add such language causes the last sentence to undermine the commitment made by the Agreement itself that the City's police power is limited by the Agreement. **In the alternative we ask that the last sentence in this section be deleted since it goes to far in reserving authority to act in a manner inconsistent with the agreement.** It is recognized throughout the state that the fundamental purpose of a development agreement is to limit the City's otherwise free exercise of its police power with respect to the subject matter of the agreement, such as rezoning, disapproval of maps, refusal to issue building permits and so forth. We ask that you add the bold language to that section at the end.

Section 207: This section is specifically intended to protect developers against any future limits on the timing of actual building, including protection from moratoria. In 1984 the Supreme Court held that unless this subject were directly addressed, a subsequent moratorium on issuance of building permits, or water or sewer permits, etc. would be permitted. Ever since development agreements have included specific language to protect against such moratoria which would interfere with issuance of permits consistent with the prior approvals. We ask that the last phrase commencing **";or, unless...."** and ending **".... evidence in the record"** be deleted. Otherwise the Development Agreement will not protect against such moratoria or possibly even against rezonings or general plan amendments initiated by initiative or otherwise. It should be clear that we cannot afford to commit tens of millions in infrastructure and then be denied building permits or water or sewer hookups even if some group decides that there is an "emergency". This is part of the contract being made between the developer and the City -- to assure the ability to build and to be treated in a manner equal to existing development if any rationing or other actions are required to curtail services.

Section 101.1: We have had extensive negotiations with staff over reasonable limits on increases in impact fees and exactions since they go to the heart of project feasibility. In the main

we have reached agreement. We are forced to dissent from the idea that an index based on what utilities throughout the United States charge for hook-ups has any relationship to actual costs in Fresno. We have agreed to use the Engineering News Record (ENR) construction cost index to account for inflation in construction costs and believe that is only fair. We therefore ask that the ENR construction cost index be substituted for the proposed DPU Index in the draft.

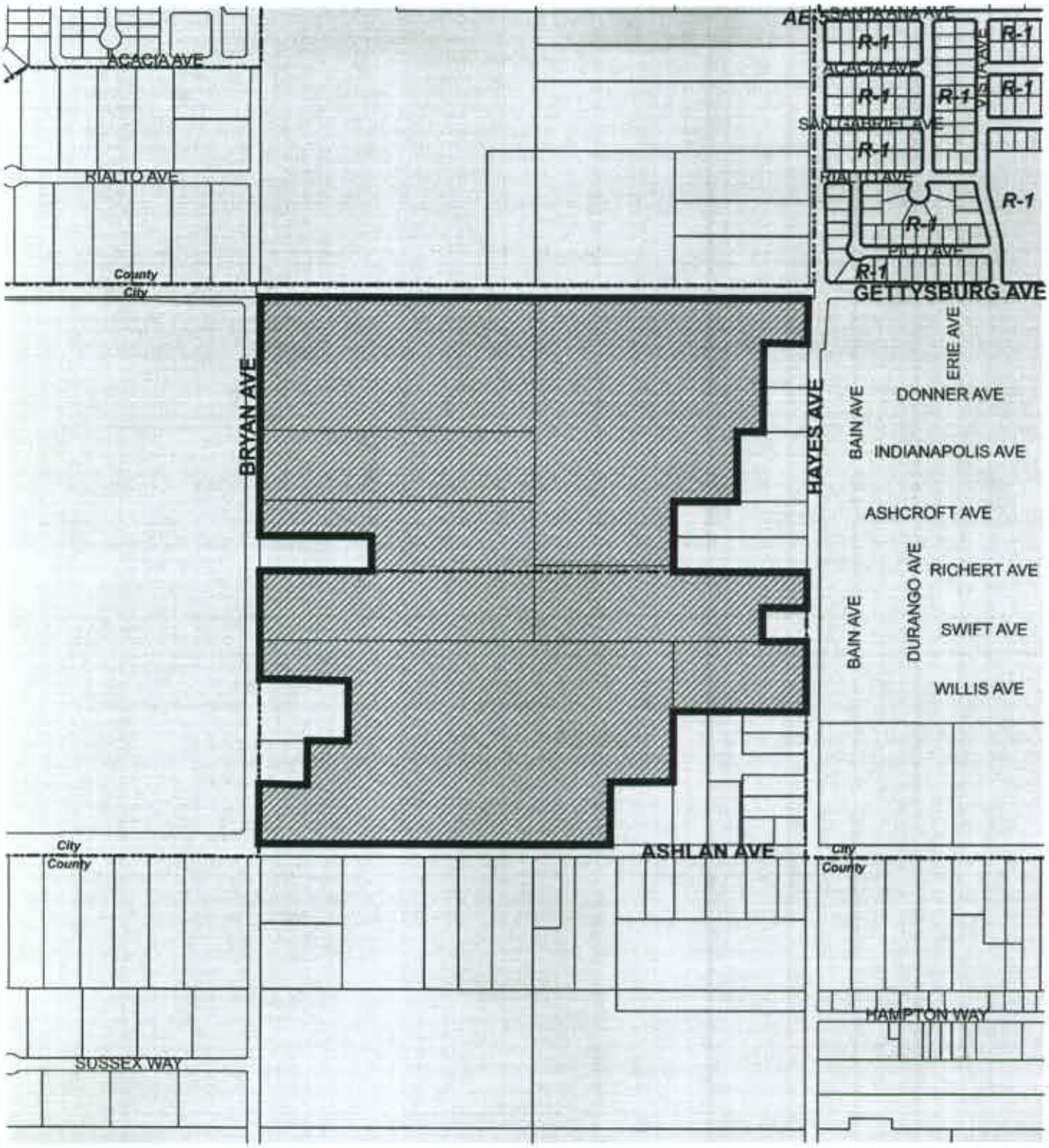
These are the remaining issues unresolved as of today. Hopefully some or all will be resolved before Tuesday. If not we will address the Council on these issues and seek your support for these changes.

Very truly yours,

The McCaffrey Group, Inc.

Brent M. McCaffrey
President

Cc: Robert A. McCaffrey
John Sanger



LEGEND

Subject Property

U.G.M. Area

VICINITY MAP

VESTING TENTATIVE MAP OF TRACT NO. 5891/UGM

REZONE APPLICATION NO. R-07-029

From AE-20 and R-A (county) to R-1/UGM, R-2/UGM, and C-1/UGM

CONDITIONAL USE PERMIT NO. C-07-308

NOT TO SCALE

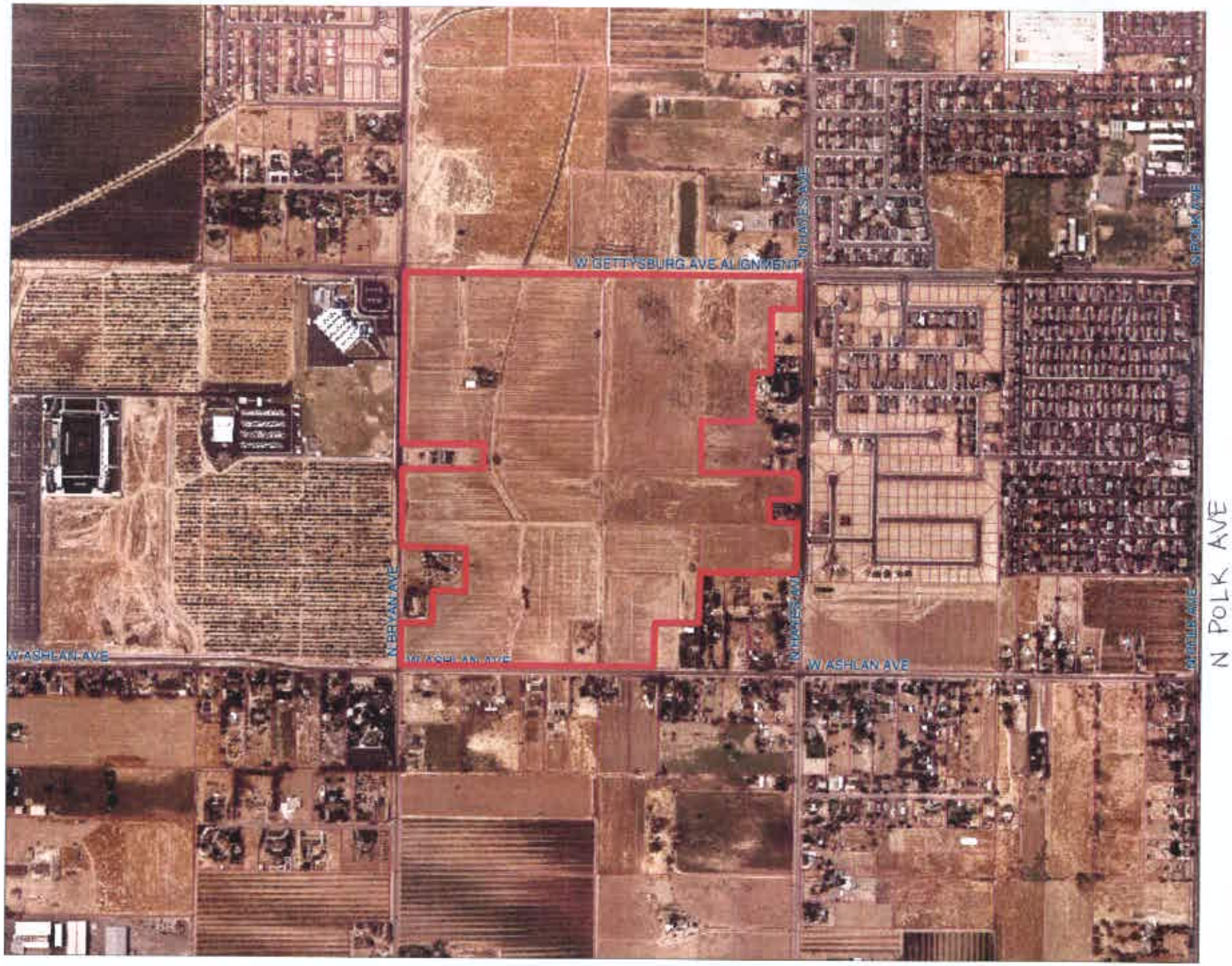
PLANNING & DEVELOPMENT DEPARTMENT

A.P.N.: 311-070-01,07,17, 19,39,48,50,54

ZONE MAP: 2044

BY/DATE: D.N. / 12-11-07

57



SCALE 1 : 10,540

1,000 0 1,000 2,000 3,000

FEET

N

TRACT No. 5891

PROPOSED LAND USE ACREAGES

DESIGNATION

- MEDIUM-HIGH DENSITY RESIDENTIAL 22.55± ACRES
- MEDIUM DENSITY RESIDENTIAL - 96.24± ACRES
- NEIGHBORHOOD COMMERCIAL - 4.13± ACRES
- PROJECT BOUNDARY
- NET AREA OF PROJECT
- PROPOSED MAJOR STREET DEDICATION

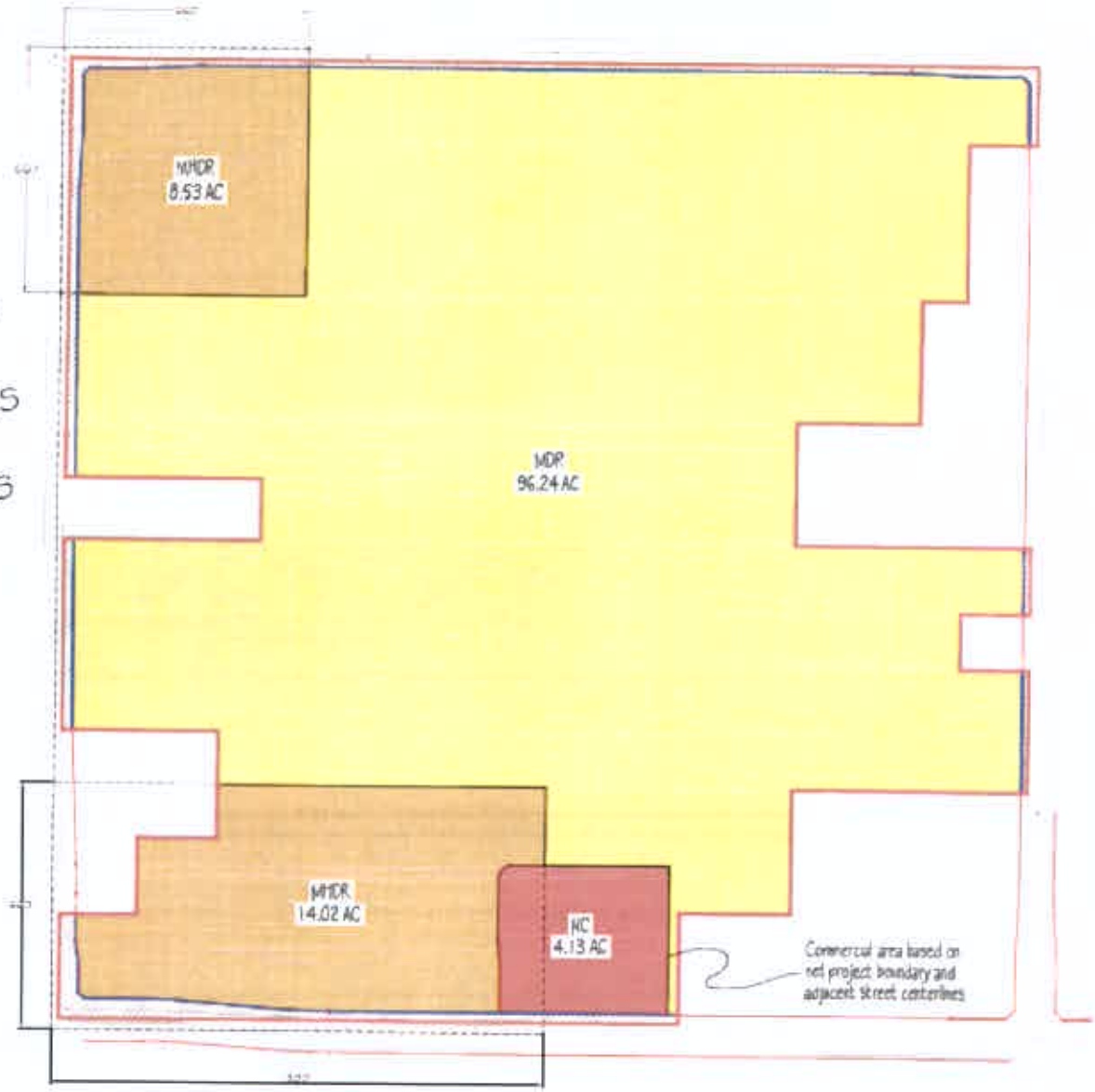
POTENTIAL UNIT COUNT

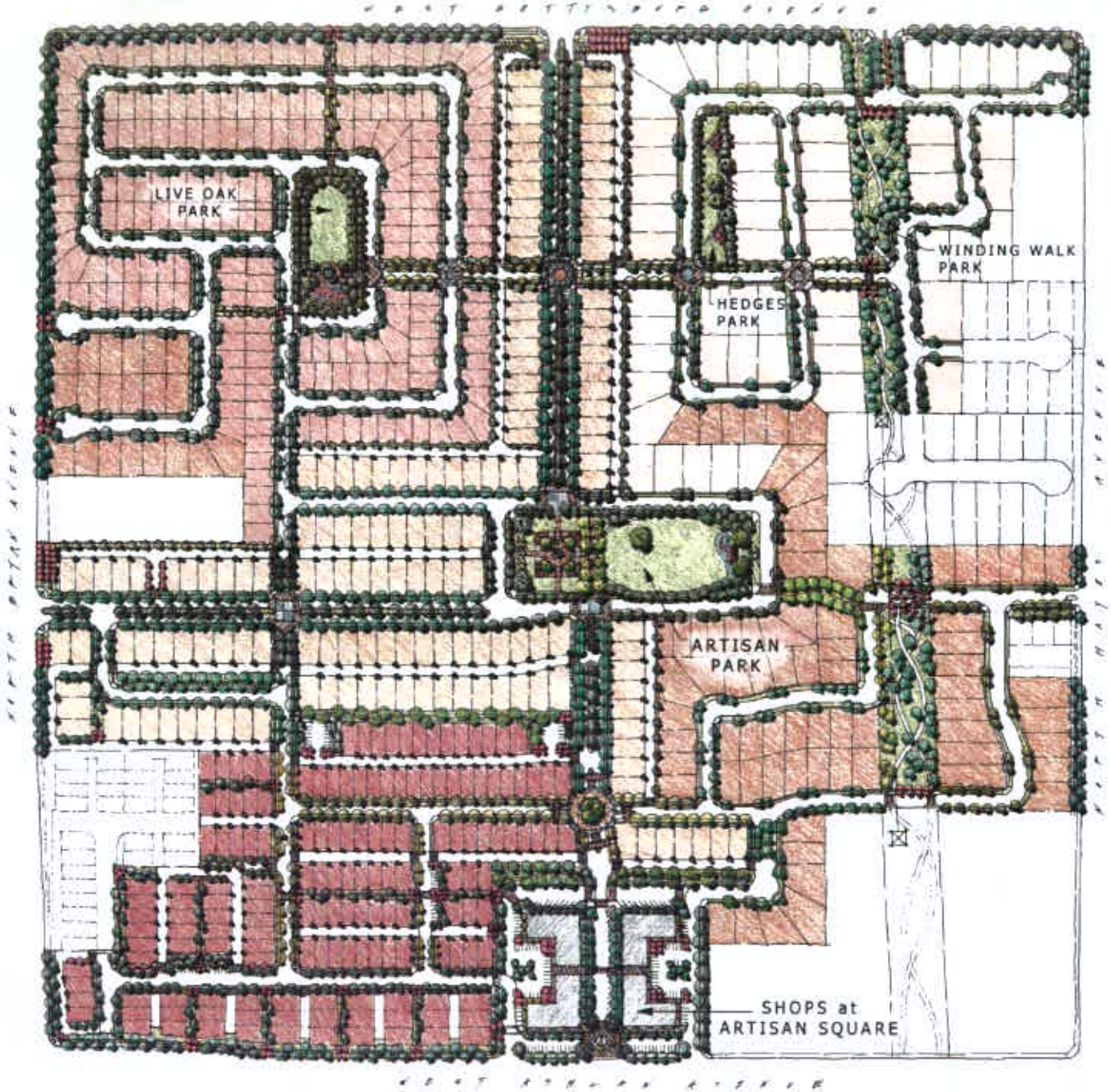
STANDARD DENSITY

MHDR: 22.55 ac. at 10.38-18.15 u/a = 234-409 units
MDR: 96.24 ac. at 4.99-10.37 u/a = 480-998 units
TOTAL: 814-1,407 units

DROP-DOWN DENSITY

MHDR: 22.55 ac. at 4.99-10.37 u/a = 112-233 units
MDR: 96.24 ac. at 2.19-6.00 u/a = 210-577 units
TOTAL: 322-810 units





ARTISAN SQUARE

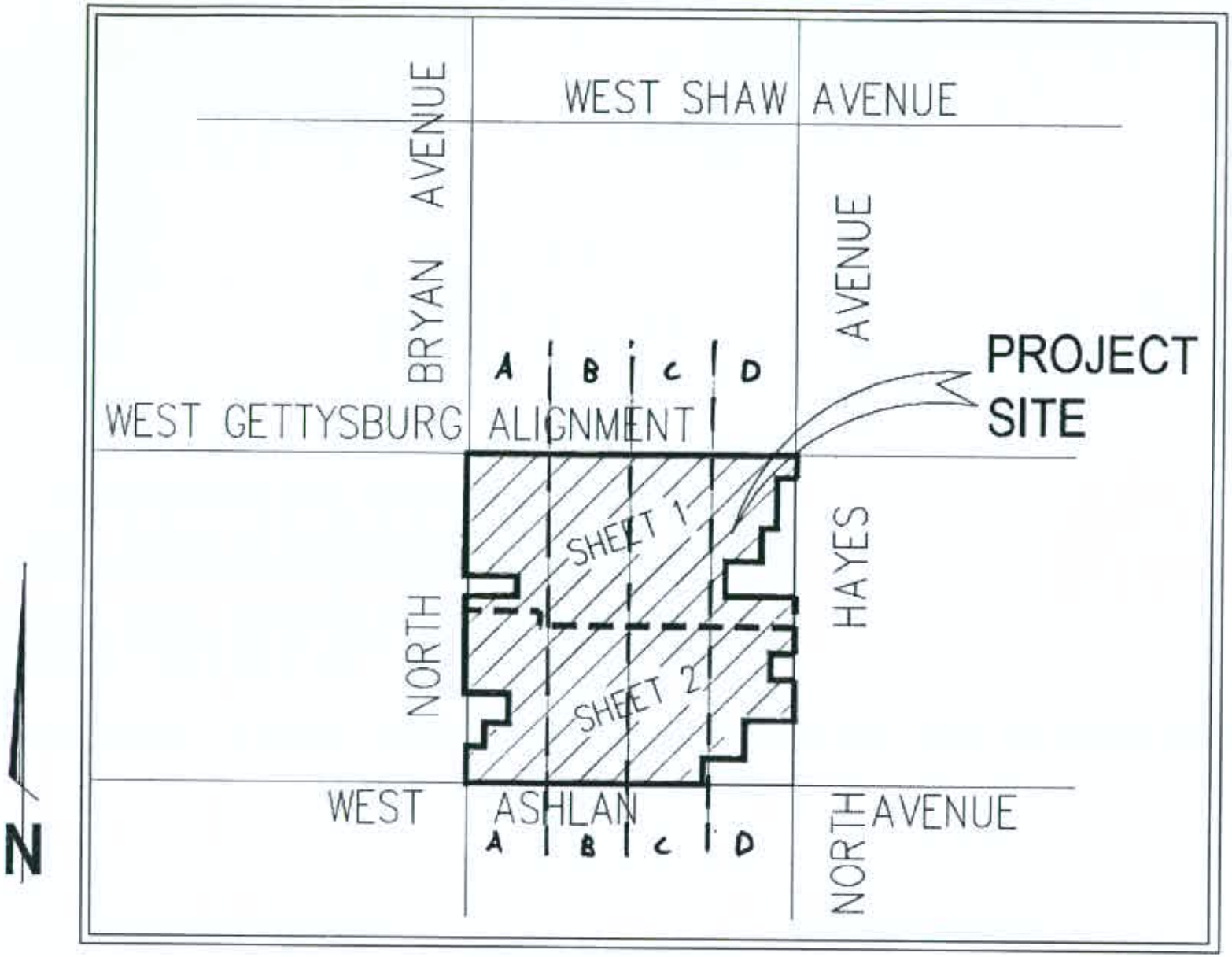
BROUSSARD ASSOCIATES
landscape architects

A VESTING TENTATIVE MAP

TRACT MAP No. 5891

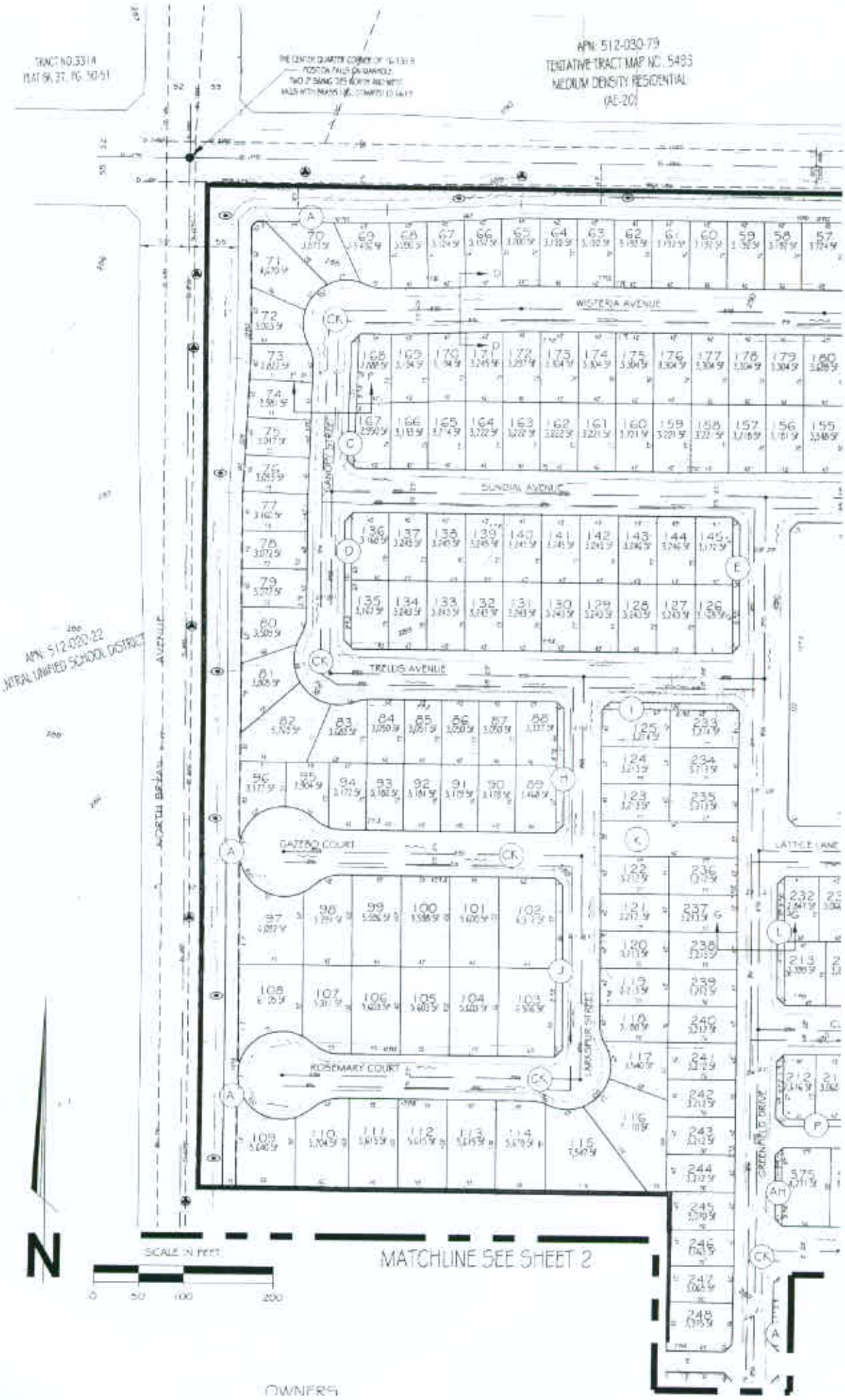
A RESIDENTIAL & COMMERCIAL PLANNED DEVELOPMENT

IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA



VINCINITY MAP

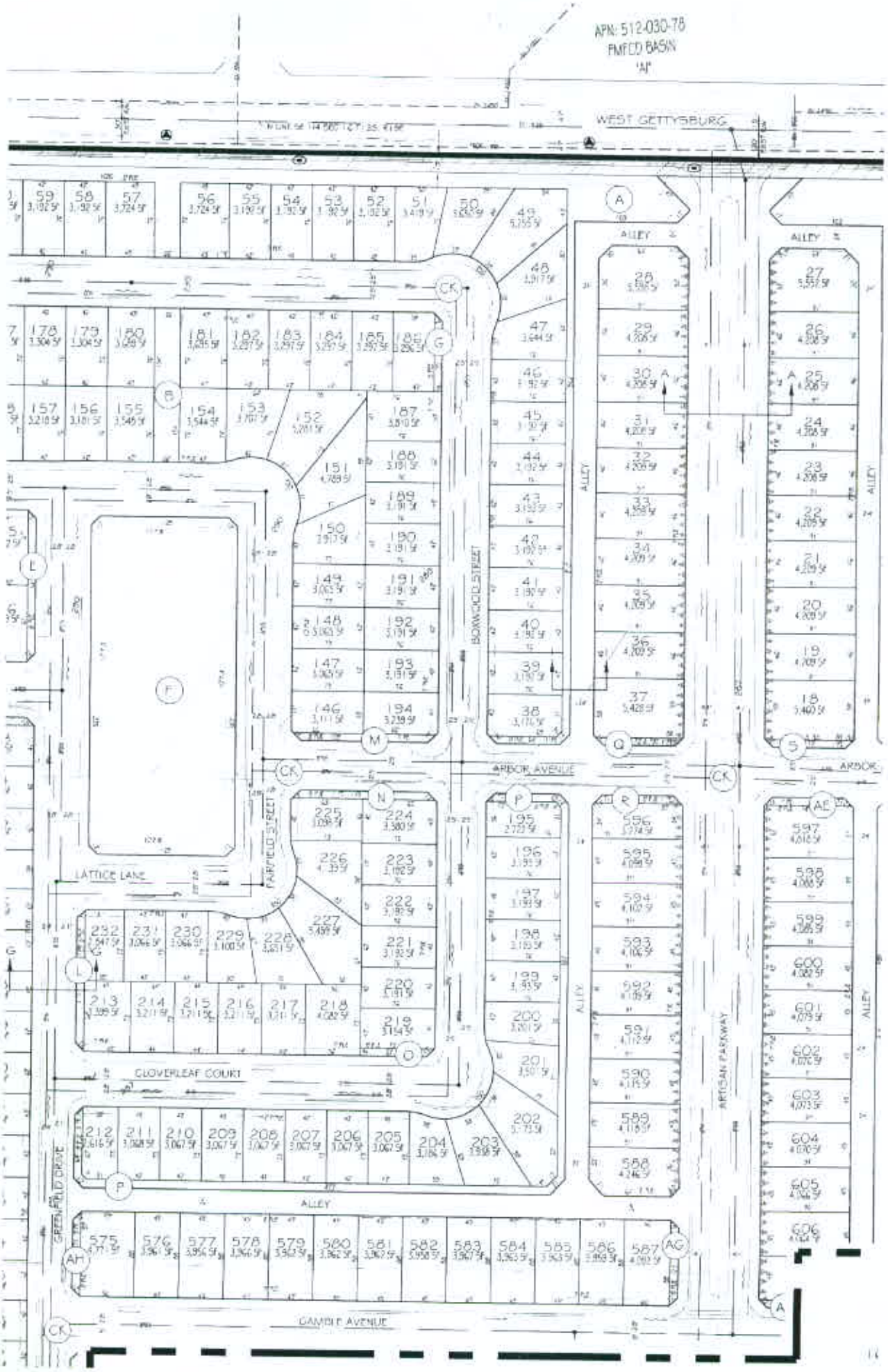
NO SCALE



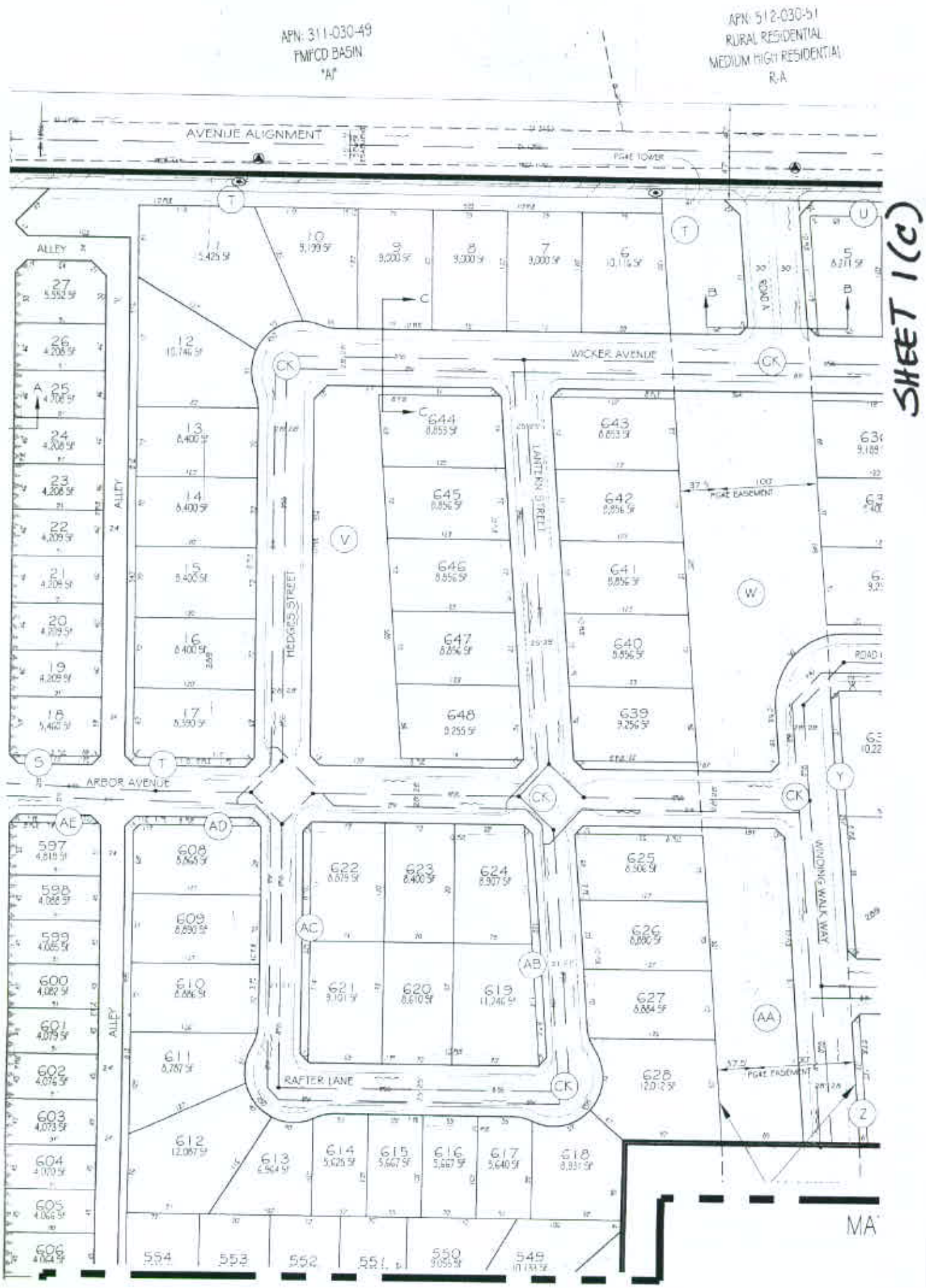
Sheet 1(A)

OWNERS

IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA



SHEET 1 (B)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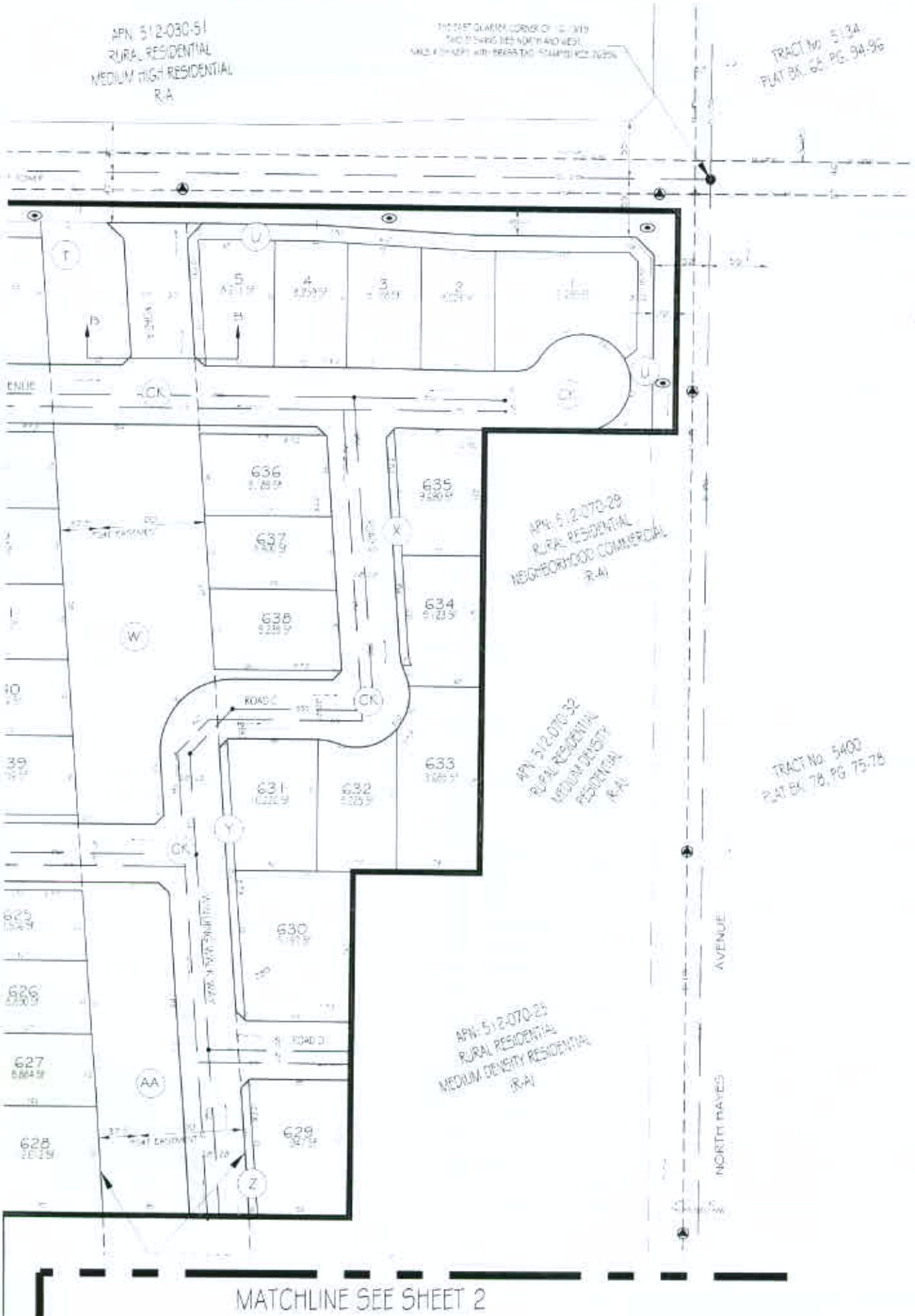
FMFCD BASIN
"A"
APN: 512-030-51
RURAL RESIDENTIAL
MEDIUM HIGH RESIDENTIAL
R-A
AVENUE ALIGNMENT
PG&E TOWER
ALLEY
WICKER AVENUE
HEDGES STREET
LANTERN STREET
PG&E EASEMENT
ARBOR AVENUE
WINDING WALK WAY
RAFTER LANE
MA
SHEET 1(c)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MEDIUM HIGH RESIDENTIAL
R-A
TRACT NO. 5134
PLAT BK. 62, PG. 94-96
636
637
638
635
634
633
631
632
630
629
628
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626
625
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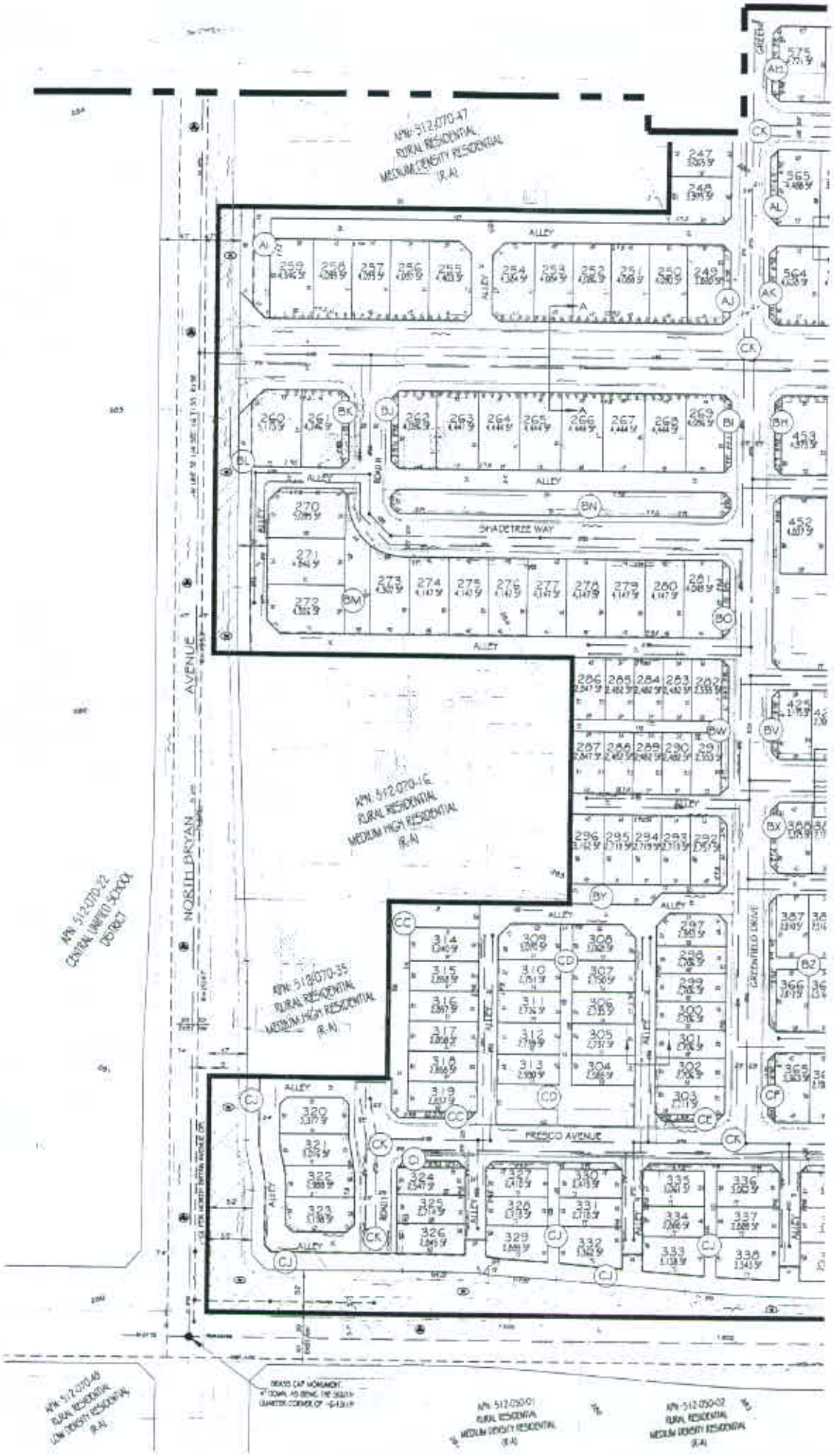
RURAL RESIDENTIAL
NEIGHBORHOOD COMMERCIAL
R-A
APN: 512-070-32
RURAL RESIDENTIAL
MEDIUM DENSITY
RESIDENTIAL
R-A
TRACT NO. 5402
PLAT BK. 78, PG. 75-78
APN: 512-070-23
RURAL RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL
(R-A)
NORTH HAYES AVENUE
ROAD C
ROAD D
MATCHLINE SEE SHEET 2

SHEET 1(A)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(R-A)
ALLEY
SHADETREE WAY
APN: 512-070-16
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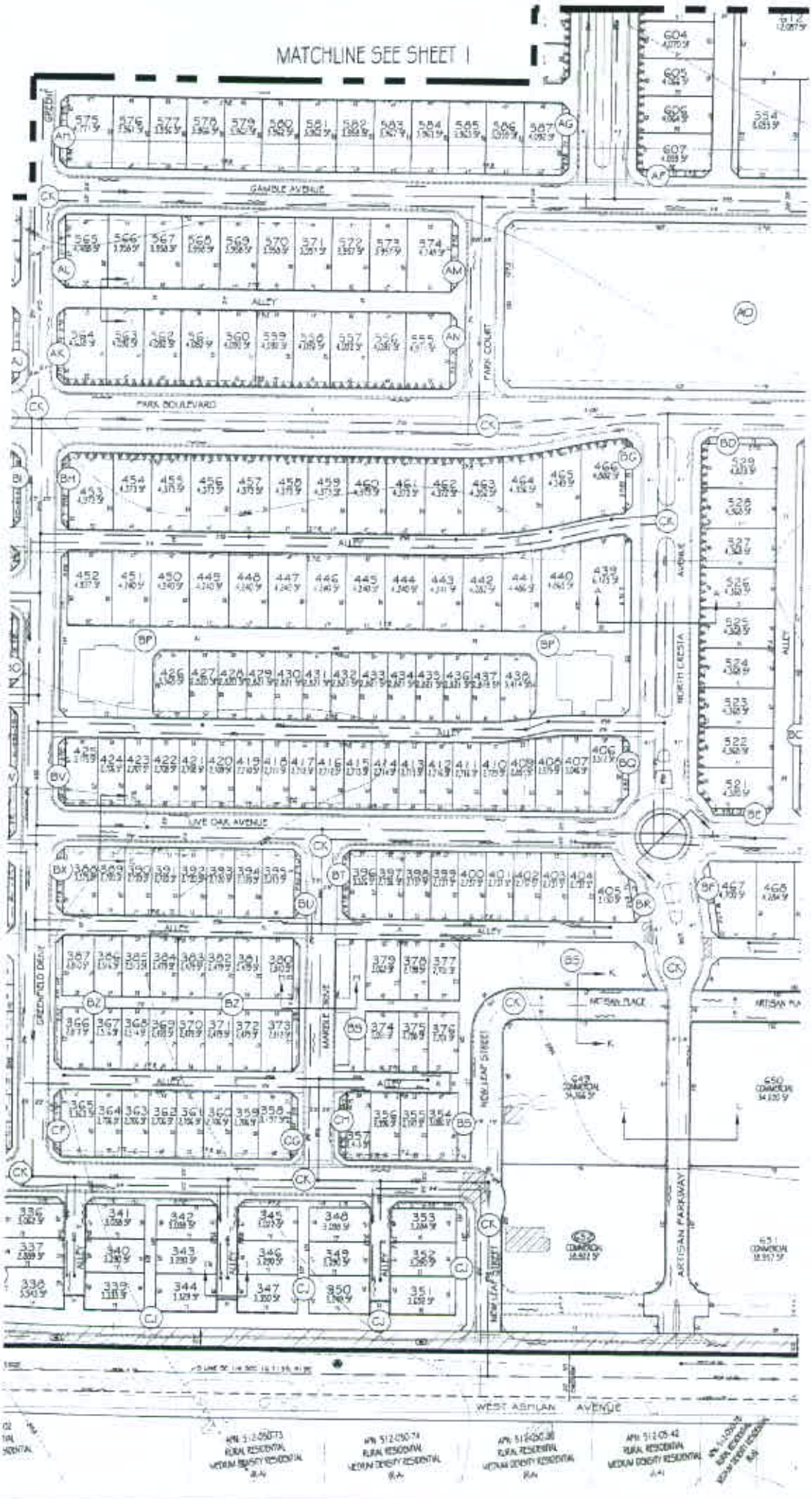
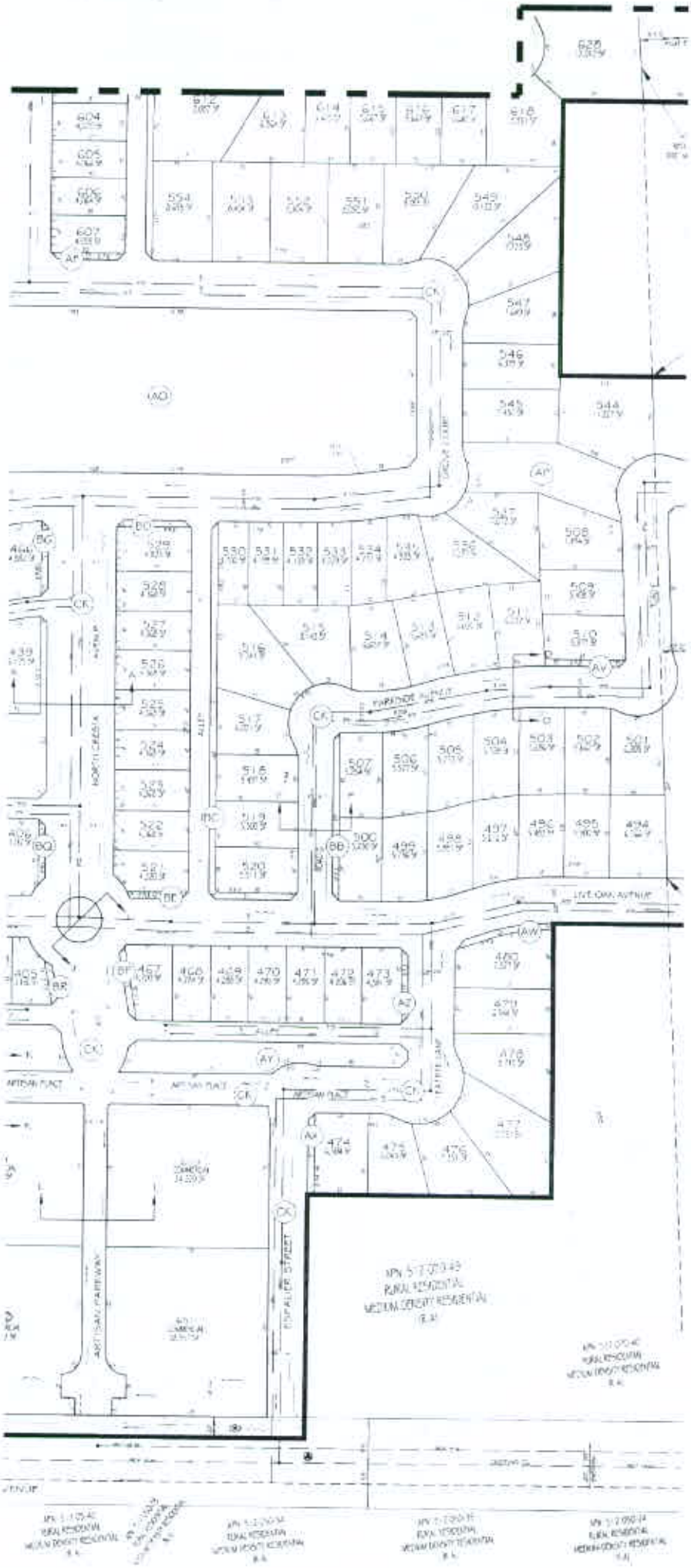
MEDIUM HIGH RESIDENTIAL
(R-A)
APN: 512-070-35
RURAL RESIDENTIAL
MEDIUM HIGH RESIDENTIAL
(R-A)
APN: 512-070-22
CENTRAL UNIFIED SCHOOL
DISTRICT
NORTH BRYAN AVENUE
PRESCO AVENUE
GREENFIELD DRIVE
APN: 512-070-45
RURAL RESIDENTIAL
LOW DENSITY RESIDENTIAL
(R-A)
BRASS CAP MONUMENT
APN: 512-050-01
RURAL RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL
(R-A)
APN: 512-050-02
RURAL RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL
(R-A)

SHEET 2(A)

67

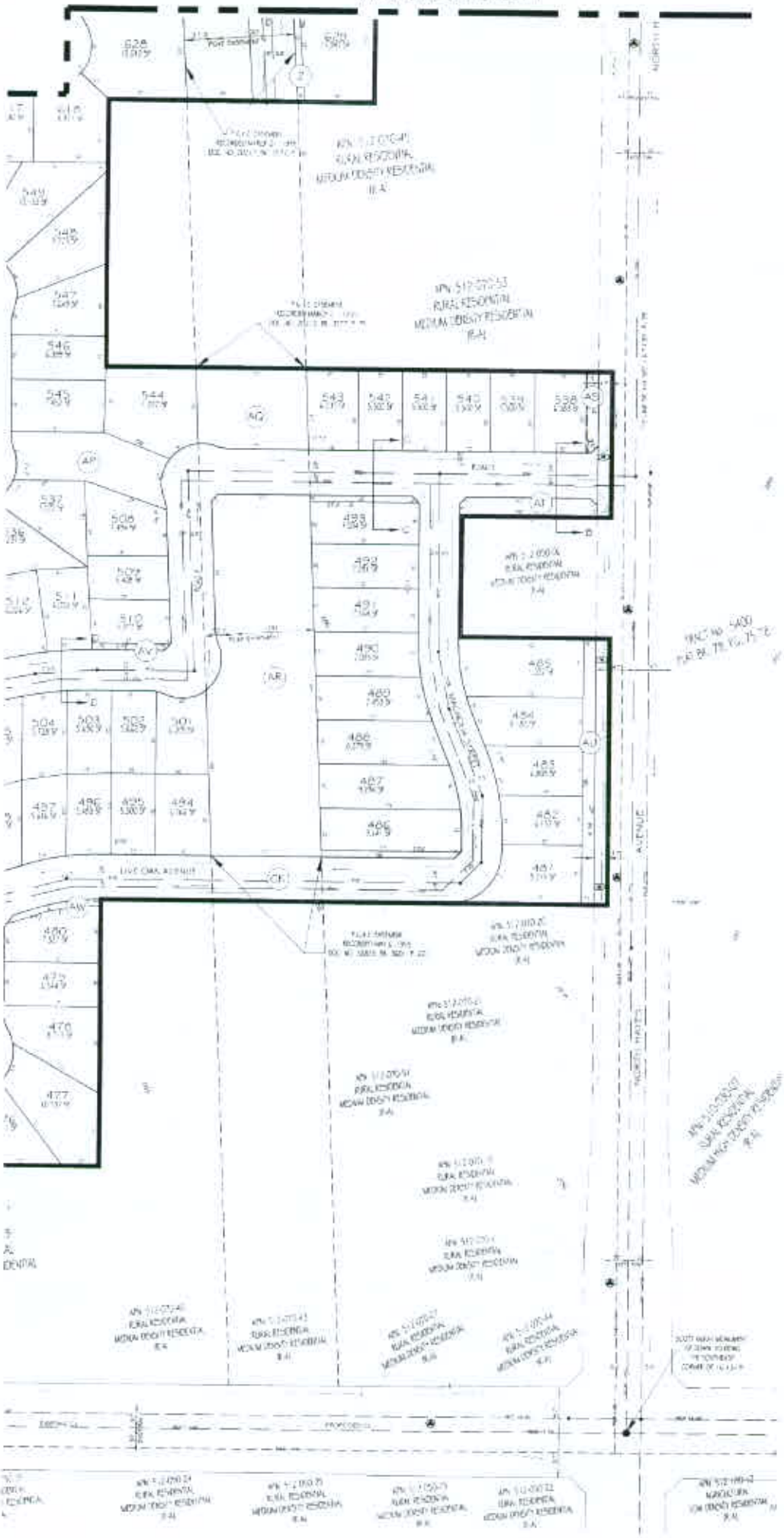

MATCHLINE SEE SHEET 1
GAMBLE AVENUE
ALLEY
PARK BOULEVARD
PARK COURT
NORTH CRESTA
LIVE OAK AVENUE
GREENFIELD DRIVE
MARBLE DRIVE
NEW LEAF STREET
ARTISAN PARKWAY
WEST ASHLAN AVENUE

SHEET 2 (B)


NORTH CREEK
ALLEY
FAIRVIEW AVENUE
LIVE OAK AVENUE
ARTISAN PLACE
ARTISAN PARKWAY
ESPALIER STREET
COMMERCIAL
RURAL RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL

SHEET 2(c)

MATCHLINE SEE SHEET 1



SHEET 2(b)

CONDITIONAL USE PERMIT

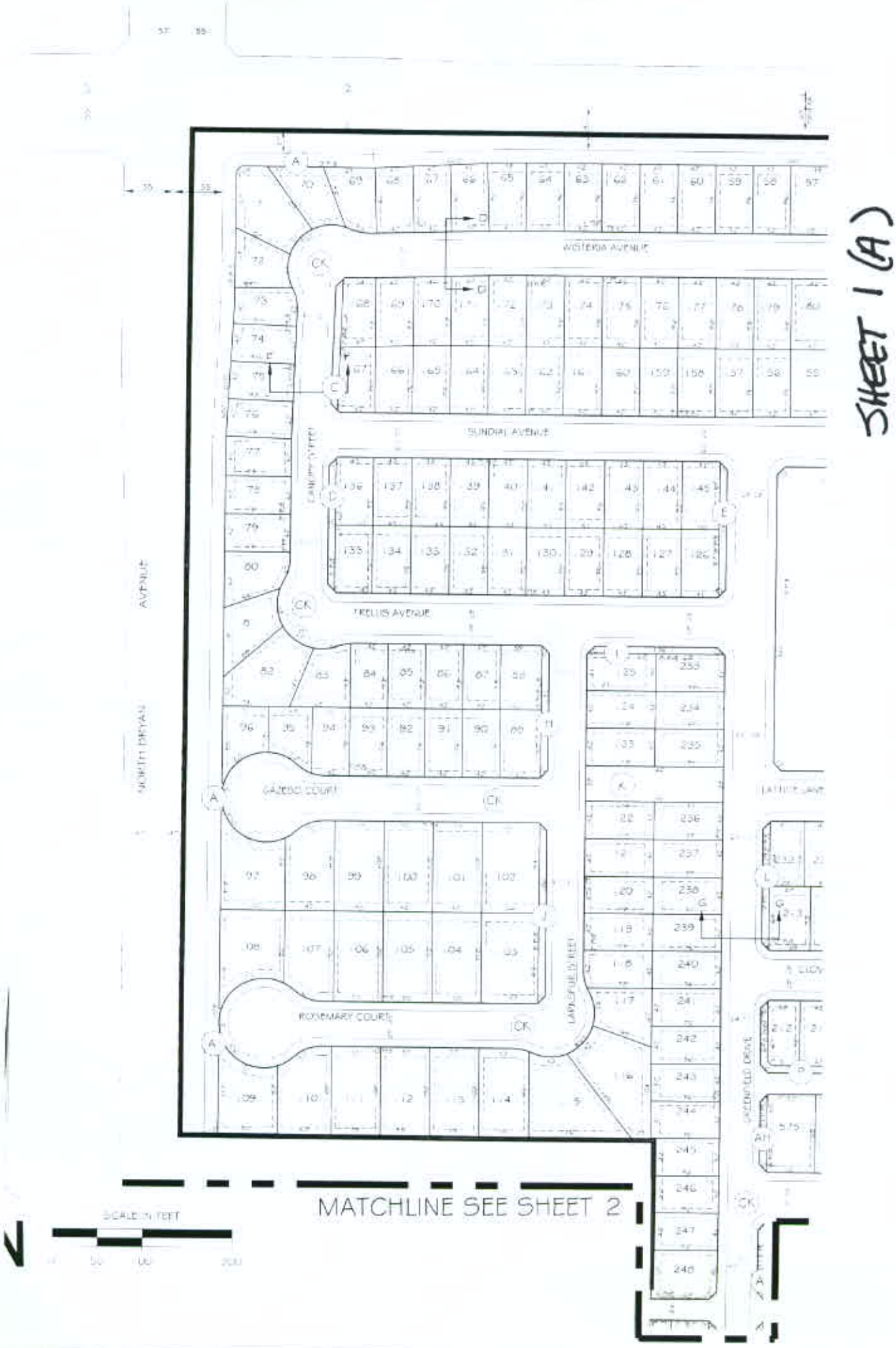
TRACT MAP No. 5891

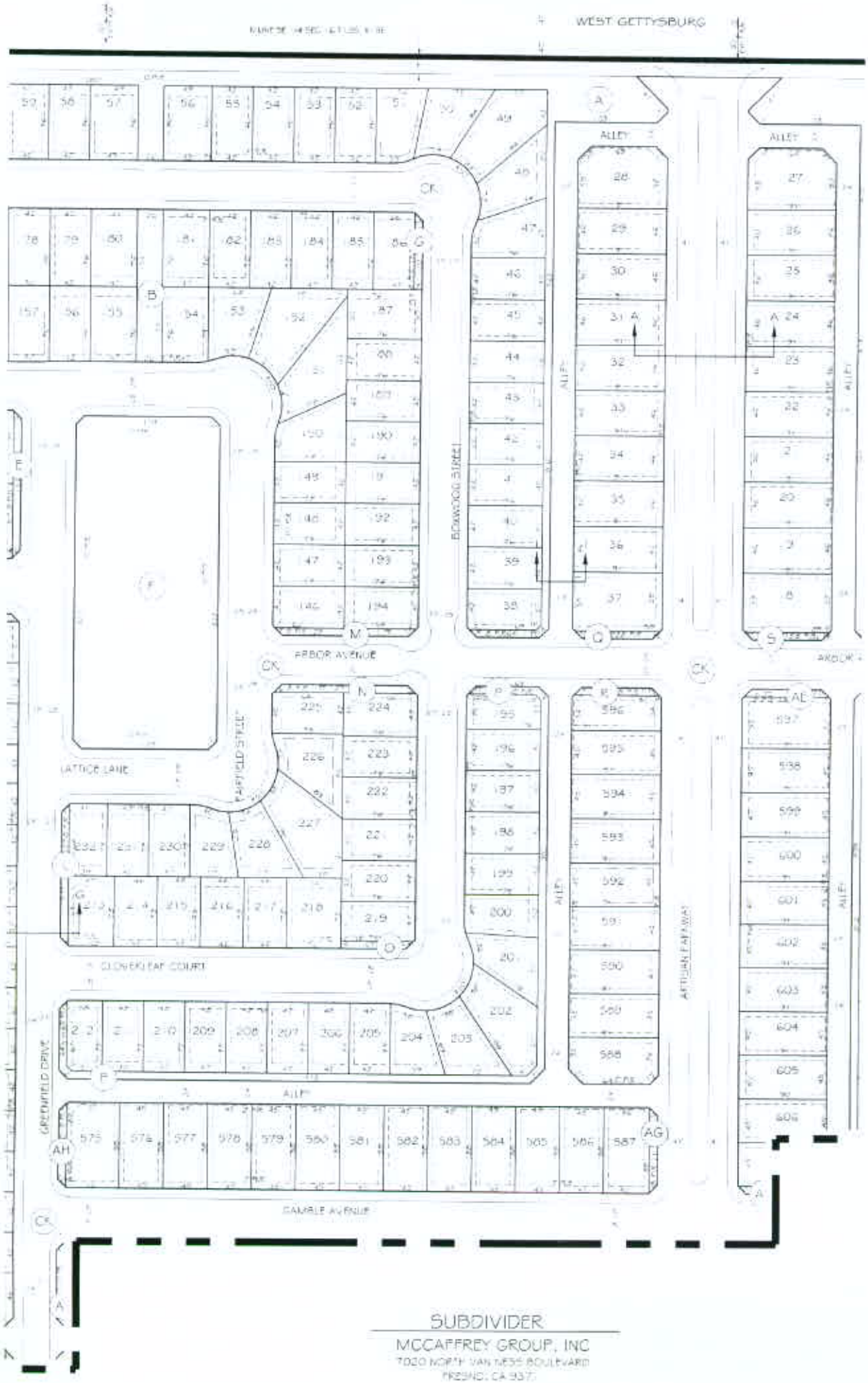
A RESIDENTIAL & COMMERCIAL

PLANNED DEVELOPMENT

IN THE CITY OF FRESNO

FRESNO COUNTY, CALIFORNIA


SHEET 1 (A)
WISTERIA AVENUE
SUNDIAL AVENUE
TRELLIS AVENUE
GAZEBO COURT
ROSEMARY COURT
LANDFORD STREET
NORTH DRIVE
AVENUE
MATCHLINE SEE SHEET 2
SCALE IN FEET



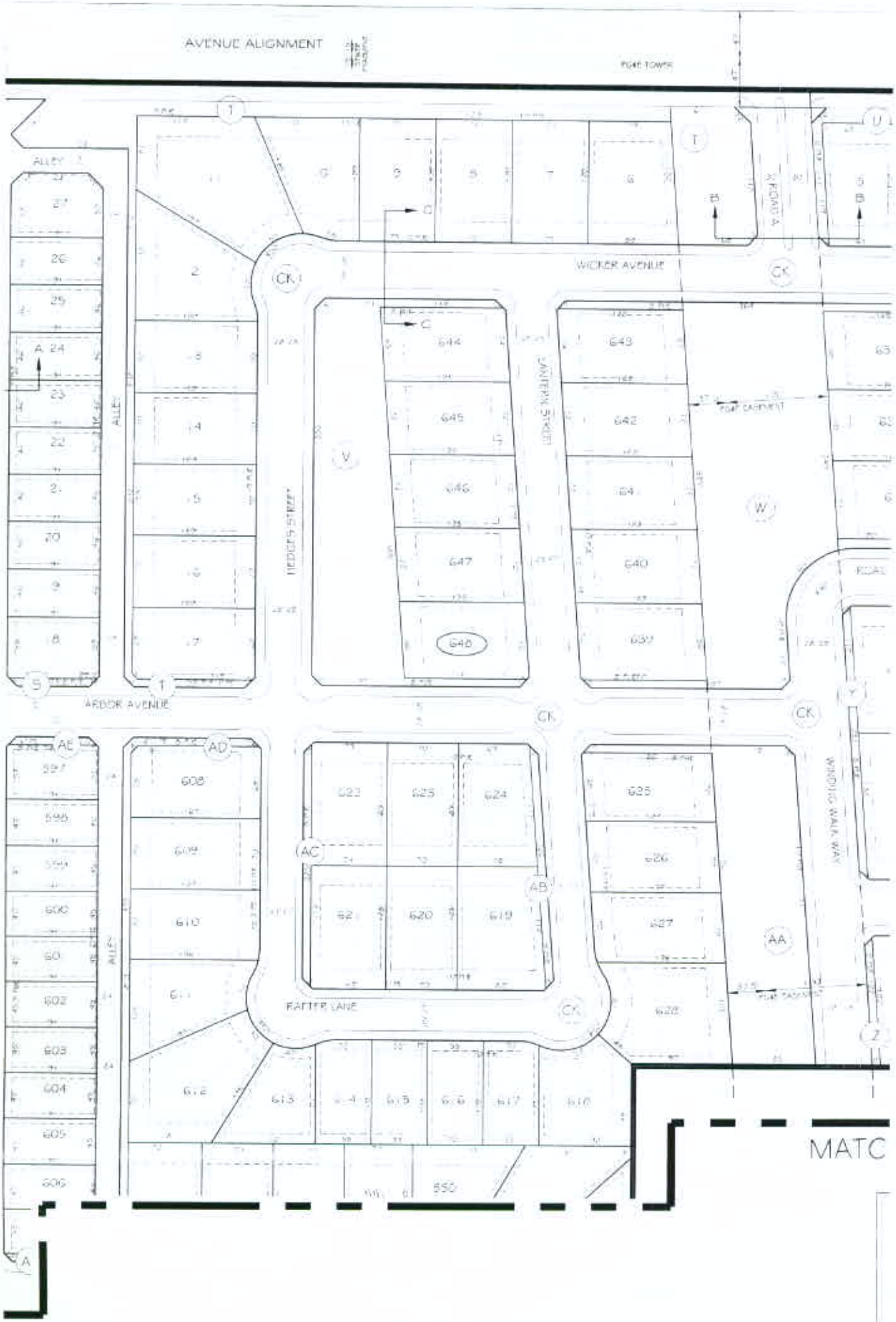
SHEET 1(B)

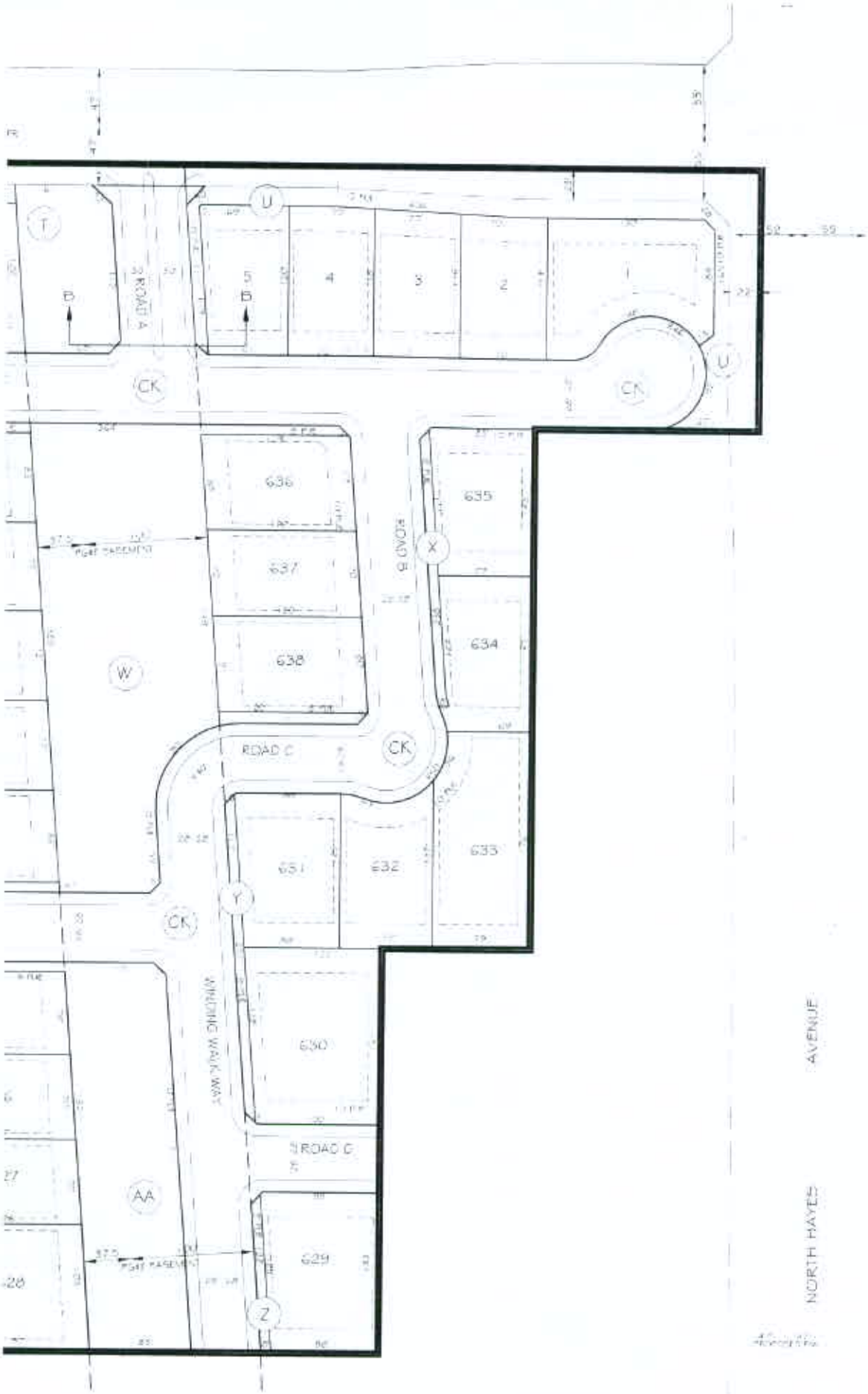
SUBDIVIDER

MCCAFFREY GROUP, INC

7020 NORTH VAN NESS BOULEVARD

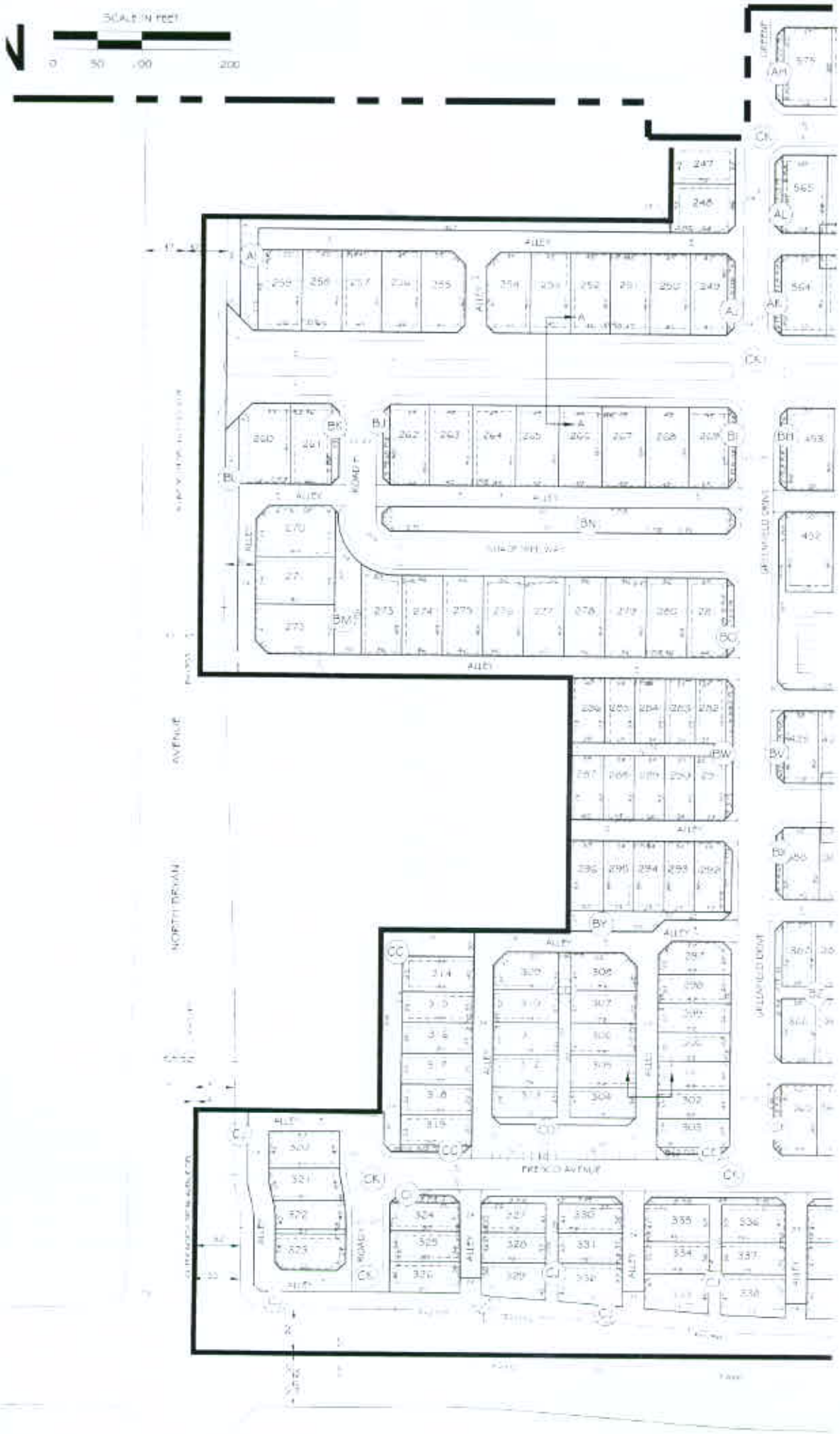
FRESNO, CA 937


AVENUE ALIGNMENT
WICKER AVENUE
ARDOR AVENUE
ALLEY
RATTER LANE
WINDING WALK WAY
MATC
SHEET 1(c)

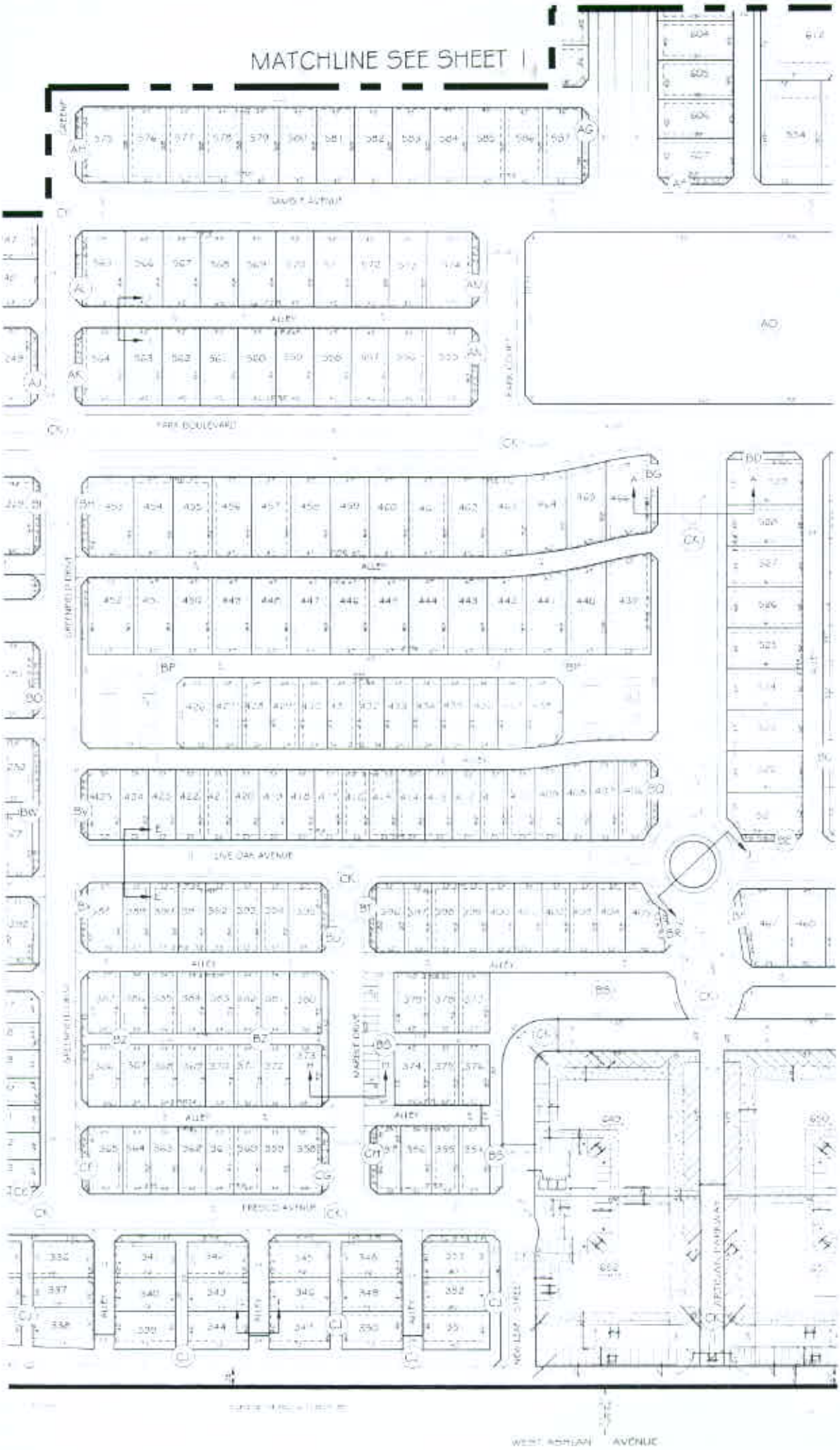


SHEET 1 (D)

MATCHLINE SEE SHEET 2


SCALE IN FEET
0 50 100 200
ALLEY
ROAD F
NORTH DRIVE
AVENUE
GREENFIELD DRIVE
FRESCO AVENUE

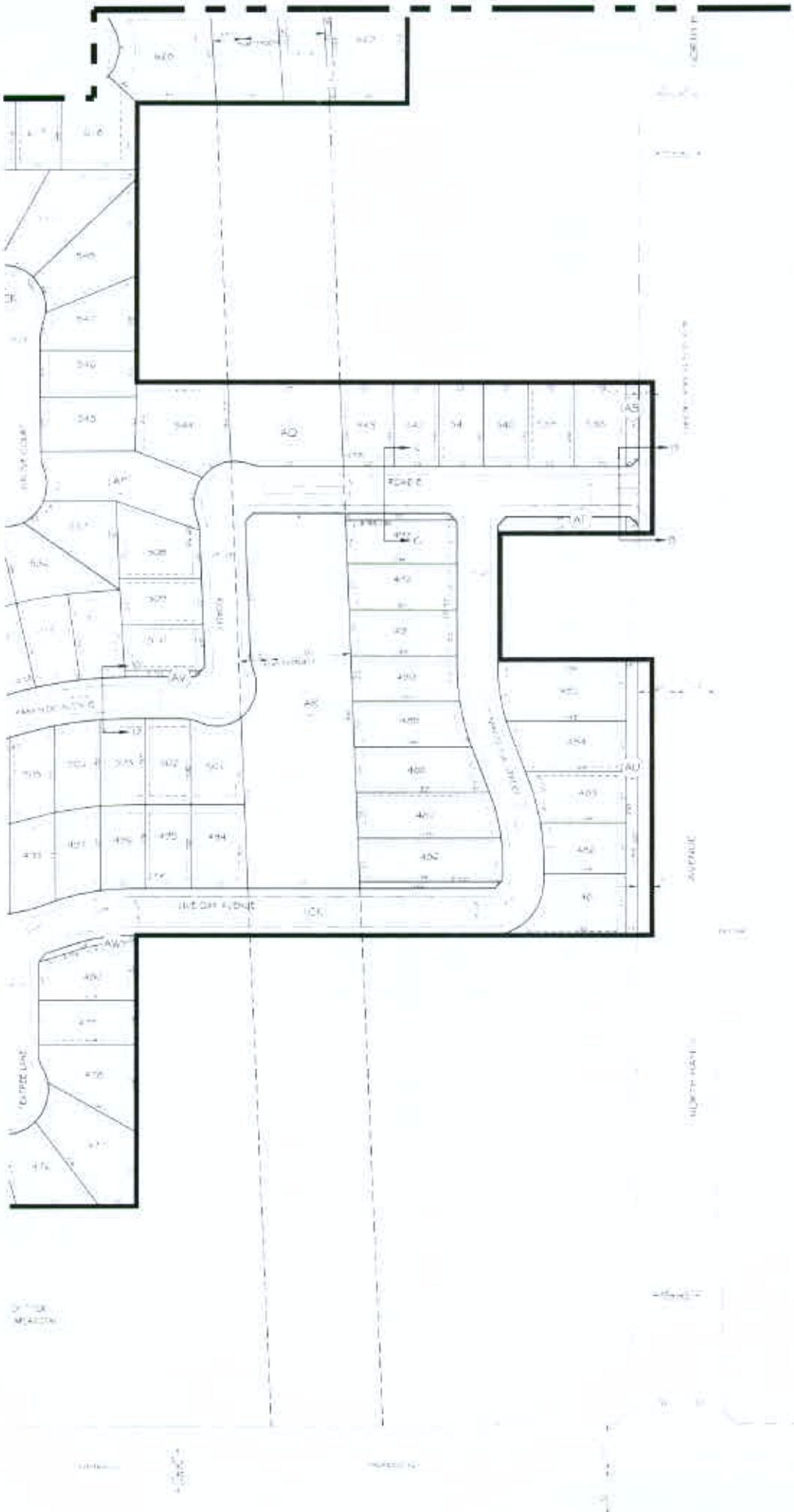
SHEET 2(A)


MATCHLINE SEE SHEET 1
SHEET 2 (B)
ALLEY
PARK BOULEVARD
LIVE OAK AVENUE
FRESNO AVENUE
WEST ADRIAN AVENUE

ARTISAN PARKWAY
ARTISAN PLACE
PARADISE AVENUE
ROAD 14
ALLEY
ALLEY LANE
EAST ALLEY STREET
SEE SHEET 4 OF 7 FOR COMMERCIAL AREA DETAIL

SHEET 2(c)

MATCHLINE SEE SHEET 1



SHEET 2 (D)

GENERAL NOTES:

1. ALL EXISTING STRUCTURES SHALL BE REMOVED
2. ALL WELLS, CESSPOOLS, SEPTIC TANKS AND SEWER SHALL BE ABANDONED TO CITY/COUNTY REQUIREMENTS
3. EXISTING ZONING IS AE-20
4. PROPOSED ZONING IS R-1/UGM/cz, R-2/UGM/cz, and C-1/UGM/cz
5. THE PROPERTY CURRENTLY CONTAINS VINEYARDS, SINGLE-FAMILY RESIDENTIAL, AND IDLE AGRICULTURAL LAND
6. SOURCE OF WATER SUPPLY SHALL BE THE CITY OF FRESNO
7. SOURCE OF SEWER DISPOSAL SHALL BE THE CITY OF FRESNO
8. SITE ACREAGE IS 126.89± (GROSS) ACRES , 123.00± (NET) ACRES
9. ALL EXISTING FEATURES SHALL BE REMOVED OR ABANDONED
10. ALL EASEMENTS (SEWER AND ELECTRICAL) SHALL REMAIN
11. PROPOSED AREAS FOR PEDESTRIAN AND BICYCLE PATHS, BASINS, PARKS ARE AS SHOWN OR AS PER CITY STANDARD P-69
12. THE TRACT IS SURROUNDED BY FOUR MAJOR STREETS
13. ALL EXISTING SEWER AND WATER SHALL REMAIN
14. ALL INTERIOR ROADS SHALL CARRY TWO-WAY TRAFFIC
15. ALL PROPOSED LOT LINES SHALL COMPLY WITH R-1 AND R-2 ZONE DISTRICT STANDARDS AND CUP REQUIREMENTS
16. THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE TO THE EXTENT FEASIBLE FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NON-RENEWABLE ENERGY RESOURCES SUCH AS 407 NORTH/SOUTH FACING LOTS (63% OF TOTAL LOT COUNT)
17. ALL PUBLIC UTILITIES (GAS & ELECTRIC - PG&E, TELEPHONE - AT&T, CABLE TELEVISION - COMCAST, AND CITY OF FRESNO WATER AND SEWER) SHALL BE INSTALLED
18. ALL PROPOSED IMPROVEMENTS (SEWER, WATER, STORM DRAIN, CURB, GUTTER, STREETLIGHTS, SIDEWALK, AND PERMANENT PAVEMENT SHALL BE CONSTRUCTED TO CITY STANDARDS
19. DENSITY OF 5.27 UNITS PER ACRE
20. MINIMUM LOT SIZE IS 2,413 SQUARE FEET
21. THERE ARE NO GRADE DIFFERENCES GREATER THAN 6' AS PER SITE SURVEY
22. A SOUND ATTENUATION WALL SHALL BE CONSTRUCTED.
23. ALL INTERIOR ROADS, ALLEYS, AND OPEN SPACE SHALL BE PRIVATELY MAINTAINED
24. ALL INTERIOR ROADS AND ALLEYS SHALL BE CONTAINED WITHIN A PRIVATE EASEMENT PROVIDING FOR PUBLIC USE AND THE INTALLATION AND MAINTENANCE OF PUBLIC AND PRIVATE UNDERGROUND UTILITIES.
24. ALL PROPOSED LOTS SHALL HAVE SIDE AND REAR YARD 5' WOOD FENCING
25. ALL CANAL PIPELINES SHALL BE CRUSHED IN PLACE
26. FIRE HYDRANTS SHALL BE SPACED PER FIRE DEPARTMENT REQUIREMENTS
27. ALL PROPOSED BUILDINGS SHALL BE SINGLE-FAMILY RESIDENTIAL, EXCEPT FOR THE COMMERCIAL LOTS
28. ALL STREET FURNITURE SHALL BE TO CITY OF FRESNO STANDARDS
29. PARKING STALL DESIGN PER CITY OF FRESNO PARKING MANUAL

OWNERS

ASHLAN OF HAYES 1
7020 N. VAN NESS BLVD
FRESNO, CA 93711
Ph.: (559) 256-7000
512-070-01
512-070-175
512-070-19
512-070-46
512-070-50

CIAO PROPERTIES LLC.
1175 W SHAW AVE
FRESNO, CA 93711
Ph. (559) 256-7000
311-070-07
311-070-54

BIGLIONE AZALEA 1190 TRUST
641 W ELLERY AVE.
CLOVIS CA 93612
Ph.: (559) 434-1437
311-070-39

APNs:

512-070-01
512-070-07
512-070-17
512-070-19
512-070-39
512-070-46
512-070-50
512-070-54

SUBDIVIDER

MCCAFFREY GROUP, INC 7020 North
VAN NESS BOULEVARD FRESNO, CA 93711
Ph.: (559) 256-7000

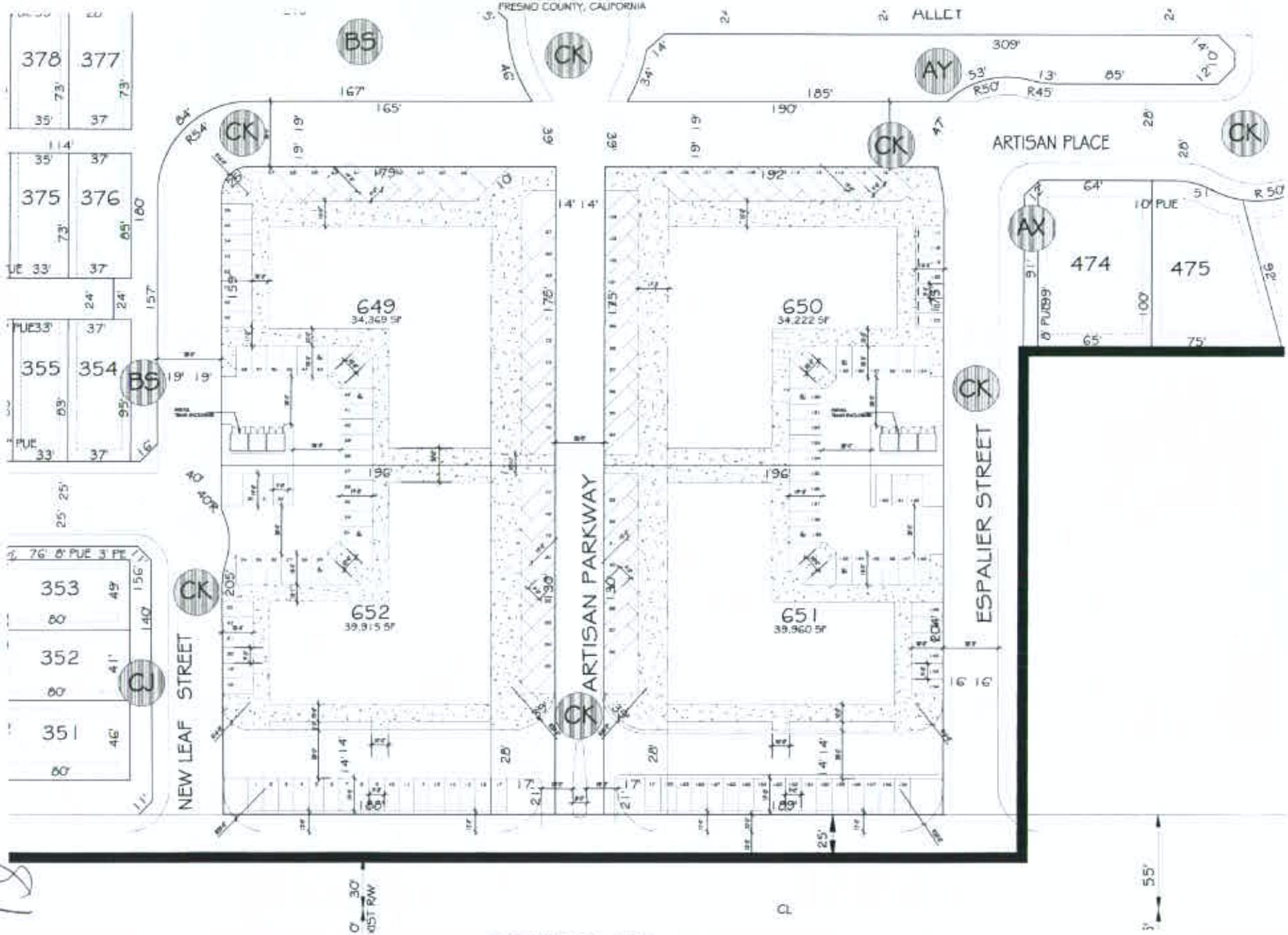
LEGEND

	AREA TO BE DEDICATED FOR STREET PURPOSES
PUE	PUBLIC UTILITY EASEMENT
SS	SANITARY SEWER MAIN
W	WATER MAIN
SD	STORM DRAIN LINE
SF	SQUARE FEET
PE	PEDESTRIAN EASEMENT
	APPROXIMATE LOCATION OF DRAINAGE INLET
	6' SOUND WALL
	RELINQUISH DIRECT VEHICULAR ACCESS
RAW	RIGHT OF WAY
EXIST	EXISTING
	INDICATES STREETS PREVIOUSLY DEDICATED FOR PUBLIC USE
	PUBLIC STREET EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE

CONDITIONAL USE PERMIT

TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL
PLANNED DEVELOPMENT
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA



COMMERCIAL SITE
SCALE=1"=30'

78

CONDITIONAL USE PERMIT

TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL

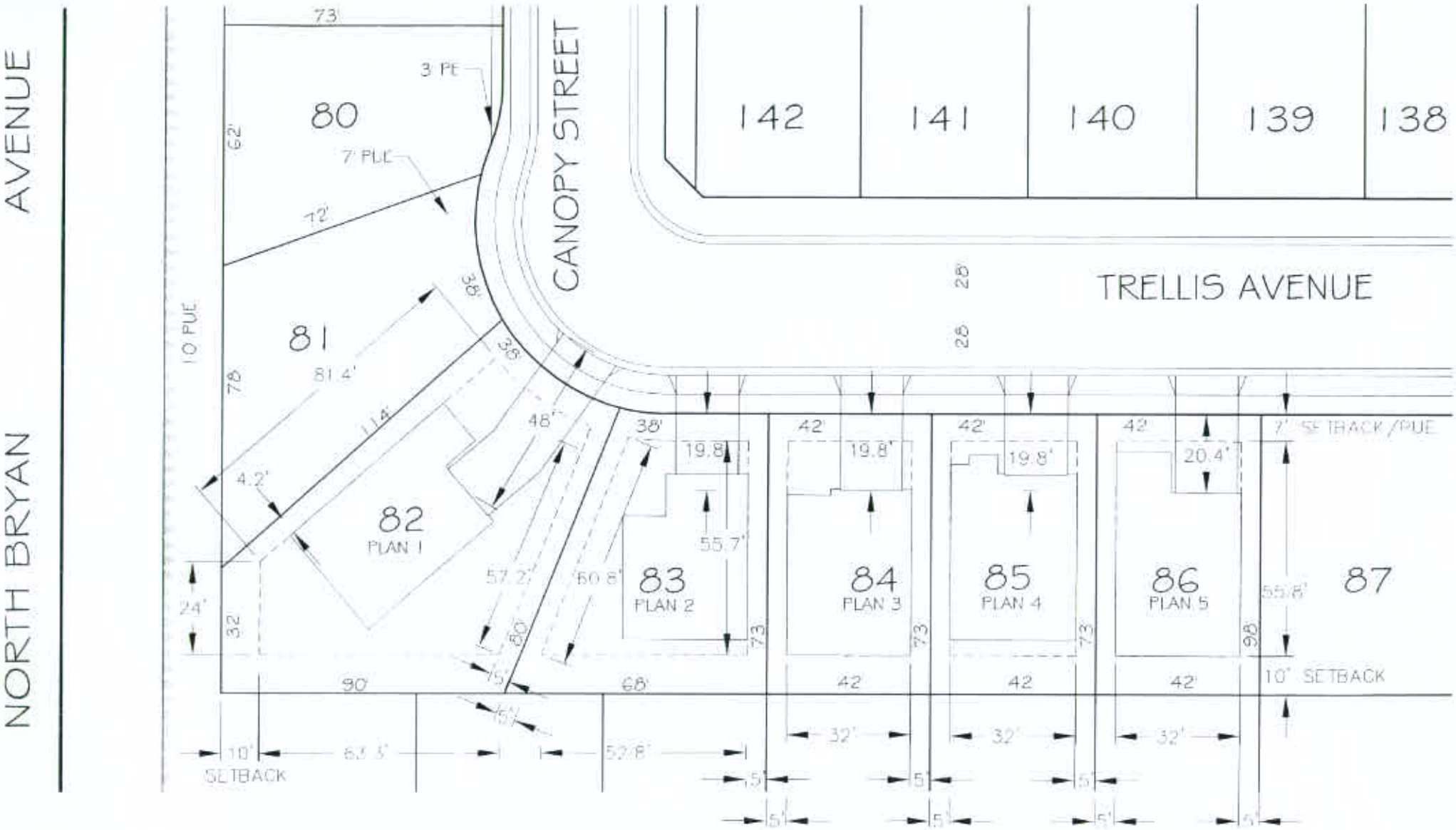
PLANNED DEVELOPMENT

IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA

BUILDING SETBACK DETAILS

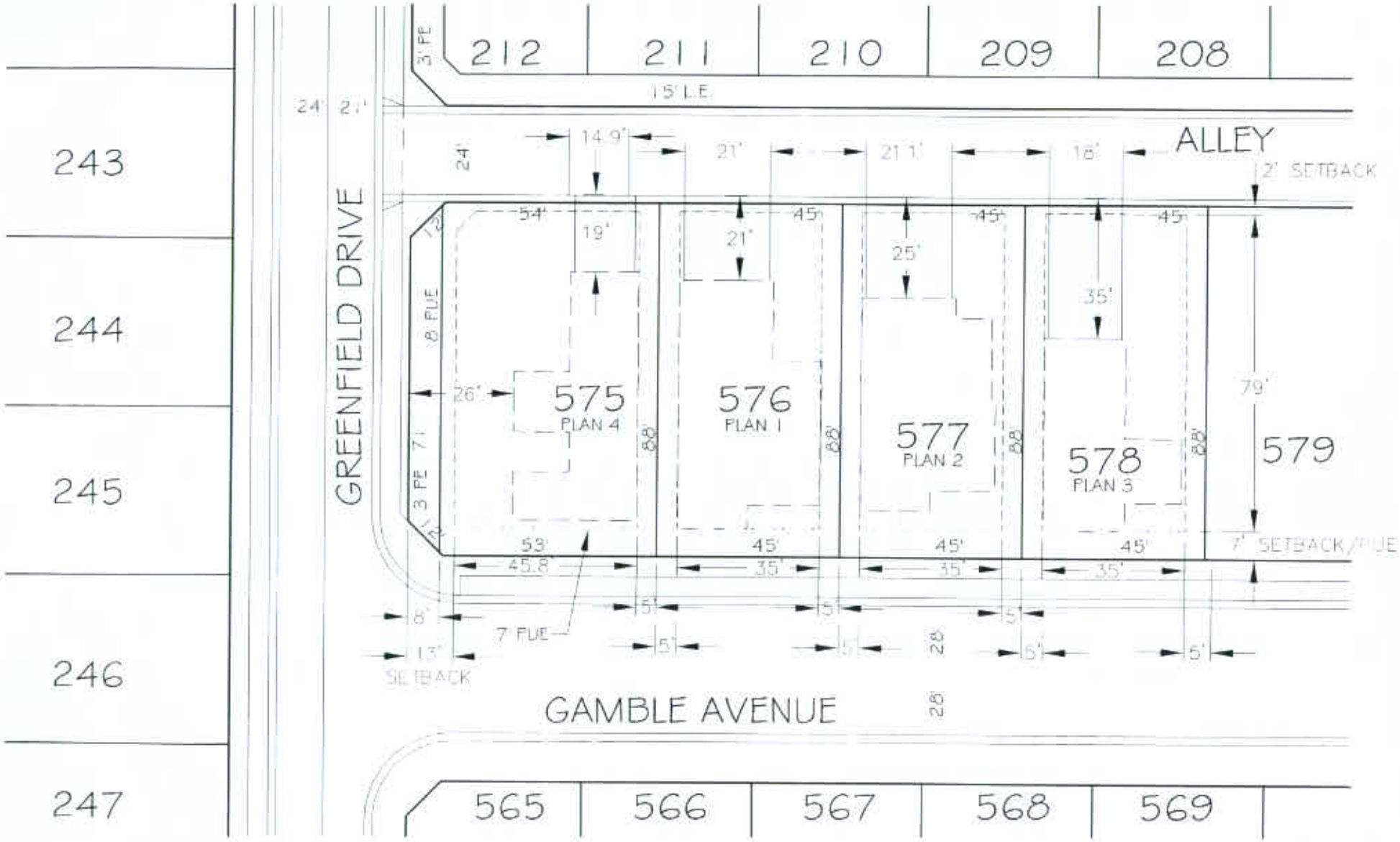
33' X 73' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'



42' X 71' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'

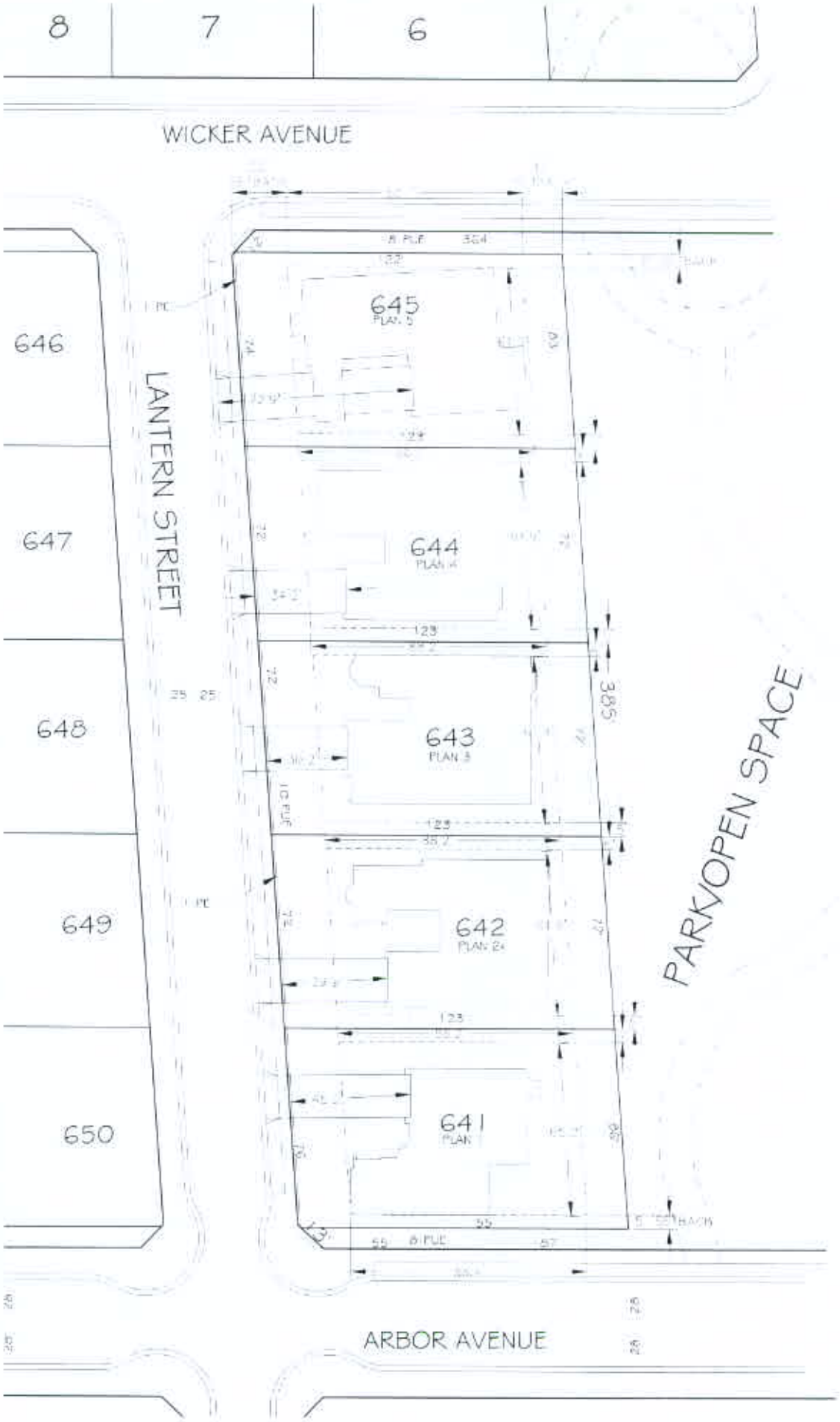


45' X 88' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'

55' X 99' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'



70' X 116' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'

A VESTING TENTATIVE MAP
TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL
PLANNED DEVELOPMENT
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA

OUTLOT TABLES

PARK, OPEN SPACE, & LANDSCAPING OUTLOTS

OUTLOT TABLE

OUTLOT NAME	AREA
A	44,560.77 S.F.
B	4,008.99 S.F.
C	1,106.10 S.F.
D	1,114.63 S.F.
E	1,131.99 S.F.
F	49,587.21 S.F.
G	590.35 S.F.
H	1,110.84 S.F.
I	1,255.42 S.F.
J	1,626.74 S.F.
K	6,009.92 S.F.
L	1,092.80 S.F.
M	1,095.12 S.F.
N	1,094.25 S.F.
O	570.39 S.F.
P	8136.29 S.F.
Q	642.82 S.F.
R	632.42 S.F.
S	647.72 S.F.
T	28,400.01 S.F.
U	11,023.62 S.F.

OUTLOT TABLE

OUTLOT NAME	AREA
V	31,160.76 S.F.
W	50,104.41 S.F.
X	1,755.20 S.F.
Y	2,087.70 S.F.
Z	963.63 S.F.
AA	26,826.57 S.F.
AB	1,869.21 S.F.
AC	1,864.00 S.F.
AD	5,053.37 S.F.
AE	642.72 S.F.
AF	646.33 S.F.
AG	684.12 S.F.
AH	628.86 S.F.
AI	10,192.24 S.F.
AJ	670.80 S.F.
AK	652.24 S.F.
AL	629.10 S.F.
AM	628.80 S.F.
AN	652.53 S.F.
AO	119,417.70 S.F.
AP	11,817.18 S.F.

OUTLOT TABLE

OUTLOT NAME	AREA
AQ	20,326.51 S.F.
AR	60,072.77 S.F.
AS	1,460.11 S.F.
AT	3,983.35 S.F.
AU	4,948.79 S.F.
AV	747.32 S.F.
AW	935.03 S.F.
AX	762.45 S.F.
AY	11,480.32 S.F.
AZ	652.82 S.F.
BB	1,540.69 S.F.
BC	4,331.02 S.F.
BD	652.80 S.F.
BE	543.06 S.F.
BF	666.42 S.F.
BG	651.44 S.F.
BH	669.54 S.F.
BI	675.67 S.F.
BJ	651.81 S.F.
BK	650.59 S.F.
BL	4,106.38 S.F.

OUTLOT TABLE

OUTLOT NAME	AREA
BM	3,650.51 S.F.
BN	11,144.63 S.F.
BO	644.80 S.F.
BQ	560.67 S.F.
BR	377.08 S.F.
BT	588.60 S.F.
BU	593.00 S.F.
BV	582.15 S.F.
BW	3,772.00 S.F.
BX	563.51 S.F.
BY	3,714.37 S.F.
BZ	6,371.09 S.F.
CC	9,035.74 S.F.
CE	560.04 S.F.
CF	581.06 S.F.
CG	609.36 S.F.
CH	859.16 S.F.
CI	807.52 S.F.
CJ	51,344.23 S.F.

COMBINED PARKING, OPEN SPACE, & LANDSCAPE OUTLOTS

OUTLOT TABLE

OUTLOT NAME	AREA (S.F.)
BP	38,378.77 S.F.
BS	24,039.25 S.F.
CD	10,746.99 S.F.

PRIVATE STREET OUTLOT

OUTLOT TABLE

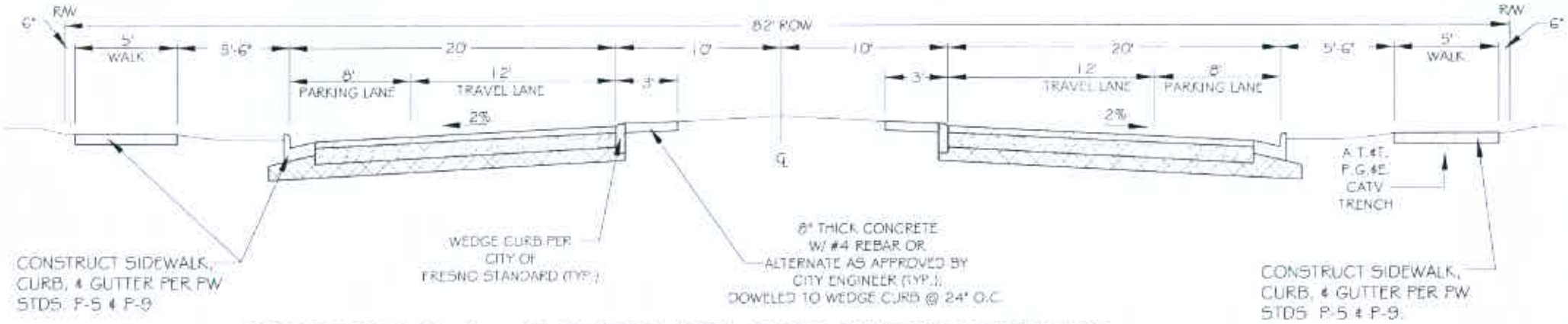
OUTLOT NAME	AREA (S.F.)
CK	1,671,832.80 S.F.

A VESTING TENTATIVE MAP
TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL
PLANNED DEVELOPMENT

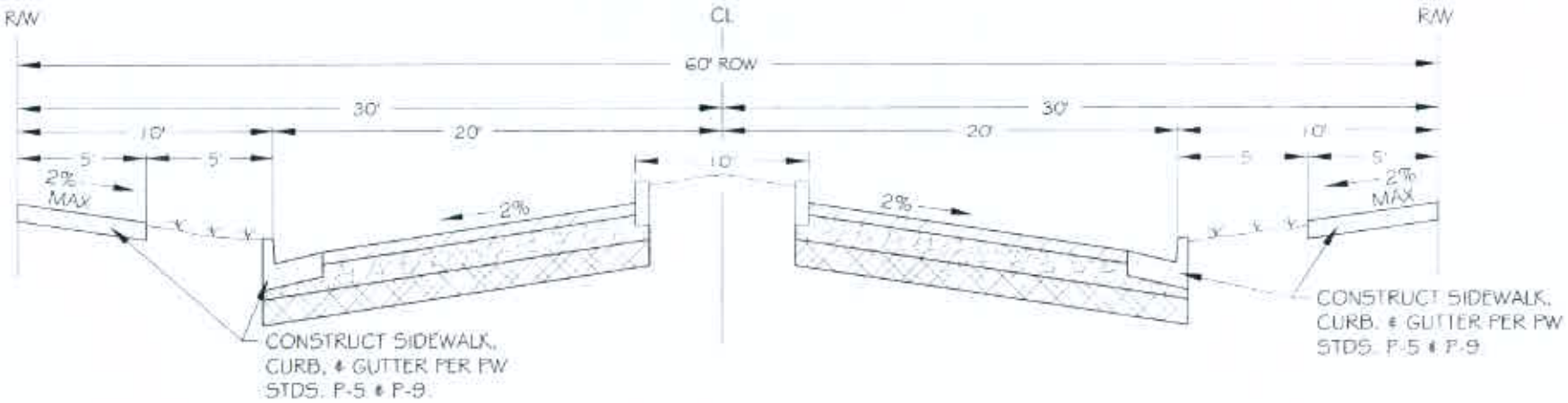
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA

STREET CROSS
SECTION DETAILS



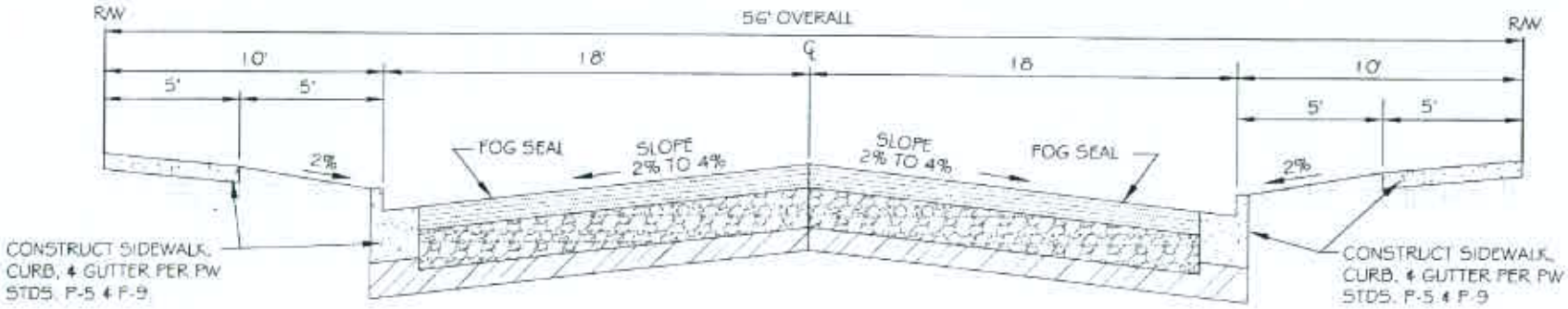
SECTION A-A - 82' BOULEVARD ENTRY STREET

SCALE : N.T.S.



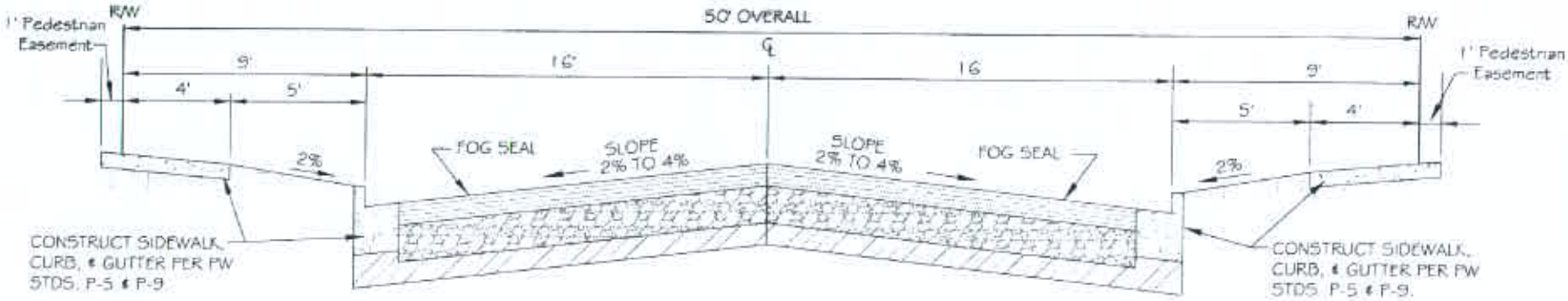
SECTION B-B - 60' ENTRY STREET

SCALE : N.T.S.



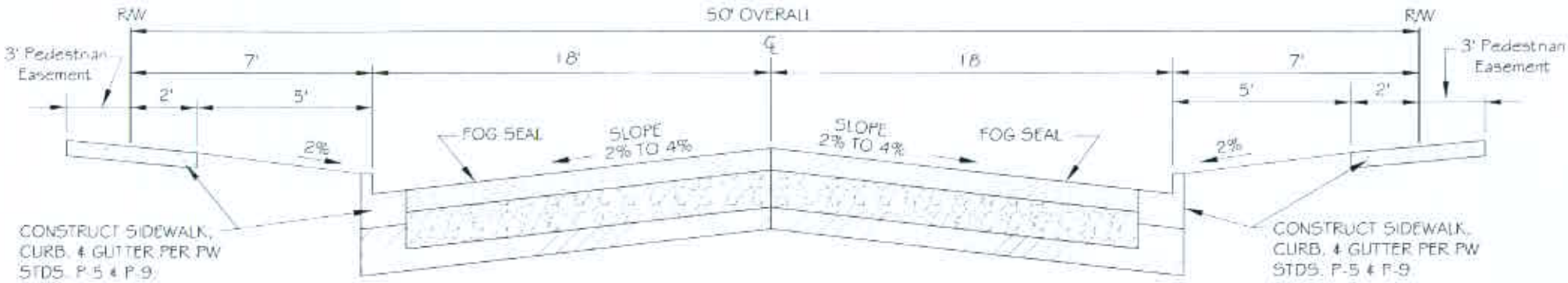
SECTION C-C - 56' LOCAL STREET

SCALE : N.T.S.



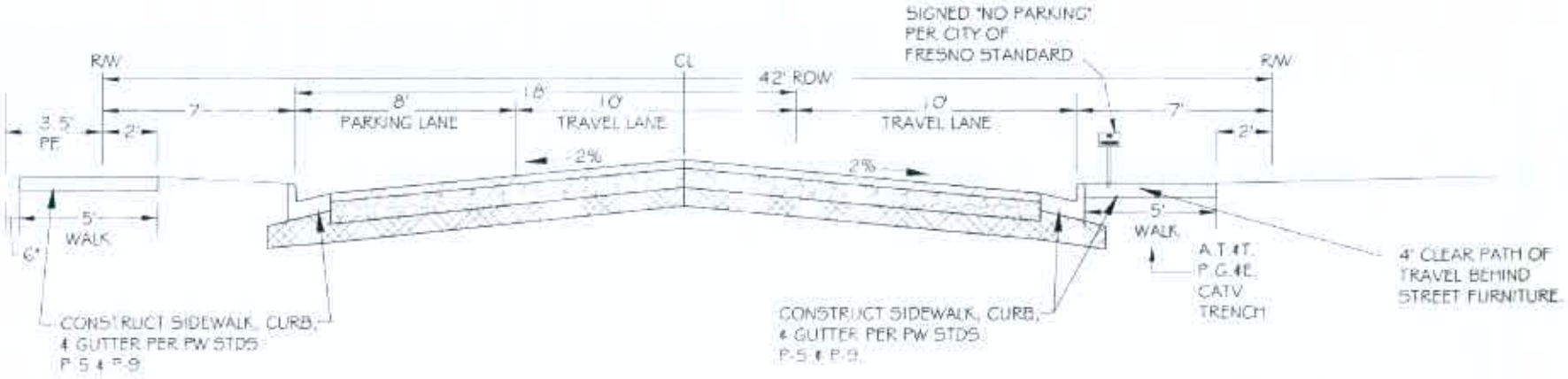
SECTION D-D - 50' LOCAL STREET (32' PAVEMENT)

SCALE : N.T.S.



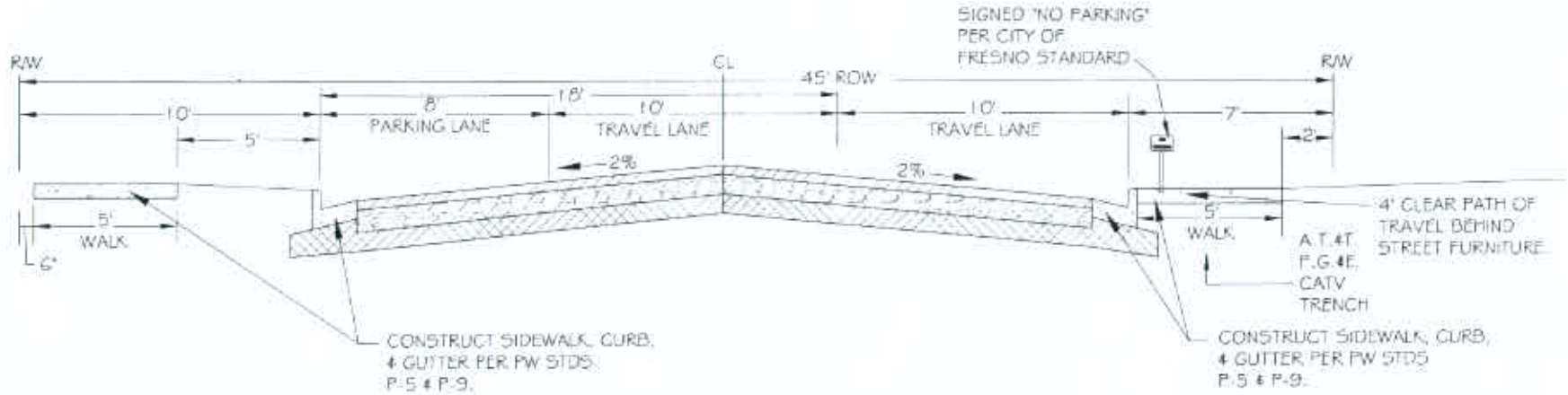
SECTION E-E - 50' LOCAL STREET (36' PAVEMENT)

SCALE : N.T.S.



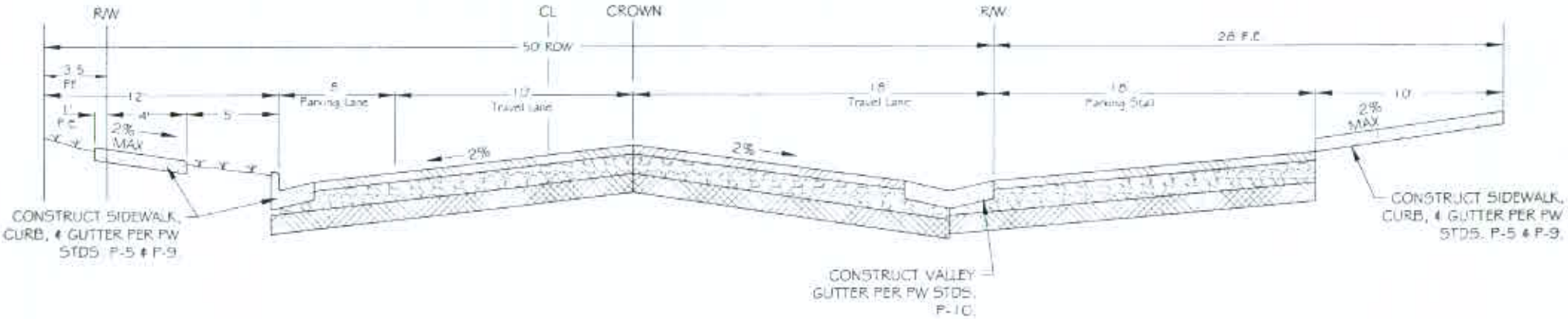
SECTION F-F - 42' LOCAL STREET

SCALE : N.T.S.



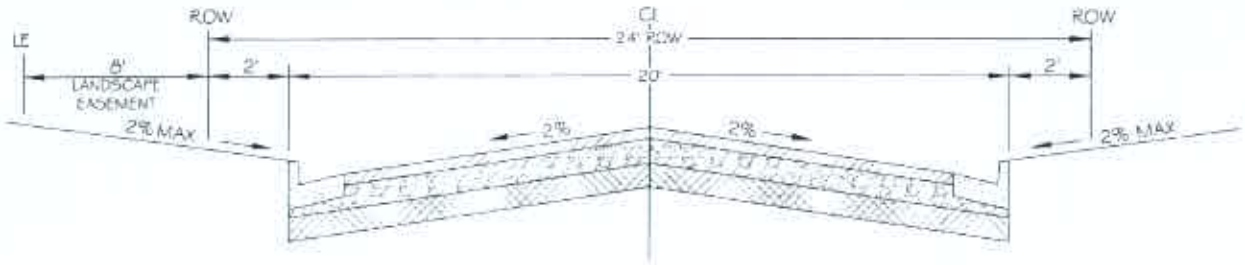
SECTION G-G - 45' LOCAL STREET

SCALE : N.T.S.



SECTION H-H - 50' LOCAL STREET W/ PARKING STALLS

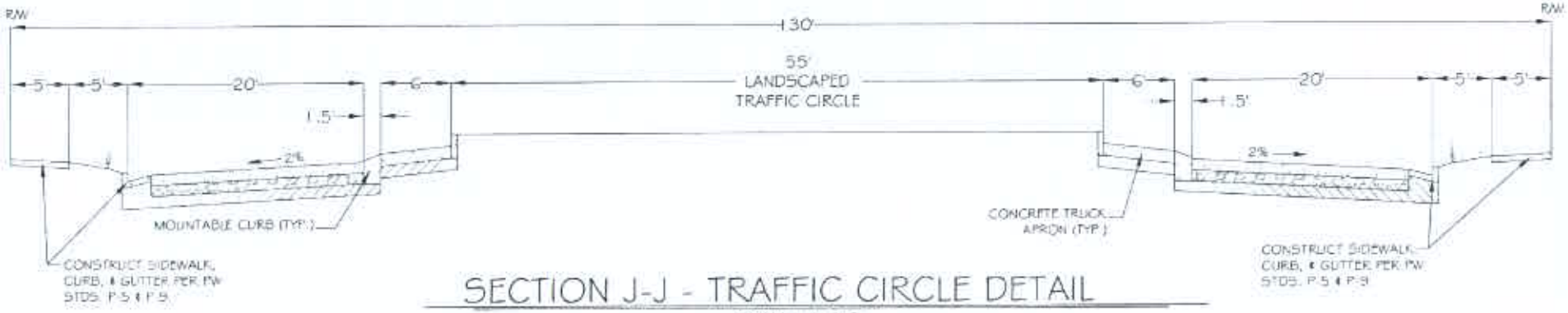
SCALE : N.T.S.



NOTE:
8' LANDSCAPE OUTLOT
ONLY USED WHERE LABELED
ON MAP

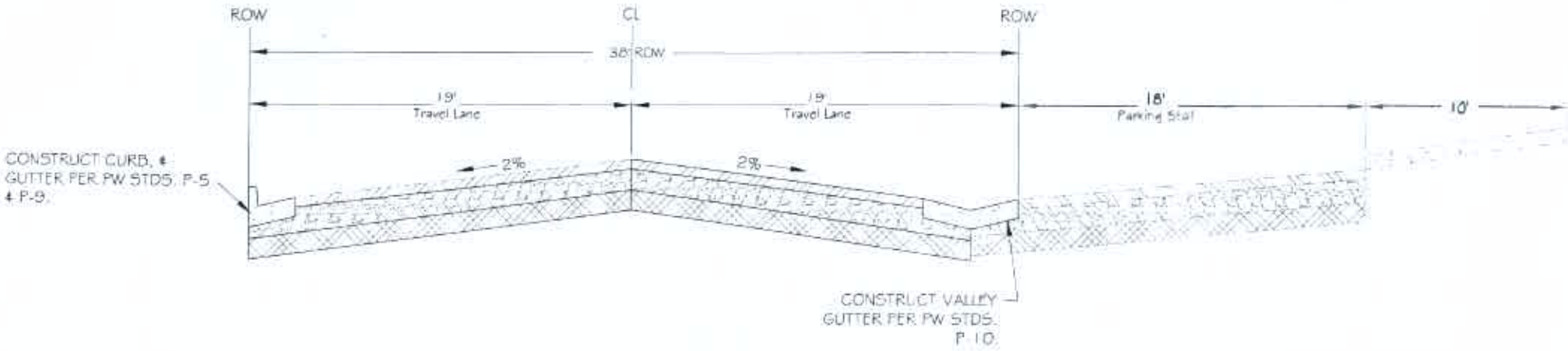
SECTION I-I - 24' TYPICAL ALLEY STREET WAY

SCALE : N.T.S.



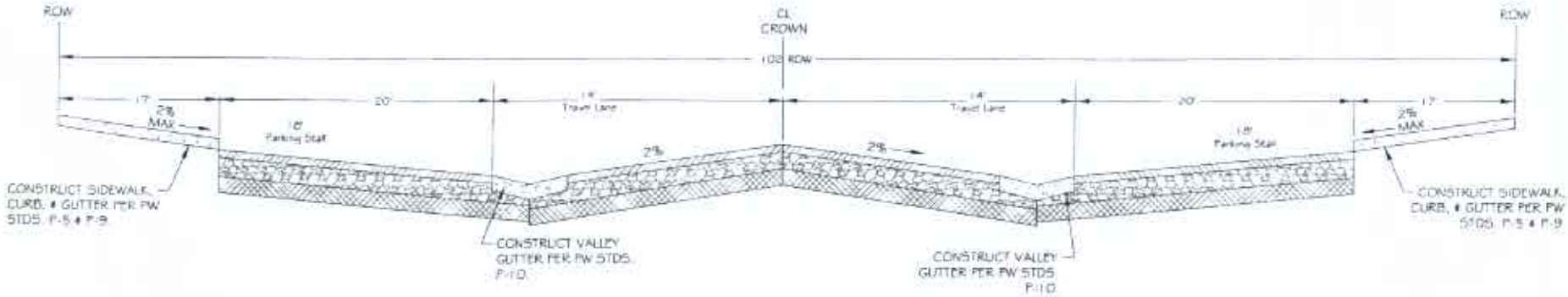
SECTION J-J - TRAFFIC CIRCLE DETAIL

SCALE : N.T.S.



SECTION K-K - 38' LOCAL STREET (COMMERCIAL AREA)

SCALE : N.T.S.



SECTION L-L - 102' STREET WITH PARKING (COMMERCIAL AREA)

SCALE : N.T.S.

THEMATIC PROPOSAL FOR TRACT 5891 TO THE CITY OF FRESNO

McCaffrey HOMES

TABLE OF CONTENTS

I. NAME & LOGO

II. THEMATIC BOARD & STORY

III. LANDSCAPE CONCEPTS

IV. STREET NAMES AND ALTERNATIVE STREET NAMES

V. STREET SIGNS, LAMP POSTS AND STYLE SELECTIONS

VI. LOCATION OF SIGNAGE – BANNERS, KIOSKS, WAY-FINDING, ETC.

ARTISAN
SQUARE

The Square That's a Diamond.

Tree-lined thoroughfares. Picturesque parks. Classic design. Refined details. Scenic walkways. Fountains, arbors, ornamental orchards, decorative pavers, vine-covered arbors. The gazebo. Flower beds. Character-laden walls and fences. Light posts.

Wherever you turn, community charm abounds.

Down the street, past the roundabout, are the village shops, where your morning latte awaits.

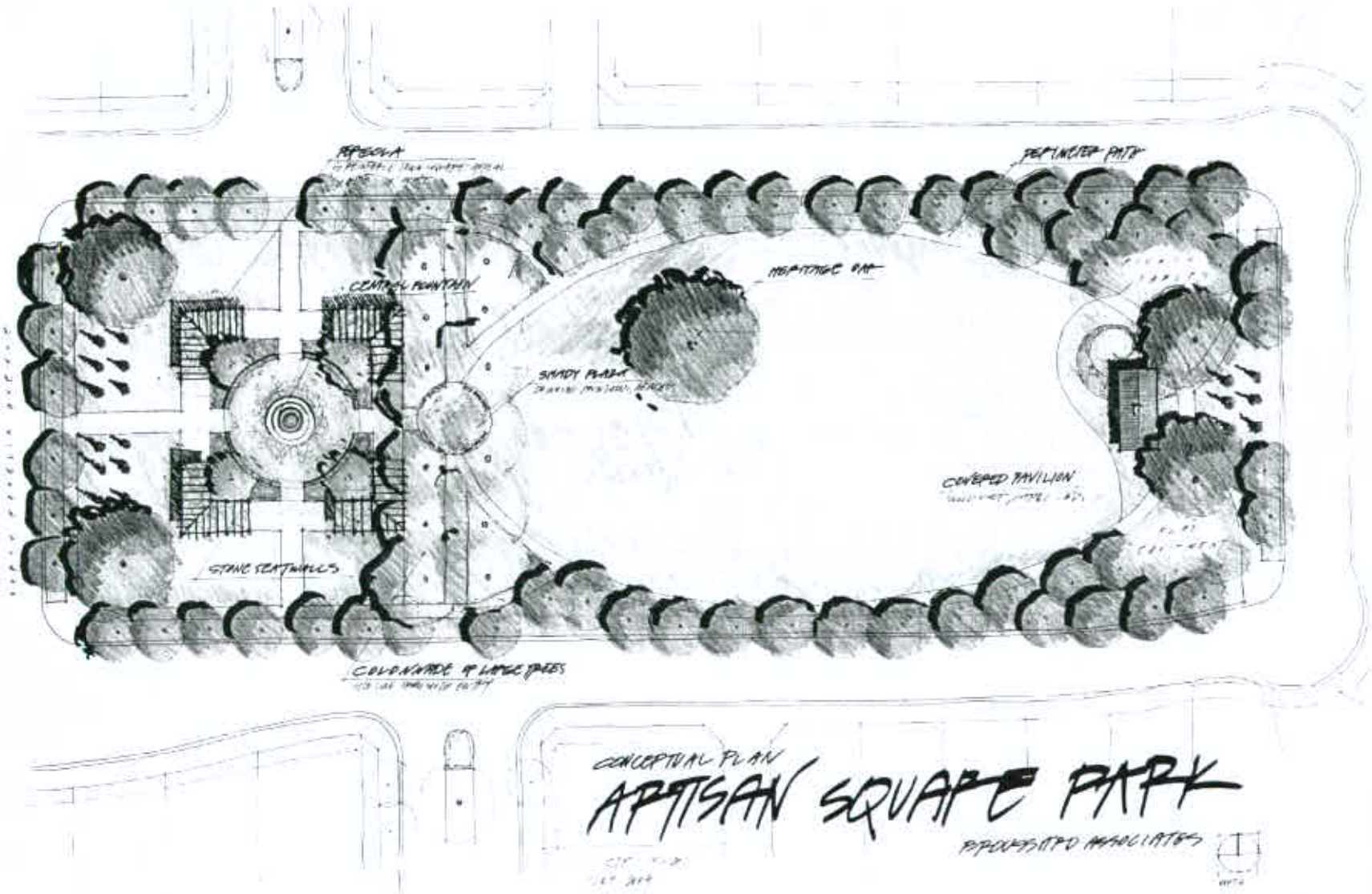
There are places for picnics, fairs and festivals and the landscape sparkles with tivoli lights during the holidays.

It's a well-cared for community, and it shows in the beauty of the homes, the lushness of the landscape, and the civic-mindedness it engenders.

Kind of like those graceful, older neighborhoods we all cherish.

Ours is a new place, but it's rooted in principles that will give it a vivid appeal and an enduring reason of being.

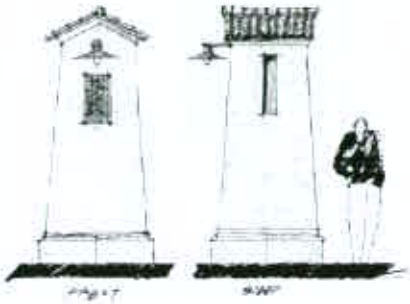
festive
picturesque
intimate
timeless
9:41
lush



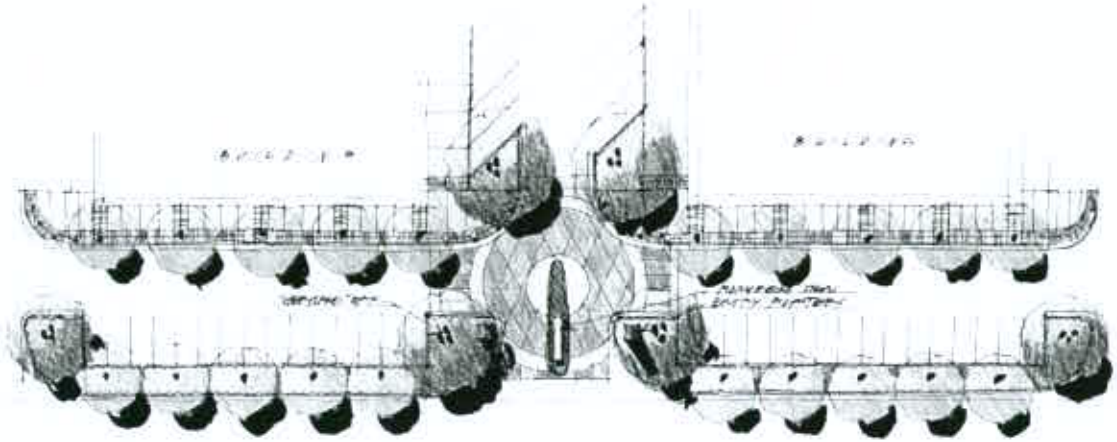
CONCEPTUAL PLAN

ARTISAN SQUARE PARK

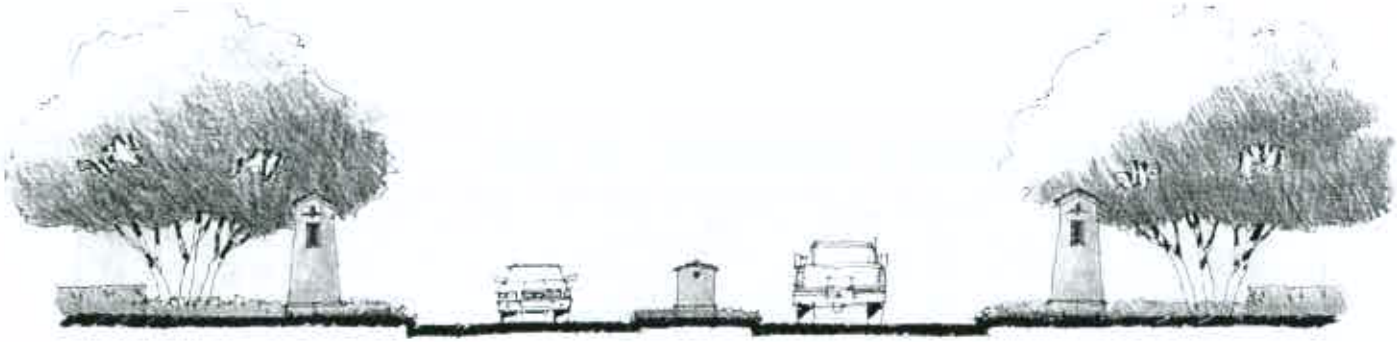
BROUSSARD ASSOCIATES



"VILLAGE ENTRY" PILASTERS

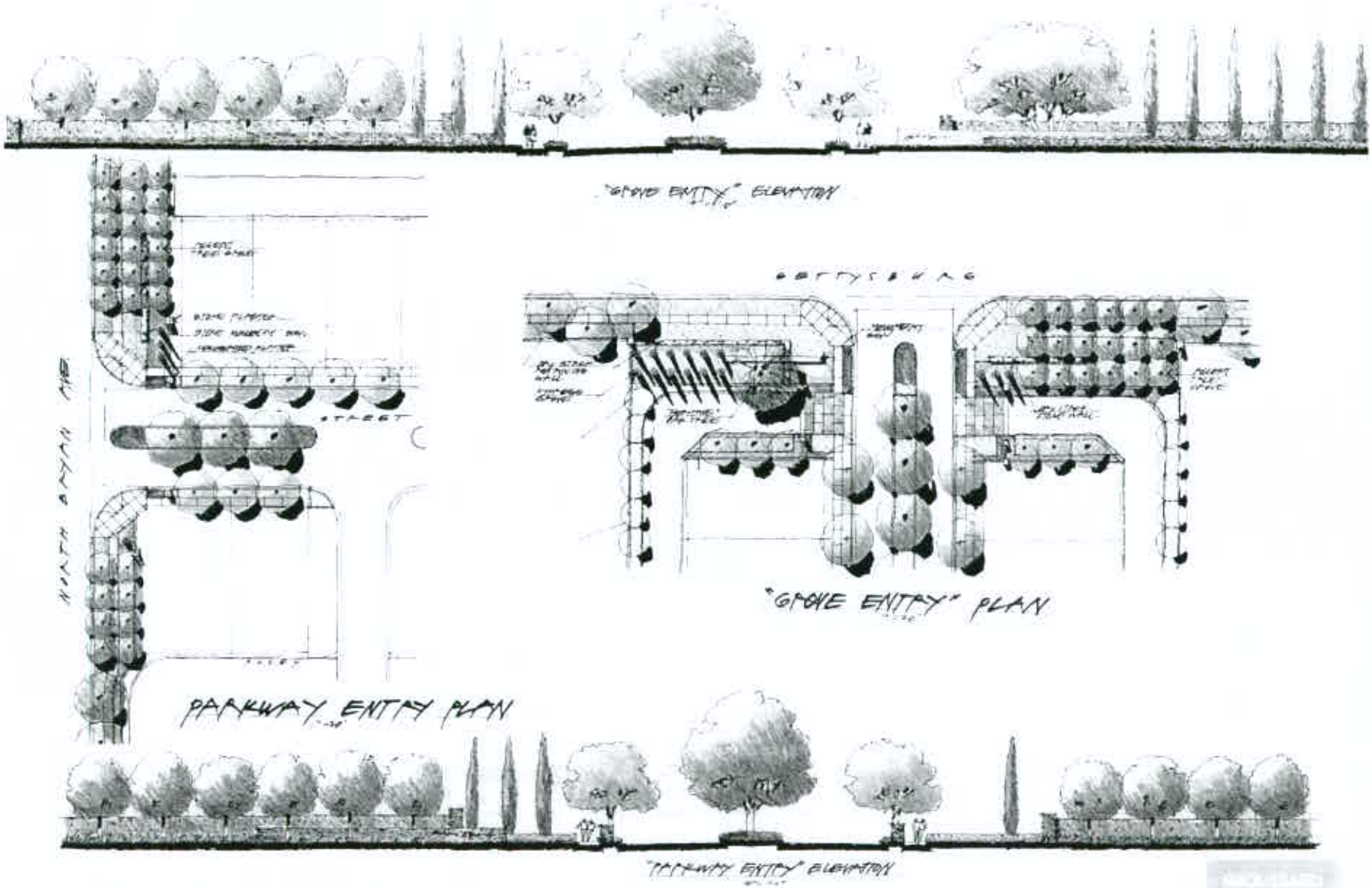


"VILLAGE ENTRY" PLAN



VILLAGE ENTRY ELEVATION

ARTISAN · SQUARE



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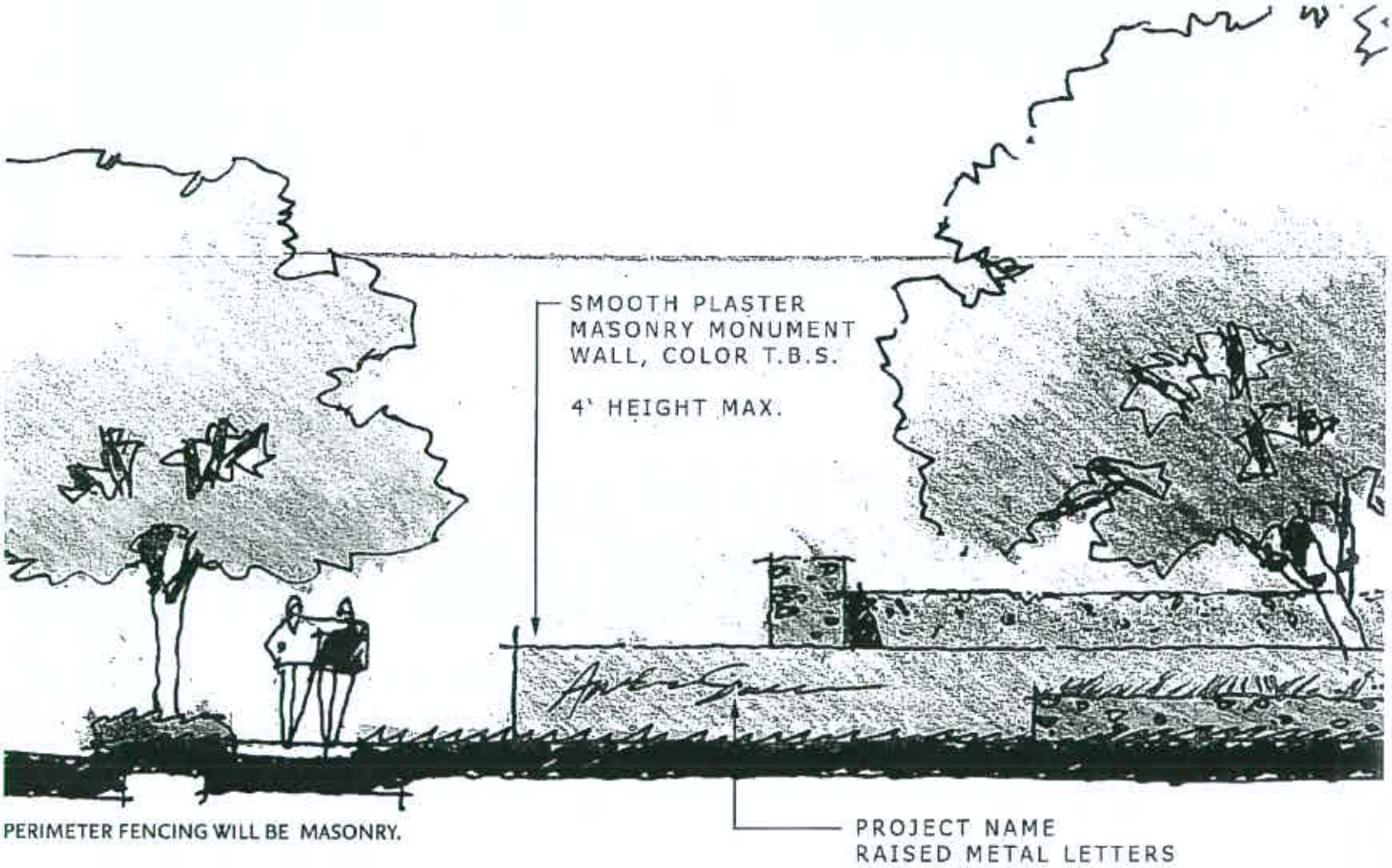
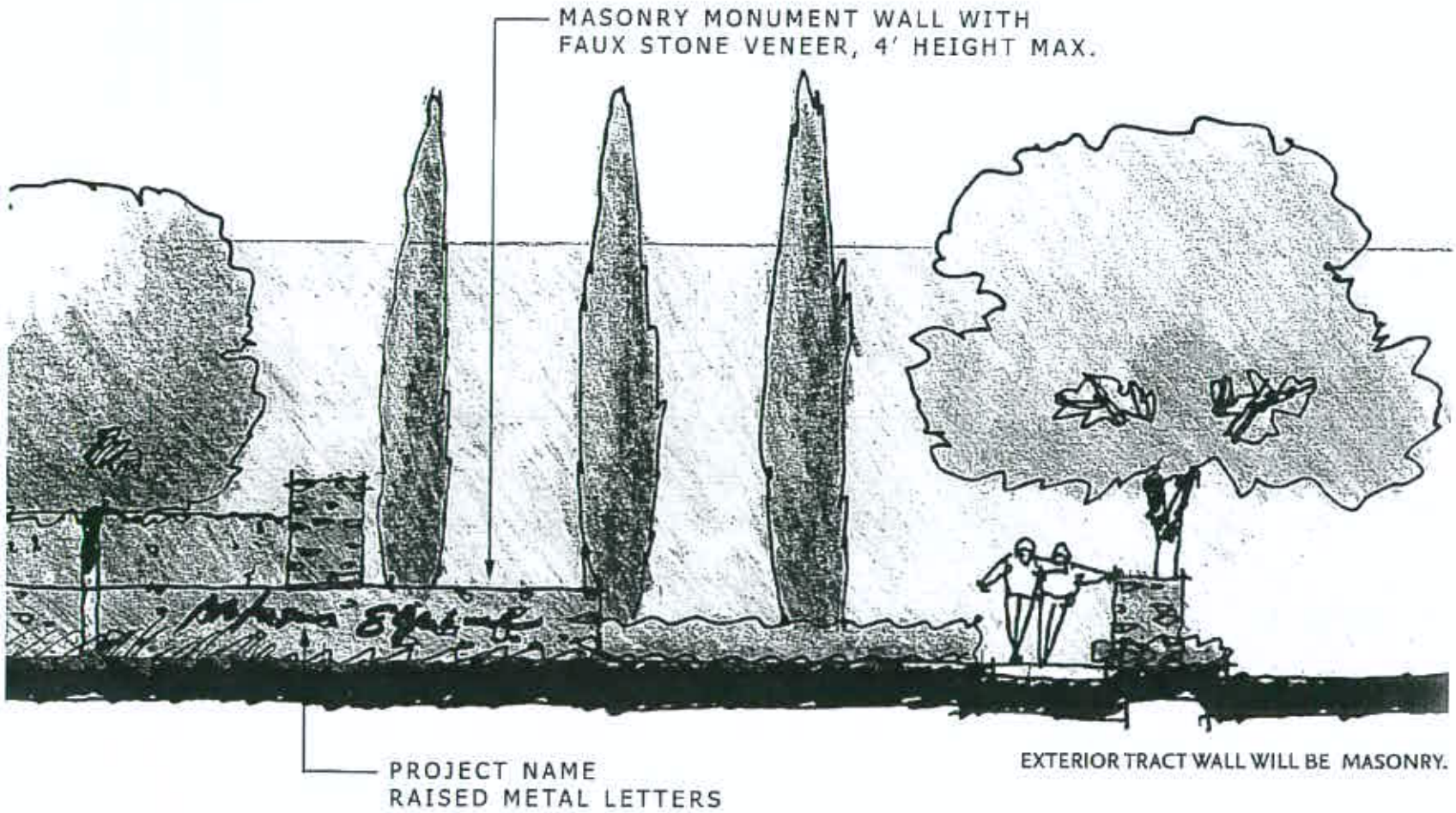


PERIMETER FENCING WILL BE MASONRY.

GROVE ENTRY MONUMENT

BROUSSARD
ASSOCIATES
landscape architects



PARKWAY ENTRY MONUMENT

BROUSSARD
ASSOCIATES
landscape architects

ARTISAN SQUARE STREET NAMES

FOUR DISTRICTS (Alternate Street Names)

GARDEN	ART	CRAFT	TREE
Citrus	Watercolor	Mason	Oak
Citron	Palette	Potter	Sycamore
Hedgerow	Crimson	Talisman	Bough
Hawthorn	Mosaic	Pickett	Treetops
Thyme	Collage	Andiron	
Sage	Art	Inglenook	
Oleander		Porcelain	
Thistle		Craft	
Tamarind		Silver	
Verbena		Crystal	

STREET SIGNS

Sheridan - S214 - Sheridan Two Way Cast Sign
Fully cast aluminum street sign. Two-way side-mounted with cap.

Sheridan - S2-214 - Sheridan Four Way Cast Sign
Fully cast aluminum street sign. Four-way twin post top with cap.

UPGRADED STREET LIGHTS FOR THE MAIN STREET AND RETAIL

Lamp-post lights for use along Artisan Parkway and in the retail area of the community.

Based upon a 12-14' light pole, the spacing would be about 100' o.c. triangulated down the street.

Description

1930/5RLM32/3400RT4-14'AG The Village of Mazomanie, WI chose Sternberg's traditional looking 1930 Teardrop with 32" diameter shade for their main street lighting. It utilizes our Type III refractor inside the acorn to refract downward its 250 watt high pressure sodium illumination. The luminaire mounted 14" above grade is supported by model 3400 Georgetown smooth tapered pole. It also has a built-in flag holder, banner arm set, photocell and electrical outlet.

ARTISAN SQUARE SIGN LOCATIONS

LEGEND

- Flags Every 30 Feet
- Flags Every 60 Feet
- Ave Banners on Lamposts (Every 100 Feet)
- Monument Graphics
  Main Id Sign
  Wayfinding Kiosks
- Coming Soon Signs (Temporary)
- M Models (2 Flags per Lot & Model Id)
- I Sales Information (2 Flags per Lot & Sales Info Sign)
- P Parking (Parking Sign)

GD_3/BAZ (7.23.08)

DRAFT

12/11/08

DEVELOPMENT AGREEMENT
By and Between
THE CITY OF FRESNO
and
ASHLAN/HAYES NO. 1 L.P.

THIS DEVELOPMENT AGREEMENT (**"Agreement"**) is entered into this __ day of _____, 2008 (the **"Effective Date"**) by and between the CITY OF FRESNO, a municipal corporation (the **"City"**), and ASHLAN/HAYES NO. 1, L.P. (**"Developer"**), pursuant to the authority of Section 65864 et seq. of the Government Code of the State of California with respect to that project known as Artisan Square located in the area bounded by West Gettysburg, West Ashlan, North Hayes and North Bryan Avenue and also identified as Tract Map No. 5891 (the "**Project**").

RECITALS

A. Legal Authority. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Sections 65864 et seq. of the Government Code (**"Development Agreement Law"**) authorizing any city, county or city and county to enter into a binding development agreement with an applicant for a development project, establishing certain development rights in the property which is the subject of the development project application. As a charter city, while the City is not limited to the Development Agreement Law to enter into development agreements, the City has elected to enter this Agreement under the Development Agreement Law.

B. Project Description. On March 13, 2008, the City finally approved the Mitigated Negative Declaration for the Project. The Project is located in the Northwestern area of the City in an area subject to the West Area Community Plan and consists of approximately 126.89 acres, controlled by Developer. The Project is a mixed use, master-planned project that will include approximately 648 single family dwelling units (with possible future conversion of a portion to multifamily or senior citizen residential as provided hereinafter) and four parcels for commercial buildings totalling approximately 50,000 square feet plus privately maintained common open space, landscaping areas and streets. Attached hereto as **Exhibit B** and incorporated herein by this reference is a diagram showing the Project governed by this Agreement. The Project includes all the Development Approvals (hereinafter defined).

C. Developer's Interest in Land. The Developer is a California limited partnership. The real property which is the subject of this Agreement ("Subject Property") is located in part in the City of Fresno and in part in Fresno County, which part is to be annexed to the City, and is all either owned in fee or controlled by option agreement by the Developer. The Subject Property is described in **Exhibit A** (attached hereto and incorporated by reference). Developer seeks to develop the Project on the Subject Property consistent with the Development Approvals and this Agreement.

D. Development Approvals. The following development approvals ("Development Approvals") affecting the Subject Property have been previously conditionally approved or are being approved by the City concurrently with this Agreement:

1. The Final Mitigated Negative Declaration ("MND"), including project-specific mitigation measures approved the City on January 5, 2008 and filed on March 13, 2008.

2. General Plan amendment pursuant to Plan Amendment Application No. A-07-08 approved by the City Council concurrently with this Agreement. (Resolution No. 2008-_____).

3. Zoning Ordinance amendment pursuant to Rezone Application No. R-07-29 adopted by the City Council concurrently with this Agreement. (Ordinance No. 2008-_____).

4. This Development Agreement approved by the City Council (Ordinance No. 2008-___, adopted on _____, 2008).

5. Conditional Use Permit ("CUP") pursuant to CUP Application No C-07-308 approved by the Planning Commission on November 5, 2008 subject to the Conditions of Approval dated November 5, 2008 (attached as **Exhibit K** to this Agreement);

6. Vesting Tentative Tract Map No. 5891(UGM) approved by the Planning Commission on November 5, 2008, subject to the Conditions of Approval dated November 5, 2008 (attached as **Exhibit L**);

7. Tentative Cancellation of Agricultural Land Conservation Contracts (ALCC) Nos. AP-1250 and AP1251 approved by the City and Fresno County.

E. Certainty Desired. Developer desires to carry out the Project and the development of the Subject Property as a mixed use development consistent with the General Plan, the Development Approvals, and this Agreement. The complexity, magnitude and long term build-out of the Subject Property would be difficult for Developer to undertake if the City had not determined, through this Development Agreement, to inject a sufficient degree of certainty in the land use regulatory process to justify the substantial financial investment associated with development of the Subject Property. In order to obtain the housing, tax and other benefits the development of the Subject Property will provide and to assure that the impacts of the project will be adequately addressed, City desires certainty as to the scope of development, including the design standards, and in particular that needed infrastructure, facilities and services related to the project will be provided in a timely fashion. Developer desires certainty regarding the type and amount of development fees and exactions that it will be charged

by the City and to define the design review and permitting process. Both Parties desire to determine which Party will be responsible for particular infrastructure improvements, including financing of the public facilities and improvements, and the timeline for constructing these improvements. As a result of the execution of this Agreement, both Parties can be assured that the development of the Subject Property can proceed without disruption caused by a change in City planning and development policies and requirements, .

F. Subsequent Development Approvals. In addition to the Development Approvals, the development of the Subject Property will require certain additional future land use and construction approvals from the City to implement the Development Approvals, specifically phased final tract maps, improvement plans and subdivision agreements, possible site plans and use permits for certain commercial uses requiring the same under the Applicable Rules and building permits, all consistent with the Development Approvals and this Agreement (**"Subsequent Development Approvals"**). Subsequent Development Approvals may also include additional approvals may include approval for conversion of the 217 lot phase comprising approximately 23 acres designated on Exhibit L which is within the area designated on the General Plan for medium high density residential development and zoned R-2, in part or in whole, from the presently approved single family residential use to multifamily or senior citizen residential use, in whole or in part, up to a maximum development for 417 multifamily dwelling units or 651 senior housing units, or any combination allowed by the Applicable Rules, which may also be mapped as condominiums and offered for sale or rent. In the case that the Developer seeks such an approval for such conversion, City agrees to process Subsequent Development Approvals consistent with the current General Plan, West Area Community Plan and Fresno Municipal Code, as amended by the Development Approvals, whether or not any changes occur in the future to the General Plan, West Area Community Plan and the Fresno Municipal Code.

G. Consistent with General Plan. The City hereby finds and determines that execution of this Agreement is in the best interests of the public health, safety and general welfare and is consistent with the General Plan and the West Community Area Plan.

H. Voluntary Agreement. This Agreement is voluntarily entered into by the Developer in order to implement the General Plan and in consideration of the rights conferred and the procedures specified herein for the development of the Subject Property. This Agreement is voluntarily entered into by the City in the exercise of its legislative discretion in order to implement the General Plan and the West Area Community Plan and in consideration of the agreements and undertakings of the Developer hereunder.

I. Project Provides Substantial Benefits. This Agreement furthers the public health, safety and general welfare, and the provisions of this Agreement are consistent with the General Plan. For the reasons recited herein, the City and Developer have determined that the Project is a development for which this Agreement is appropriate. This Agreement will eliminate uncertainty regarding Development Approvals and Subsequent Development Approvals, thereby encouraging planning for, investment in and commitment to use and develop the Subject Property. Continued use

and development of the Subject Property is anticipated to, in turn, provide the following substantial benefits and contribute to the provision of needed infrastructure for area growth, thereby achieving the goals and purposes for which the Development Agreement Law was enacted:

a. Provide for the housing needs of a variety of households of various sizes and incomes and for neighborhood commercial services to serve such households and others in the vicinity;

b. Provide for a mixed use, pedestrian-friendly environment which reduces the need for travel;

c. Provide for a new community development especially suitable for the area immediately adjacent to the new Central Unified School District campus;

d. Provide for the recreational and open space needs of this new mixed use community and for new infrastructure serving the West Community Plan area.

e. Meet the goals of the General Plan and of the West Commuinty Plan.

f. Implement new standards for urban development through the facilitation and adoption of Alternative Public Improvement Standards, utilizing narrower travel lanes and wider sidewalks with park strips, in order to complement design components such as reduced yard setbacks, smaller lots, and aesthetically pleasing two-story dwelling units that provide spatial definition and are oriented to a new kind of community development that fosters pedestrian connectivity and potential for a mix of uses and residential densities.

J. **CEQA.** The City Council, in its independent judgment, at a public hearing on December 16, 2008, found that no subsequent or supplemental environmental impact report or environmental document in addition to the previously filed MND (as identified in Paragraph D) is necessary for the approval of this Agreement. The City Council found that there have been no changes proposed to the development of the Subject Property by the adoption of this Agreement which relate to new significant environmental impacts not previously considered. No subsequent changes are anticipated to occur with respect to circumstances under which the project will be undertaken, and no information has become, or is anticipated to become available which will relate to significant effects not previously discussed, nor will any significant effect previously analyzed in the MND become more severe, nor will mitigation measures or alternatives not found to be feasible or not previously considered have any significant effect.

K. This Agreement was reviewed at a duly noticed public hearing before the Planning Commission of the City on December 10, 2008, and recommended for approval.

L. The City Council, after a duly noticed public hearing, found that the provisions of this Agreement are consistent with the City's General Plan, the West Area Community Plan, and other applicable plans and policies of the City, all as amended by the Development Approvals. A copy of the staff report to Council is attached at **Exhibit I**.

M. On the Effective Date, the City Council adopted Ordinance No. ____approving this Agreement and approved by ordinance or resolution, as appropriate, the Development Approvals set forth in Paragraph D to be approved by the City Council. A copy of the Ordinance is attached hereto as **Exhibit J** and incorporated herein by this reference.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Developer (each herein sometimes called a "**Party**" and jointly the "**Parties**") hereby agree as follows:

AGREEMENT

ARTICLE 1
GENERAL PROVISIONS

100. Property Description and Binding Covenants. The Subject Property is that property described in **Exhibits A and B**. The Developer represents that it has a legal or equitable interest in the Subject Property and that all other persons holding legal or equitable interests in the Subject Property (excepting owners or claimants in easements) are bound by this Agreement. It is intended and determined that the provisions of this Agreement shall constitute covenants which shall run with the Subject Property, and the burdens and benefits hereof shall bind and inure to all successors in interest to the Parties. The Developer hereby warrants that any and all parties having record title interest at the time of execution of this Agreement in the Subject Property which may ripen into a fee have subordinated to this Agreement and that all such instruments of subordination, if any, are attached hereto and made a part of this Agreement.

101. Vested Rights. Developer shall have a vested right to develop the Subject Property for the period this Agreement is in effect in accordance with the Development Approvals, Subsequent Development Approvals, the provisions of this Agreement and Applicable Rules, (as defined in Section 102). The Parties have negotiated and agreed upon the impact fees, dedications, and exactions, including, without limitation, reservations, bonding or insurance requirements or taxes, that will be required in connection with the development of the Subject Property. The impact fees, dedications, and exactions applicable to the Subject Property are set forth in Sections 202.2 and 203 and the Development Approvals. The Parties intend that these shall be the only impact

fees, dedications, and exactions applicable to the development of the Subject Property. The amounts of the impact or entitlement/permit processing fees shall be only those provided to for in the master fee schedule in effect on the Effective Date adjusted only for inflation in the actual costs incurred by City as hereinafter provided in this Section 101..

1. The Development will be subject to any increases in existing City of Fresno development impact fees, UGM, and permit and processing fees provided that any such increase in the fee does not exceed the lesser of increases in the actual costs incurred by City or, (a) in the case of the impact fees for sewer, water, storm drainage and road (major street and related such as signals) facilities for which Developer is entitled to reimbursement based on its actual costs of Off-Site Improvements, increases in the DPU Index, which shall be derived from the bi-annual survey of water and wastewater utility rates conducted by the American Water Works Association, using a ten-year rate increase average, and (b) in the case of all other impact fees, the increase in the ENR Construction Cost Index ("ENR"), provided that in all cases such fee is applied uniformly Citywide or uniformly across the applicable service area with respect to the same use or cause to which such fee is related; and, that said fee is truly an updated existing fee that finances the same public infrastructure improvements. If an existing impact fee is expanded, then the developer shall only be required to pay the portion of the fee that covers the same planned public infrastructure facilities as the existing fee. Developer shall be entitled to the benefit of any decreases in fees occurring during the term of this Agreement. The Developer shall pay all applicable processing fees in effect at the time of Developer's submittal of applications for subsequent Development Approvals, or the submittal of plans for Off-Site improvements, including but not limited to construction plans for streets, sewer lines, and traffic signals.

2. If the City chooses to change the method upon which an impact fee is charged, then the burden upon the Developer for that particular type of infrastructure shall be no greater than the applicable UGM or impact fee that is in effect at the time of the Effective Date, adjusted for the lesser of increases in actual costs incurred or the ENR or the DPU Index, as applicable, as applied to the restructured fee, as for example, in cases wherein the City chooses to change the method of collection by transitioning to a new fee program, such as occurred with UGM fees for Fire, Parks and Major Streets, which were all replaced by Citywide impact fees between 2005 and 2007. The City is contemplating a similar transition for UGM water and sewer fees, in which case the Developer would only be subject to the adjusted amount of the

current UGM oversize sewer, UGM transmission grid main and UGM water well service area fees, subject to the limits established by the lesser of increases in actual costs or the DPU Index.

3. The Developer shall be exempt from any new development impact fees that the City may adopt in the future for facilities, permits or impacts not currently covered by existing UGM fees or existing development impact fees.

To the extent not otherwise provided in this Agreement, the conditions of approval and mitigation measures in the Development Approvals related to dedications and reservation of easements are intended to meet the requirements of Government Code section 65865.2 related to a development agreement providing a provision for the reservation or dedication of land for a public purpose.

102. Rules, Regulations and Official Policies.

102.1 Applicable Rules, Regulations and Official Policies. For the term of this Agreement, the rules, regulations, ordinances and official policies governing the permitted uses of land, density, design, improvement and construction standards and specifications applicable to the development of the Subject Property shall be the Applicable Rules as defined in this Section 102.1. The Applicable Rules are defined as those rules, regulations, and official policies set forth in (i) the Development Approvals; (ii) this Agreement (including Exhibits); and (iii) with respect to matters not addressed by these documents, those plans, codes, rules regulations, official policies, standards and specifications in force on the Effective Date, to the extent not inconsistent with the Development Approvals and this Agreement. The Applicable Rules shall also include any subsequent Development Approvals granted as of the date of their effect and any changes in the General Plan, West Area Community Plan, Fresno Municipal Code or any future rules, ordinances, regulations or policies adopted by the City which are made applicable by the provisions of Section 102.2.

Except as otherwise provided in this Agreement, to the extent any future changes in the General Plan, West Area Community Plan, Fresno Municipal Code or any future rules, ordinances, regulations or policies adopted by the City purport to be applicable to the development of the Subject Property but are inconsistent with the terms and conditions of this Agreement, the terms of this Agreement shall prevail, unless the parties mutually agree to amend or modify this Agreement pursuant to Section 700.

To the extent not otherwise provided in this Agreement, the requirements of the Applicable Rules shall fulfill the requirements of Government Code section 65865.2 related to the agreement specifying allowed uses, allowed density and intensity of uses and maximum height and size of proposed buildings.

102.2. Changes in State or Federal Law. This Section shall not preclude the application to the development of the Subject Property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required

to be applied to the subject Property by changes in state or federal laws or regulations. In the event state or federal laws or regulations enacted after the date of this Agreement, or action by any governmental jurisdiction other than the City, prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, then the Parties shall meet and confer in good faith to determine the feasibility of modifying, extending or suspending one or more provisions of this Agreement as may be necessary to comply with such state or federal laws or regulations or the regulations of such other governmental jurisdiction. In any such meeting, the Developer carries the burden, in the first instance, to provide options to the City that demonstrate the feasibility of modifying, extending or suspending the Agreement in part. Developer is required to provide all engineering and analyses to support its position that meet industry and city standards.

To the extent that any actions of federal or state agencies (or actions of regional and local agencies, including the City, required by federal or state agencies) have the effect of preventing, delaying or modifying development of the Subject Property, the City shall not in any manner be liable for any such prevention, delay or modification of said development. The Developer is required, at its cost and without cost to or obligation on the part of the City, to participate in such regional or local programs and to be subject to such development restrictions as may be necessary or appropriate by reason of such actions of federal or state agencies (or such actions of regional and local agencies, including the City, required by federal or state agencies).

103. City's Reservation of Authority. The Parties acknowledge that the intent of the Parties is that this Agreement be construed in a manner that protects the vested rights granted to Developer herein to the maximum extent allowed by law. The Parties further acknowledge and agree, however, that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions contained in this Agreement are intended to reserve to the City all of its police power and/or statutory or other legal powers or responsibilities that cannot be so limited. This Agreement shall be construed to reserve to the City all such power and authority which cannot be restricted by contract, including compliance with the California Environmental Quality Act (CEQA). Nor shall this Agreement be construed to limit the authority or obligation of the City to hold necessary public hearings, to limit the discretion of the City or any of its officers or officials with regard to rules, regulations, ordinances, laws, and entitlement of use which require the exercise of discretion by the City or any of its officers or officials..

104. Term; Recordation. The term of this Agreement shall commence upon the date upon which the ordinance approving this Agreement becomes effective as a matter of law, and shall extend for a period of twenty (20) years. Thereafter, unless said term is modified or extended by circumstances set forth in this Agreement or by mutual consent of the Parties, subject to the provisions of Section 700 hereof, upon expiration of said term, this Agreement shall be deemed terminated and of no further force and effect and the Parties shall, upon request of the City, execute an appropriate certificate of termination which shall be recorded in the official records of the City, subject, however, to the provisions of Section 307 hereof. The Director of Planning and Development shall

record the Agreement within 10 days after the date on which this ordinance becomes effective as a matter of law. Developer may record this Agreement thereafter. In the event that any litigation is commenced by any third party challenging the Development Approvals, the term of this Agreement shall be extended for the period involved in achieving final resolution of such litigation.

105. Sale or Assignment; Release. This Agreement, its rights, duties or obligations may be assigned, sold, exchanged or transferred, in whole or in part, in connection with a transfer by Developer of all or a portion of its interests in the Subject Property, subject to the following conditions:

105.1 Except as set forth in subsection 105.2, a sale, transfer or assignment of all or a portion of Developer's interest in this Agreement shall not require the approval of the City provided that any proposed assignee or transferee shall agree to assume and be bound by all applicable duties, obligations and covenants of the Developer under this Agreement. The assumption must be set forth in an assumption agreement in a form reasonably acceptable to and approved in writing by the City. Any assumption agreement shall include a Notice to the assignee that they may be subject to fees for development of the property consistent with this Agreement.

105.2 The Developer shall reimburse the City for its legal and administrative costs to review the assignment and provide notice and interpretations to the assignee. Upon such assignment and assumption Developer shall be released from Developer's obligations hereunder with respect to the portion of the Subject Property transferred. In the event of a partial transfer, Developer may choose to retain some or all rights, duties and responsibilities as Developer with respect to the transferred property. Developer shall have the right to designate any successor as Developer ("Successor Developer") if Developer no longer retains any interest in the Subject Property so long as the Successor Developer assumes all Developer's responsibilities.

Upon the sale, transfer or assignment of Developer's rights, interests, and obligations under this Agreement as to the Property or portion thereof, and the sale, assignment or transfer of all or any portion of the Property therewith, Developer shall be released from its obligations under this Agreement with respect to the Property, or portion thereof, so sold, assigned or transferred arising subsequent to the effective date of such sale, assignment or transfer. Upon any sale, assignment or transfer of any portion of the Property, City agrees to look solely to the buyer, assignee or transferee, or designated Successor Developer (if different) for compliance by such transferee with the provisions of this Agreement as such provisions relate to the portion of the Property acquired by such transferee. The preceding sentence shall not preclude the City from looking to the transferor for fulfillment of its obligations under this Agreement that both: (1) relate to any portion of the Property that has been transferred; and (2) arose before the transfer of any portion of the Property. Nonetheless, failure to deliver a written assumption agreement does not (a) affect the running of any covenants in this Agreement with the land, or (b) negate, modify or otherwise affect the liability of any transferee under this Agreement. A default by any buyer, assignee, or transferee shall only affect that portion of the Property owned by such transferee and shall not cancel or diminish in any way any

rights hereunder with respect to any portion of the Property not owned by such buyer, assignee or transferee. Each buyer, assignee or transferee shall be responsible for the reporting and annual review requirements relating to the portion of the Property owned by such buyer, assignee or transferee, and any amendment to this Agreement between City and a buyer, assignee or transferee shall only affect the portion of the Property owned by such transferee.

In the event of each partial transfer of the Property, in the absence of a specific, designated Successor Developer, City and Developer shall cooperate to determine whether allocation of rights and responsibilities among owners of the Property would best be clarified or resolved by execution of amendments to this Agreement or of new agreements in full or partial replacement of this Agreement, and each agrees to execute the same without imposition of new duties on either party so as to fulfill the purposes of this Agreement.

Notwithstanding the foregoing, the City may object to the sale, transfer or assignment of all or a portion of Developer's interest in this Agreement the duties and obligations of Developer and release of Developer hereunder, including designation as Successor Developer, with respect to any proposed purchaser, transferee, or assignee with respect to whom City presents substantial evidence as to such proposed purchaser, transferee or assignee's previous failure to comply with the provisions of federal or state law, the Fresno Municipal Code or agreements with the City relating to development projects within the City of Fresno (or the same by the principals or owners or officers of said purchaser, transferee or assignee.) Unless City's objections are resolved to the reasonable satisfaction of the City, the sale, transfer or assignment shall not take place.

Except to the extent that any property owners association has incurred obligations, the purchaser of any lot that is both (a) not subject to further subdivision (other than a lot subject to a condominium map), and (b) subject to the jurisdiction of the California Department of Real Estate, shall take title to such lot free and clear of any obligations arising under this Agreement, without the execution or recordation of any further document, when title to the lot transfers to such purchaser.

105.3 If the Developer transfers the Subject Property and assigns this Agreement in violation of the terms of this Section, the City may terminate the Agreement at its discretion with fifteen (15) days written notice.

ARTICLE 2
DEVELOPMENT OF THE SUBJECT PROPERTY

200. Permitted Uses and Development Standards. In accordance with and subject to the terms and conditions of this Agreement, the Developer may develop the Subject Property for the uses in accordance with the Applicable Rules as set forth in Section 102.1 of this Agreement.

201. Approvals.

201.1 Processing Subsequent Development Approvals.

201.1.1 Timely Submittals By Developer. Developer acknowledges that City cannot begin processing Subsequent Development Approvals until Developer submits complete applications. Developer shall use its best efforts to (i) provide to City in a timely manner any and all documents, applications, plans, and other information necessary for City to carry out its obligations hereunder; and (ii) cause Developer's planners, engineers, and all other consultants to provide to City in a timely manner all such documents, applications, plans and other required materials as set forth in the Applicable Rules. Developer shall use all reasonable efforts to submit or cause to be submitted documents, applications, plans and other information necessary for City to carry out its obligations hereunder that are in a final form, not subject to unreasonable changes by the Developer and that comply with this Agreement and all Applicable Rules.

201.1.2 Timely Processing By City. Upon submission by Developer of all appropriate applications and applicable processing fees for any Subsequent Development Approval, City shall promptly and diligently, subject to the reasonable availability of City resources and City's procedural requirements, commence and complete all steps necessary to act on Developer's Subsequent Development Approval applications. Upon Developer's request and at the City's discretion, the City may provide, at Developer's expense, additional staff and/or staff consultants, working under the sole direction of the City, for concurrent, expedited planning and processing of each Subsequent Development Approval application. The City reserves the right to reject any incomplete non-conforming submittals.

201.1.3 Effect of Legal Proceedings. Notwithstanding any pending administrative or judicial proceedings, initiative or referendum concerning the Development Approvals or Subsequent Development Approvals, and provided that such actions by City or Developer are not proscribed by law or court order, City shall process the Developer's applications for Subsequent Development Approvals as provided for herein to the fullest extent allowed by law and Developer may proceed with development pursuant to the Development Approvals or Subsequent Development Approvals to the fullest extent allowed by law.

201.2 Certificates of Occupancy. Subject to any requirements in this Agreement for issuance of certificates of occupancy, the City shall use all reasonable efforts to diligently and promptly provide a certificate of occupancy for any portion of the Subject Property when applied for by the Developer and upon completion of all necessary requirements to obtain a certificate of occupancy.

201.3 Non-Development Entitlement Plan Review. Nothing provided in this Section 201 is intended to include the submission and review by the City of plans for off-site improvement (as required under **Exhibit F**), including but not limited to, constructions plans for streets, sewer lines, and traffic signals. Review of off-site improvements shall be pursuant to the. existing adopted City policies, ordinances and standards (including payment of any required fees).

202. Improvements and Public Facilities.

202.1 Financing and Construction. Developer is responsible for financing and constructing the following on-site improvements (whether private or public) and public facilities in conjunction with the development of the Subject Property, all as set forth in the mitigation measures of the MND for the Project and the Development Approvals:

202.1.1 On-Site Improvements. Developer shall construct all the On-Site Improvements described as provided in Exhibit E. All On-Site Improvements will be the responsibility of the Developer without any right to reimbursement or credits except as provided in this Agreement or in the Development Approvals. Developer shall provide to City a list of On-Site improvements that constitute public works of improvement and shall pay prevailing wages for labor required to construct those improvements on that list, to the extent required under the Labor Code, sections 1720, 1721 and any other applicable provisions related to the payment of prevailing wages. Certain On-Site Improvements, including all sewer and water lines and storm drainage systems shall be offered to the City for dedication within public streets, public utility easements or equivalent easements to be granted to the City.

Developer shall be entitled to credit against exactions or fees with respect to park and recreation facilities pursuant to the Development Approvals for the land dedicated to such facilities and costs incurred by Developer in designing and constructing the park and recreation facilities available for uses comparable to those financed from the City's fees and exactions. The amount of said credit shall be determined as set forth in the Fresno Municipal Code and the City's implementing policies in effect as of the Effective Date. City shall be entitled to ensure that continued operation and maintenance by property owners associations is assured in the covenants, conditions and restrictions on the Subject Property or portion thereof related to such facilities.

202.1.2 Off-Site Improvements. Developer will construct all Off-Site Improvements as provided in **Exhibit F** pursuant to the description and timing provided in that exhibit. Developer acknowledges that these Off-Site improvements constitute public works of improvement and are, therefore, subject to the requirements of California Labor Code, sections 1720, 1721 and any other applicable provisions related to the payment of prevailing wages. Notwithstanding, all off-site water, sewer, drainage pipelines, and underground utilities required by the Development Approvals in the roadways shown in **Exhibit F** shall be installed prior to any phased road improvements shown unless otherwise approved by Developer and City pursuant to the procedures as set forth in Section 202.4. Developer shall provide payment and performance security for each phase. The type and amount of the payment and performance security shall be as set forth in Fresno Municipal Code, section 12-1016, entitled Improvement Security. In addition, Developer shall install a traffic signal at Ashlan/Hayes prior to issuance of the first certificate of occupancy for (a) the commercial portion phase, (b) the multi-family phase in the southwest portion, or (c) Phase Four, whichever occurs first.

202.1.3 Financing of Off-Site Improvements. Developer is responsible for financing the construction of the Off-Site Improvements described in **Exhibit F** The Developer will receive reimbursements and credits from the City from appropriate fee programs for off-site improvments to the extent that they are expressly provided for in the Applicable Rules or in this Agreement.

202.2 Community Facilities District. Developer may request and City shall use its good faith efforts to form a community facilities district(s) ("CFD") or to include the Subject Property in an existing CFD, for the purpose of funding all or a portion of the On-Site or Off-Site Improvements to be dedicated to the City, including without limitation, design, acquisition and construction costs, and public facility maintenance costs or public services. Upon request from the Developer, City shall diligently and expeditiously initiate CFD proceedings utilizing the special tax mechanisms authorized under the law of the State of California or the Fresno Municipal Code where the property subject to special taxes provides primary security for payment of the special taxes, provided, however, any such CFD shall be in conformance with City policies regarding land-based financing. City's obligations under this section are contingent upon the Developer providing adequate security to cover the costs of formation of the district and issuance of the bonds and upon the Developer providing the information or documents within the Developer's control which are necessary to form the district and issue the bonds (e.g., the list of infrastructure intended to be funded by the District and the area to be included in the District.) Developer may recover costs of formation and issuance from bond proceeds to the extent permitted by law. Nothing provided herein is intended to create a legal duty of the City to form a CFD.

202.3 Public Works Development Standards; Specifications. In completing the construction of the On-Site and Off-Site Improvements described in **Exhibits E and F**, developer shall comply with (a) the conditions and terms of the Development Approvals and Subsequent Development Approvals, (b) all approved construction plans, (c) all applicable laws, ordinances, and resolutions in effect at the time of construction, and (d) the construction standards applicable to the Project contained in the City's Standard Specifications in effect at the time of construction applicable to the Project. If the City does not have standard specifications for any particular construction to be performed but appropriate standards are available from the State of California, Division of Highways (Caltrans), then, Developer will complete construction in accordance with such standards and specifications. City acknowledges that the Project will involve the construction of private streets on site to be maintained by one or more owners associations and that such streets will be constructed to different standards than those applicable to City owned streets. Such private streets and associated improvements will be designed by The Developer and shall be submitted to the City Engineer for review and approval prior to construction Developer will complete all construction to the satisfaction of, and use materials satisfactory to, the City Engineer. The City Engineer may inspect all construction and materials.

202.4 Completion and Acceptance of Public Facilities. The City's final written acceptance of any On-Site and Off-Site Improvements to be offered for dedication to the City and to be maintained by City thereafter will constitute a finding

that the improvements comply with the plans and specifications required above. Individual On-Site Improvements and Off-Site Improvements may be separately bonded by Developer. The City may not unreasonably condition, delay or withhold acceptance of Off-Site Improvements based upon the completion of On-Site Improvements. The determination of when certain On-Site and Off-Site Improvements need to be completed and the amount of improvement security for said improvements shall be made between the City and Developer during the processing of phased final maps and confirmed in writing in separate subdivision agreements, the terms of which shall not be inconsistent with the terms of this Agreement. Once the City and Developer determine which On-Site and Off-Site Improvements need to be completed with a particular phase, Developer shall provide separate engineered drawings for the improvements to be completed during the particular phase and may obtain separate improvement security for the On-Site and Off-Site Improvements for each phase. To the extent that phasing of certain On-Site and Off-Site Improvements have already been agreed to by the City and Developer, as included in the Development Approvals, that phasing scheme shall govern. On-Site Improvements and Off-Site Improvements to be dedicated as public facilities shall be owned by the City upon their completion and acceptance.

202.5 Warranty of Public Facilities. Prior to City's acceptance of particular On-Site Improvements or Off-Site Improvements, Developer shall provide a warranty for any defects (whether latent or patent) in work or material or design in the Off-Site Improvements that occur or appear within one year after the date of written acceptance to take effect as to each of those at the time of their acceptance. The warranty shall provide that the City may give written notice to repair or correct any defect within (7) seven calendar days of notice, occurring or appearing within one year, and Developer and/or its warrantor will repair or correct the defect without additional cost to the City. After a failure of the On-Site Improvement or Off-Site Improvements requiring an emergency repair by City crews, the Developer or its warrantor shall reimburse all reasonable costs for labor and materials within forty-five (45) days of invoice. Failure to repair or correct any defect may result in an offset to, or suspension of, reimbursements, if any, or may be considered a default of this Agreement, until the repair or correction is completed to the reasonable satisfaction of the City. Developer shall include the City as a named beneficiary to any subcontract for or warranty of the public facilities. Furthermore, Prior to City acceptance of On-Site or Off-Site improvements, Developer shall provide Warranty Security of the type and in the amounts set forth in Fresno Municipal Code, section 12-1016. This subsection will survive termination of this Agreement.

202.6 Smart Irrigation Systems. Prior to first certificate of occupancy for a dwelling unit, the City will provide a watering schedule for the use of smart irrigation systems..

202.7 Formation of Property Owners Association for Maintenance of On-Site Improvements not Dedicated to City. Developer shall cause to be formed one or more property owner associations to be responsible for the maintenance of all On-Site Improvements of the Project which are not to be dedicated to the City which, at the present time, are envisioned to include at least the following: (1) all streets, alleys, paths and trails within the Subject Property; (2) all landscaped medians and other areas within

the Project boundaries, (3) all parks and recreation areas within the Project boundaries, (4) all common area lighting within the Project boundaries, and (5) all signage within the Project boundaries. All of the foregoing are anticipated to be common areas transferred to the relevant property owners association. At this time it is anticipated that there will only be one property owners association in which assessments are apportioned among residential and nonresidential users; however, it is possible that a separate commercial property owners association could be formed to address specific issues and responsibilities within the nonresidential portion of the Project. Sewers, water lines and storm drains and all Off-Site Improvements are to be located within public utility easements or otherwise accessible to the City for maintenance and to be dedicated to and maintained by the City. The Covenants, Conditions and Restrictions for the Home Owners Association shall include all of the provisions set forth in Fresno Municipal Code, section 12-1026 and shall grant the City the right to enforce those provisions by any legal or equitable means against the Property Owners Association or against any individual property owner and entitle the City to attorneys fees, legal expenses and costs should it prevail in any litigation to enforce or interpret those provisions.

203. Dedications and Other Exactions. Developer shall be responsible for only those dedications and other exactions provided in the Development Approvals.

204. Impact Fees; Reimbursements and Credits. Developer shall be responsible for paying only those fees provided in the Development Approvals as provided in Section 101. The Developer shall be eligible for reimbursements and credits for the Off-Site Improvements required under Section 202.1.3 as provided in Section 101. Notwithstanding the above, Developer shall be responsible for paying any fees the City collects for other agencies pursuant to (i) State or Federal law or (ii) any City agreements or City ordinances adopted or entered into to comply with State or Federal law or judgment of a court of law.

205. Conditions to and Formula for Reimbursement for Off-Site Improvements. Reimbursement and/or credits that the Developer is expressly allowed, for improvements listed in **Exhibit F,** shall be given from appropriate fee programs as provided in the Fresno Municipal Code and/or adopted City policies for those fee programs as they exist at the time the reimbursement and/or credit is sought, but to no lesser degree than provided as of the Effective Date..

206. Books and Records. Developer shall establish and maintain throughout the term of this Agreement, and for a four (4) year period following the date of the last reimbursement, records and accounts on the Subject Property and its development, in accordance with normal business practices, any reasonable request of the City, and applicable laws, rules and regulations. At the times and in the forms as the City may reasonably request, Developer shall furnish City with statements, records, reports, data and information related to the costs to be reimbursed. The City, at its cost, has the right during reasonable business hours to inspect and copy Developer's records, books, and documents related to the reimbursable costs. Not more frequently than annually, the City at its cost has the right, but not the obligation, to audit the Developer's books and records.

207. Project Timing. The Parties acknowledge that Developer cannot at this time predict when, or the order in which, individual buildings on the Subject Property will be developed. Such decisions with respect to phasing of development of the Subject Property will depend upon a number of circumstances not within the control of Developer, including, without limitation, market conditions and demand for the use or uses of the Subject Property, the condition of capital markets and availability of appropriate financing for the development of the Subject Property (such as construction or interim and permanent loans, and/or equity capital) and other similar factors. In order to retain the flexibility necessary to respond to such market conditions, Developer shall have the right to develop the Subject Property in phases, in such order, and at such times as Developer deems appropriate within the exercise of its subjective business analysis of those factors determining, in Developer's judgment, the appropriate course of development of the Subject Property. However, in connection with each phase, Developer shall be required to comply with the Development Approvals.

In light of the California Supreme Court's decision in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to provide for the timing of development allowed a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the parties' intent to cure any such deficiency in this Agreement by acknowledging and expressly providing that Developer may develop the Subject Property and portions of both in the order and at the times Developer, in its sole discretion, deems appropriate based on Developer's analysis of those factors determining, in Developer's subjective business judgment, the appropriate pace and timing of the development of the Project. The adoption or modification of any laws or regulations by City, including limits on building permits or connections to water or sewer or other infrastructure, whether by initiative or otherwise, limiting or prescribing the pace or timing of development or construction within City is in conflict with this Agreement, and the adopted or modified law or regulation is not applicable to development of the Project, unless Developer in its sole discretion elects to have the adopted or modified law or regulation apply to the development of the Project; or, unless the City makes findings that there is an immediate and substantial threat to public health and safety and supports these findings with substantial evidence in the record..

208. Amendments to Development Approvals. Given the long-term build-out of the project, the Parties acknowledge that development of the Subject Property may require amendments to Development Approvals or Subsequent Development Approvals. Amendments to the Development Approvals or Subsequent Development Approvals shall be processed as follows:

208.1 Administrative Amendments. Upon the written request of Developer for an amendment or modification to a Development Approval or Subsequent Development Approval, the Planning Director or his/her designee shall determine: (i) whether the requested amendment or modification is minor; and (ii) whether the requested amendment or modification is consistent with the Applicable Rules. If the Planning

Director or his/her designee finds that the proposed amendment or modification is minor, consistent with the Applicable Rules, and is not subject to further environmental review under CEQA (*See* CEQA Guidelines §§ 15162, 15163), the amendment shall be determined to be an "Administrative Amendment" and the Planning Director or his/her designee may approve, or may approve with appropriate conditions, the Administrative Amendment consistent with the City's procedures for minor revisions and/or amendments to special permits, including any requirements for notice, public hearing, and appeal rights. The determination of whether a requested amendment or modification is an Administrative Amendment shall be within the reasonable discretion of the Planning Director. Notwithstanding the foregoing provision, if the Director determines that an amendment has the potential to affect a facility under the responsibility of another City department, the Director shall refer the amendment to the Director of the affected Department (and/or his or her designee) who must also concur that the amendment is a minor amendment under the terms provided in this Section. For example, if an amendment has the ability to affect traffic, the Director of Public Works (and/or his or her designee) must concur that the amendment is administrative, if an amendment has the ability to affect sewer loads, the Director of Public Utilities Department (and/or his or her designee) must concur that the amendment is administrative.

Examples of amendments or modifications which may, depending on particular circumstances, be treated as Administrative Amendments, include, but are not limited to, the following: (1) lot line adjustments that do not result in a significant change in the lot size and that comply with the requirements of the Subdivision Map Act; (2) alterations in vehicle circulation patterns or vehicle access points which do not adversely affect capacity or service levels; (3) changes in trail alignments; (4) substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan; (5) variations in the location of structures that do not substantially alter the design concepts of the project; and (6) minor alterations in design or configuration of buildings, infrastructure or other facilities that are consistent with the Development Standards set forth in **the Development Approvals**; and (7) minor adjustments to the Subject Property legal description. Administrative Amendments are subject to a processing fee as provided in Section 101.

208.2 Material Amendments. Any request of Developer for an amendment or modification to a Development Approval or Subsequent Development Approval that is determined by the Planning Director or his/her designee (or a director of another City department under the terms in Section 208.1) to be a material amendment ("Material Amendment"), as opposed to an Administrative Amendment, shall be subject to review, consideration and action pursuant to the laws in effect at the time the Material Amendment is considered for approval. Notwithstanding any provision in the Agreement to the contrary, the City may impose mitigation measures necessary to comply with CEQA for Material Amendments. Material Amendments are subject to processing fees as provided in Section 101. Notwithstanding the foregoing portions of this Section 208.2, any Subsequent Approval sought by Developer pursuant to Recital F, whether deemed a Material Amendment or not, shall be processed as provided in Recital F.

208.3 Future Amendments. Any future amendment or modification to a Development Approval or Subsequent Development Approval shall be incorporated in this Agreement without the need to amend this Agreement.

209. Encumbrances and Lender's Rights.

209.1 Permitted Encumbrances. This Agreement shall be superior and senior to any lien placed upon the Subject Property. Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any mortgage or deed of trust on the Subject Property made in good faith and for value. The Parties agree that this Agreement shall not prevent or limit any owner of an interest in the Subject Property from encumbering the Subject Property or any portion thereof with any mortgage, deed of trust or other security device (any such device, a "Mortgage") securing financing with respect to the Subject Property. City acknowledges that the holder of any such mortgage, deed of trust or other security device ("Lender") may require certain Agreement interpretations and modifications and agrees, from time to time, to meet with Developer and representatives of such Lender(s) to negotiate in good faith any such request for interpretation or modification. City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement and does not result in the City subordinating this agreement to any lien or deed of trust. As used herein the term "Lender" does not include any affiliate of or entity controlled by Developer or its owners, officers, directors, principals or members.

209.2 Lender's Rights. If Lender timely requests, in writing, receipt of notice of any event of default given under this Agreement to Developer or any other holder of an interest in part or all of the Subject Property, then City shall provide a copy of such notice to Lender within ten (10) days of sending the notice of default to Developer or other holder of an interest in part or all of the Subject Property. The Lender shall have the right, but not the obligation to cure the default during the remaining cure period allowed to the defaulting party under the terms of this Agreement. Notwithstanding anything to the contrary herein, each Lender has a period of ninety (90) days after the receipt of that notice from City to cure or remedy, or to commence to cure or remedy, the event of default claimed or the areas of noncompliance set forth in City's notice. If the event of default or the noncompliance is of a nature that can only be remedied or cured by the Lender upon obtaining possession, the Lender shall diligently seek to obtain possession through a receiver or otherwise, and shall thereafter remedy or cure the event of default or noncompliance within 90 days after obtaining possession. If any event of default or noncompliance cannot, with diligence, be remedied or cured within those ninety (90) day periods, then the Lender has additional time as may be reasonably necessary, as reasonably determined by the City, to remedy or cure the event of default or noncompliance if the Lender commences to cure during those ninety (90) day periods, and thereafter diligently pursues completion of that cure. Nothing in this Agreement permits or authorizes any Lender to undertake or continue construction or completion of any improvements comprising the Project beyond the extent necessary to conserve or protect improvements or construction already made, without first having expressly assumed Developer's obligations under this Agreement in the manner specified herein

and curing all defaults. The Lender shall receive a second default notice thirty (30) days before the City institutes legal proceedings.

209.3 Lender Non-Liability. Any Lender who comes into possession of the Subject Property, or any part thereof, pursuant to foreclosure of a Mortgage or taking a deed in lieu of such foreclosure, shall take the Subject Property, or part thereof, subject to the terms of this Agreement,*provided*, however: (1) in no event shall such Lender be liable for any defaults or monetary obligations of Developer arising prior to acquisition of title to the Subject Property by such Lender; (2) no Lender has any obligation under this Agreement to construct or complete the construction of improvements, or to guarantee that construction or completion; and (3) if Developer shall have defaulted under this Agreement before Lender takes title to the Subject Property or any part thereof, Lender shall enjoy the same rights and privileges with respect to such default as if (a) Lender were Developer, and (b) title were still held by Developer. Nothing in this Agreement shall be deemed or construed to permit or authorize Lender to devote the Subject Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement. The foregoing provisions shall not accrue to the benefit of a Lender who proceeds in the manner of a Subsequent Developer in developing and approving the Subject Property. Limiting itself to those development activities set forth in the next to last sentence of Section 209.2 shall create a presumption that a Lender has not proceeded to become a Subsequent Developer.

209.4 Estoppel Certificate. Within thirty (30) days following any written request which either city or Developer may make from time to time, the other shall sign and deliver to the requesting party a statement certifying that: (1) this Agreement is unmodified and in full force and effect or, if there have been modifications hereto, that this Agreement is in full force and effect, as modified, and stating the date and nature of such modifications; (2) there are not current uncured defaults under this Agreement or specifying the dates and nature of any such defaults; and (3) any other reasonable information requested. The failure to deliver such statement within such time shall be conclusive upon the party which fails to deliver such statement that this Agreement is in full force and effect without modification and that there are no uncured defaults in the performance of the requesting party. The City's Planning Director, or other City officer having adequate knowledge to do so, shall be authorized to execute any such statement. An estoppel certificate obtained under this section may be relied upon by transferees and Lenders.

ARTICLE 3
DEFAULT, REMEDIES, TERMINATION

300. General Provisions.

Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either Party to perform any term or provision of this Agreement shall constitute a default. In the event of default or breach of any terms or conditions of

this Agreement, the Party alleging such default or breach shall give the other Party not less than thirty (30) days notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured. During any such thirty (30) day period, the Party charged with being in default shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other Party to this Agreement may at its option:

1. Terminate this Agreement, in which event neither Party shall have any further rights against or liability to the other with respect to this Agreement or the Subject Property; provided, however, if portions of the Subject Property are held in separate ownership at the time such event of default occurs and such event of default is related only to one portion, this Agreement may be terminated only as to such portion and no such termination shall impair the continuing applicability of this Agreement to the remainder of the Subject Property; or

2. Institute legal or equitable action to cure, correct or remedy any default, including, but not limited to, an action for specific performance of the terms of this Agreement; provided, however, that in no event shall either party be liable to the other for money damages for any default or breach of this Agreement.

301. Developer Default; Enforcement.

No building permit shall be issued or building permit application accepted for the building shell of any structure on any portion of the Subject Property if the permit applicant owns or controls such portion of the Subject Property and if such applicant or any entity or person controlling such applicant has been found to be in default as to such portion of the Subject Property by the City Council of the City of Fresno under the terms and conditions of this Agreement, unless such default is cured or this Agreement is terminated. A default as to an owner of any portion of the Subject Property shall have no impact on any portion of the Subject Property not owned by such defaulting owner. The Developer shall cause to be placed in any covenants, conditions and restrictions applicable to the Subject Property, or in any ground lease or conveyance thereof, an express provision for an owner of the Subject Property, lessee or City, acting separately or jointly, to enforce the provisions of this Agreement and to recover attorneys' fees and costs for such enforcement.

302. Annual Review.

The City Manager shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by the Developer with the terms and conditions of this Agreement. Such periodic review shall be limited in scope to compliance with the terms and conditions of this Agreement pursuant to California Government Code Section 65865.1. Notice of such annual review shall include the statement that any review may result in amendment or termination of this

Agreement. The costs of notice and related costs incurred by the City for the annual review conducted by the City pursuant to this Section 302 shall be borne by the Developer.

The City Manager shall provide thirty (30) days prior written notice of such periodic review to the Developer. Such notice shall require the Developer to demonstrate good faith compliance with the terms and conditions of this Agreement and to provide such other information as may be reasonably requested by the City Manager and deemed by him to be required in order to ascertain compliance with this Agreement. If, following such review, the City Manager is not satisfied that the Developer has demonstrated good faith compliance with all the terms and conditions of this Agreement, the City Manager may refer the matter, along with his recommendations, to the City Council.

Failure of the City to conduct an annual review shall not constitute a waiver by the City of its rights to otherwise enforce the provisions of this Agreement; nor shall the Developer have or assert any defense to such enforcement by reason of any such failure to conduct an annual review.

303. Enforced Delay; Extension of Times of Performance.

In addition to specific provisions of this Agreement, either Party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, systemic financial distress, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental entities' enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulations, litigation or similar grounds for excused performance. If written notice of such delay is given within thirty (30) days of the commencement of such delay, an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

304. Limitation of Legal Acts.

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

305. Applicable Law and Attorneys' Fees.

This Agreement shall be construed and enforced in accordance with the laws of the State of California. Developer acknowledges and agrees that the City has approved and entered into this Agreement in the sole exercise of its legislative discretion and that the standard of review of the validity or meaning of this Agreement shall be that accorded legislative acts of the City. Except as set forth herein, should any legal action be brought by a Party for breach of this Agreement or to enforce any provision herein, the prevailing Party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court.

306. Invalidity of Agreement.

1. If this Agreement is determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment.

2. If any provision of this Agreement is determined by a court to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any law which becomes effective after the date of this Agreement and either party in good faith determines that such provision is material to its entering into this Agreement, either party may elect to terminate this Agreement as to all obligations then remaining unperformed in accordance with the procedures set forth in Section 300, subject, however, to the provisions of Section 307 hereof.

307. Effect of Termination on Developer's Obligations.

Termination of this Agreement shall not affect the Developer's obligations to comply with the General Plan and the terms and conditions of any and all land use entitlements approved with respect to the Subject Property prior to such termination, nor shall it affect any other covenants of the Developer specified in this Agreement to continue after the termination of this Agreement. If portions of the Subject Property are held in separate ownership at the time of such termination, this Agreement may be terminated only as to such portion and no such termination shall impair the continuing applicability of this Agreement to the remainder of the Subject Property.

308. Certificate of Compliance. If after an Annual Review based upon City's own investigation and information provided by Developer, City finds Developer has complied in good faith with this Agreement, City shall issue to Developer a Certificate of Compliance certifying that Developer has so complied through the period of the applicable Annual Review. The Certificate of Compliance must be in recordable form and must contain such information as may be necessary to impart constructive notice of City's finding. Upon issuance of the Certificate of Compliance, City is estopped from pursuing any remedy under this Agreement for any default which City knew or should have known existed prior to or on the date of the Certificate of Compliance. Developer may record the Certificate of Compliance in the Official Records of the County of Fresno.

309. Certificate of Satisfaction. After completion of the Project, City, upon request of Developer, shall execute in recordable form and deliver to Developer a Certificate of Satisfaction, certifying that Developer has satisfied all of Developer's obligations under this Agreement to the date of the certification. Upon issuance of a Certificate of Satisfaction, City is estopped from pursuing any remedy under this Agreement for any default which City knew or should have known existed prior to or on the date of the Certificate of Satisfaction. Developer may record the Certificate of Satisfaction in the Official Records of the County of Fresno.

309.1 Policy on Alleged Construction Defects. City and Developer acknowledge that it is in the best interests of City, Developer, homeowners and homebuyers that all parties be able to rely upon a high quality of construction in a new community in order to protect health and life safety and to preserve the reputation of the community and its sustainability and integrity, including dwelling units and common areas and spaces to be maintained by property owners associations. City and Developer also acknowledge that there has been an increase in construction defect litigation throughout California, including claims based on alleged failures to comply with the California Building Code and claims based on alleged failures to meet local standards of good workmanship and materials. Accordingly, City and Developer agree that if a the owner of a dwelling unit ("Owner") or a property owners association ("Association"), claims that a condition exists at the residence or the common areas or spaces that does not comply with the California Building Code as amended and adopted by the City of Fresno, the Owner or Association shall either repair the condition or provide a written disclosure statement describing the condition to all potential lenders and buyers of the Owner's property or of any property within the Association or to any member and lender to the Association. Furthermore, upon notice of such a claim City shall record a Notice of Claimed Construction Defect(s) on the applicable Owner's or Association property to assure compliance with this policy and shall record a Notice of Repair of Claimed Construction Defect(s) after the Owner or Association has obtained all required permits to perform the repair work and has repaired the claimed construction defect(s), and after the repair work has been inspected and approved by City. Prior to recording the Notice of Claimed Construction Defect(s), City shall first give written notice to Developer and to Owner and Association of its intention to record same and shall give them a reasonable opportunity to object, provided that City shall decide whether to record such Notice based on the provisions of this paragraph. City shall have no liability to any party for damages resulting from City's actions hereunder and Developer's only remedy for City's failure to act hereunder shall be by a claim for specific performance. Developer is not entitled to recover attorneys fees or litigation expenses associated in seeking specific performance of this section.

ARTICLE 4
INDEMNITY; INSURANCE

400. Indemnity/Insurance.

400.1 Indemnification. To the furthest extent allowed by law, Developer shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers against any legal challenges to the Development Approvals, including any challenges arising out of the City's alleged violation of the California Environmental Quality Act, and from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, Developer or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance of this Agreement or the performance of

any or all work to be done on On-Site Improvements or Off-Site Improvements pursuant to this Agreement (including, but not limited to design, construction and/or ongoing operation and maintenance unless and until the facility is dedicated to and officially accepted by the City). Developer's obligations under the preceding provisions include any claims related to or arising out of the Developer's claim of a right to exclude public utilities from private streets. Developer's obligations under the preceding sentence shall apply regardless of whether Developer or any of its officers, officials, employees or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, agents or volunteers.

If Developer should subcontract all or any portion of the services to be performed under this Agreement, Developer shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of the preceding paragraph. The Developer further agrees that the use for any purpose and by any person of any and all of the streets and improvements required under this Agreement, shall be at the sole and exclusive risk of the Developer at all times prior to final acceptance by the City of the completed street and other improvements. This section shall survive termination or expiration of this Agreement.

400.2 <u>Insurance</u>. Throughout the life of this Agreement, Developer shall pay for and maintain in full force and effect all policies of insurance described in this section with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A- VII" in Best's Insurance Rating Guide, or (ii) authorized by CITY'S Risk Manager. The following policies of insurance are required:

a. COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and shall include insurance for bodily injury, property damage and personal injury with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, contractual liability (including indemnity obligations under this Agreement),with limits of liability of not less than $2,000,000 per occurrence for bodily injury and property damage, $1,000,000 per occurrence for personal injury and $3,000,000 aggregate for products and completed operations.

b. COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Business Auto Coverage Form CA 00 01 and shall include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 B Any Auto), with combined single limits of liability of not less than $5,000,000 per accident for bodily injury and property damage.

c. WORKERS' COMPENSATION insurance as required under the California Labor Code. Developer shall file with the City pursuant to Section 3800 of the Labor Code, a Certificate of Workers' Compensation.

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

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

The above described policies of insurance shall be endorsed to provide an unrestricted 30 calendar day written notice in favor of City of policy cancellation of coverage, except for the Workers' Compensation policy which shall provide a 10 calendar day written notice of such cancellation of coverage. **In the event any policies are due to expire during the term of this Agreement, Developer shall provide a new certificate evidencing renewal of such policy not less than fifteen (15) calendar days prior to the expiration date of the expiring policy(ies).** Upon issuance by the insurer, broker, or agent of a notice of cancellation in coverage, Developer shall file with City a new certificate and all applicable endorsements for such policy(ies).

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

If at any time during the life of the Agreement or any extension, Developer fails to maintain the required insurance in full force and effect, the Director of Public Works, or his/her designee, may order that the Developer, or its contractors or subcontractors, immediately discontinue any further work under this Agreement and take all necessary actions to secure the work site to insure that public health and safety is protected. All payments due or that become due to Developer shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement.

The fact that insurance is obtained by Developer shall not be deemed to release or diminish the liability of Developer, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Developer. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Developer, its principals, officers, agents, employees, persons under the supervision of Developer, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

Upon request of City, Developer shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

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

401. Notice to Developer.

The City shall promptly give notice to Developer in accordance with Section 600 of this Agreement of any case, action or proceeding brought against the City concerning this Agreement or the Subject Property.

ARTICLE 5
PROJECT AS A PRIVATE UNDERTAKING

500. Project as a Private Undertaking.

It is specifically understood and agreed by and between the Parties hereto that the development of the Subject Property is a separately undertaken private development and that the contractual relationship created hereunder between the City and Developer is such that Developer is an independent contractor and is not an agent of the City. None of the terms or provisions of this Agreement shall be deemed to create a partnership or joint venture between the City and Developer or to provide third party beneficiary rights to any person or entity not a Party hereto. The only relationship between the City and the Developer is that of a governmental entity regulating the development of private property and the owner of such private property.

ARTICLE 6
NOTICES

600. Notices.

All formal notices required by this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, to the principal offices of the City and the Developer with copies sent as set forth below. The addresses of the parties as of the date hereof are as set forth below. Such written notices, demands, correspondence and communication may be directed in the same manner to such other persons and addresses as either party may from time to time designate in writing. The Developer shall give written notice to the City, within ten (10) days after the close of escrow, of any sale or transfer of any portion of the Subject Property and any assignment or partial assignment of this Agreement, specifying the name or names of the transferee, the transferee's mailing address, the legal description of the land sold or transferred, and the name and address of any person or entity to whom any notice relating to this Agreement shall be given with respect to such transferred portion of the Subject Property.

Notices required to be given to the City shall be addressed as follows:

City of Fresno

Planning and Development Department
2600 Fresno Street
Fresno, California 93721
Attention: Planning Director

Notices required to be given to the Developer shall be addressed as follows:

Ashlan/Hayes No. 1, L.P.
c/o Brent McCaffrey
7020 Van Ness Boulevard
Fresno, CA 93711

with a copy to:

Sanger & Olson
576 Sacramento Street, 7th Floor
San Francisco, CA 94111-3023

ARTICLE 7
MISCELLANEOUS

700. Amendment of Agreement.

This Agreement may be amended from time to time with respect to any portion of the Subject Property by mutual consent of the City and the Developer (to the extent that it continues to own any portion of the Subject Property) and of the then-current owner(s) of the portions of the Subject Property affected by such amendment, with City costs payable by the amendment applicant, in accordance with the provisions of Government Code Sections 65867 and 65868.

701. Waiver of Provisions.

No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. No waiver of any right or remedy with respect to any occurrence or event shall be deemed a waiver of any other occurrence or event.

702. Time of Essence.

Time is of the essence for each provision of this Agreement of which time is an element.

703. Entire Agreement.

This Agreement is executed in two duplicate originals, each of which is deemed to be an original. This Agreement consists of ___ (__) pages and ___ (___) exhibits, which constitute the entire understanding and agreement of the Parties. Said exhibits are identified as follows:

Exhibit A: Legal Description of the Subject Property

Exhibit B: Diagram of Area Subject to Agreement

Exhibit C: **[Deleted]**

Exhibit D: **[Deleted]**

Exhibit E: On-Site Improvements

Exhibit F: Phasing of Off-Site Improvements (two pages: a list and a approved phasing map)

Exhibit G: **[Deleted]**

Exhibit H: **[Deleted]**

Exhibit I: Staff Report to Council

Exhibit J: Ordinance Adopting Development Agreement

Exhibit K: Conditional Use Permit

Exhibit L: Vesting Tentative Tract Map 5891.

Recitals A through M are incorporated into the Agreement. In the event of inconsistency between the Recitals and the provisions of Articles 1 through 7, the provisions of Articles 1 through 7 shall prevail.

IN WITNESS WHEREOF, the City and the Developer have executed this Agreement as of the date first set forth above.

CITY:

CITY OF FRESNO

By:_____
Alan Autry, Mayor

By:_____
Becky Klisch, City Clerk

APPROVED AS TO FORM:

_____
John Fox, City Attorney

DEVELOPER:

ASHLAN/HAYES NO. 1, L.P., A CALIFORNIA LIMITED PARTNERSHIP

By: McCAFFREY GROUP, INC.
Its General Partner

By: _____
Brent M. McCaffrey
Its Vice President

EXHIBIT "A"

LEGAL DESCRIPTION

The land referred to in this Agreement is described as follows:

Parcel 1:

The North half of the Northwest quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Except the North 30 feet thereof heretofore conveyed to Fresno Traction Company.

Parcel 2:

The North one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Parcel 3:

The South one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the South 165.00 feet of the West 548.00 feet, as conveyed to David Scarabello, by Gift Deed dated may 21, 1985 as Document No. 85067612, Official Records.

Parcel 4:

The North one-half of the North one-half of the Southwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom all oil, gas and minerals previously reserved of record.

Parcel 5:

The North half of the North half of the Southeast quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, in the City of Fresno, County of Fresno, State of California, Mount Diablo Base and Meridian,

Excepting therefrom the South 150 feet of the East 215 feet of the North half of the North half of the Southeast quarter of the Southeast quarter of said Section 16.

Also the most Westerly 660 of Parcel 2 of Parcel Map No. 4474, recorded in Book 31, Page 26 of Parcel Maps, Fresno County Records.

Exhibit "A"
Legal Description cont.

Parcel 6:

The South 3/4ths of the Southwest quarter of the Southeast quarter and the West half of the South 3/4ths of the Southeast quarter of the Southeast quarter all in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof, Fresno County Records.

Excepting therefrom the South 287 feet of the North 474 feet of the West 440 feet of the South 3/4ths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 208 feet of the North 682 feet of the West 228 feet of the South 3/4ths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 326.00 feet of the East 295.00 feet of the West half of the South 3/4ths of the Southeast quarter of the Southeast quarter of said Section 16.

Parcel 7:

The South half of the North half of the South half of the East half of the East half of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the United States Government Township Plat.

Parcel 8:

The North 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 13 South, Range 19 East, Mount Diablo base and Meridian, in the County of Fresno, State of California, according to the Official Plats thereof.

Excepting therefrom the North 330 feet of the East 330 feet thereof.

Parcel 9:

The North 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the East 210 feet of the South 420 feet thereof.

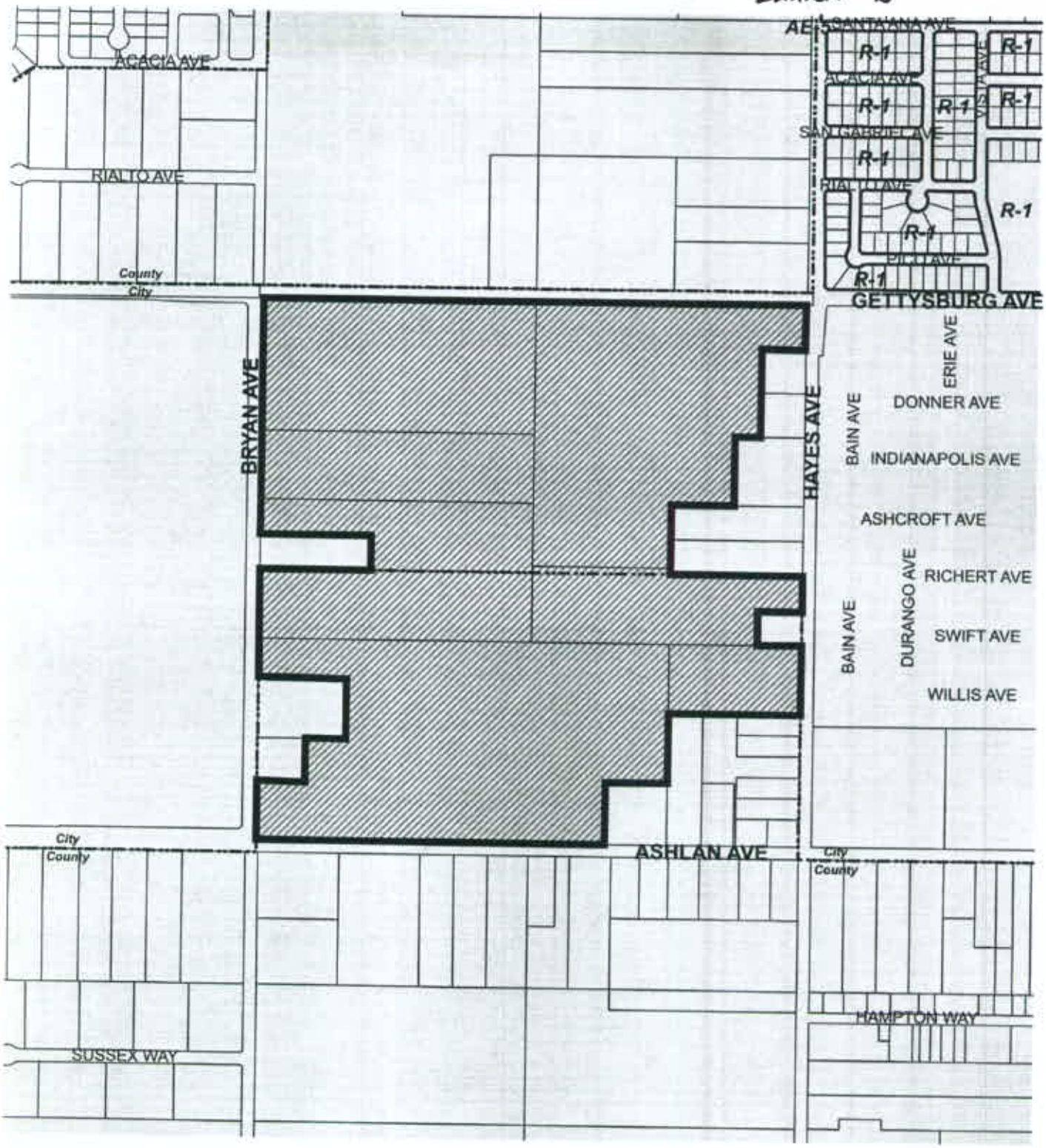
Also excepting therefrom the interest as deeded to Fresno Traction Company, a corporation, over the North 30 feet of said Southeast 1/4, as deeded in that certain Indenture recorded October 7, 1913 in Volume 535 of Deeds, at page 196, Fresno County Records.

Parcel 10:

The Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the South 30 feet thereof.

Exhibit "B"



LEGEND

Subject Property

U.G.M. Area

VICINITY MAP

VESTING TENTATIVE MAP OF TRACT NO. 5891/UGM

REZONE APPLICATION NO. R-07-029

From AE-20 and R-A (county) to R-1/UGM, R-2/UGM, and C-1/UGM

CONDITIONAL USE PERMIT NO. C-07-308

NOT TO SCALE

PLANNING & DEVELOPMENT DEPARTMENT

A.P.N.: 311-070-01,07,17, 19,39,48,50,54

ZONE MAP: 2044

BY/DATE: D.N. / 12-11-07

Exhibit E Onsite Improvements

(All items included hereinbelow are a general listing of those improvements applicable to the development of the subject property. All improvements are to be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008)

- Curb & Gutter (including curb ramps, driveway approaches, etc.)
- Median Island Curb
- Asphalt and Street Pavement
- Sidewalk and Street Furniture (including flags, banners, identification signs and kiosks).
- Landscape and Irrigation for Parks, Open Space, and Buffer purposes, including:
  - Major Street Entryways
  - Aggregated Open Space
  - Pedestrian Connections/Pathways
  - Interior "End-Block" Treatments
  - "Anti-Graffiti" Buffers Adjacent to Required Walls and Fences
  - Street Trees, Parkway Landscaping, and Alley Shading
- Fountains
- Entry Monuments
- Required Fences and/or Solid Masonry Walls
- Emergency Access Gates, Barriers and Barricades
- Sewer Main, Manholes and Laterals
- Abandonment of all existing Private Sewer Septic Systems
- Water Main, valves, Fire Hydrants, and Laterals
- Seal and Abandon existing Well(s)

- Storm Drain Pipelines, Inlets and Manholes
- Rule 15 PG&E, Cable TV, and Telephone
- Piping of Private Irrigation Canal(s)
- Street Lights
- Parking Lot Improvements
- Demolition of existing Extant Structures
- Construction of proposed Residential and Commercial Structures

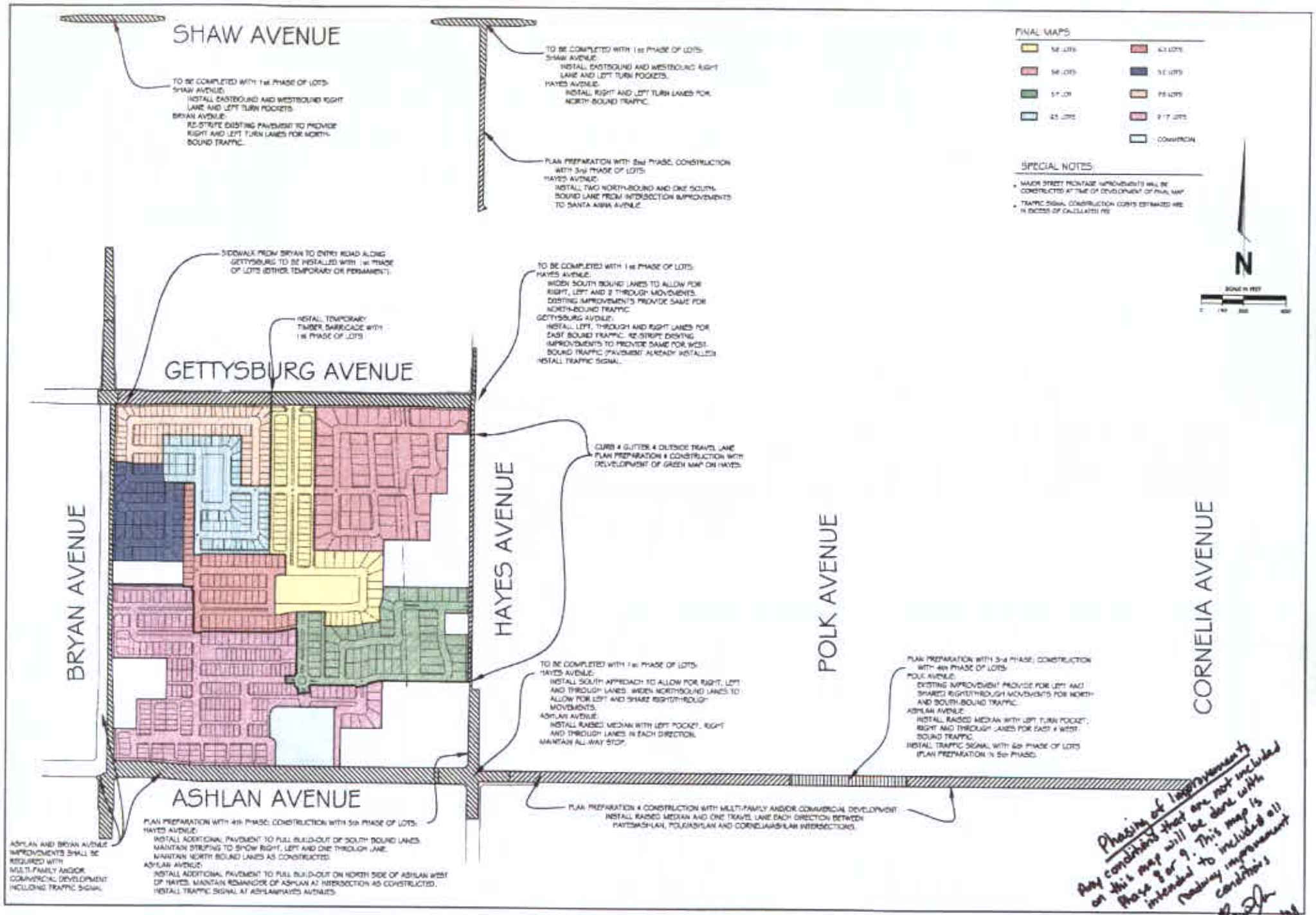
Exhibit F Offsite Improvements

(All items included hereinbelow are a general listing of those improvements applicable to the development of the subject property. All improvements are to be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008; and pursuant to the Phasing of Street Improvements as identified within this Exhibit or the Phasing of Public Utility Facilities as identified within this Agreement)

- Curb & Gutter including Bus Bay Curb and Gutter at identified locations
- Raised Concrete Median Islands at identified locations
- Asphalt and Permanent Street Pavement at identified locations
- Sidewalk at identified locations and Walkable Paths across adjacent property for safe routes to schools
- Circular or "Hammerhead" Driveways for identified adjacent properties
- Landscape and Irrigation for Open Space purposes along the major street frontages; including Bicycle and Pedestrian Trail.
- Sewer Main, Manholes and Laterals
- Water Main, Valves, Fire Hydrants, Laterals and Reclaimed Water System
- Water Supply Well(s)
- Storm Drain Pipelines, Inlets and Manholes
- Piping of Private Irrigation Canal(s)
- PG&E, Cable TV, and Telephone (Ashlan, Hayes, Gettysburg, Bryan)
- Undergrounding of Overhead Utilities
- Traffic Signals (Ashlan, Hayes, Gettysburg, Bryan) and Stop Signs at identified locations.
- Street Lights (Ashlan, Hayes, Gettysburg, Bryan), Underground Lighting Systems and Trail Lighting
- Right of Way Acquisition (Ashlan, Hayes, Bryan)

- Construction of additional lanes and widening within identified street segments outside project boundary
- Construction of left and right-turn lanes with pockets and acquisitions at identified intersections
- Installation of stop signs, safety lighting and signalization at identified intersections
- Installation of Intelligent Transportation System (ITS) conduits and fiber with pole boxes and equipment at identified intersections with West Ashlan Avenue for synchronization
- Provisions for necessary lane configurations and proper transitions for appropriate speeds at identified intersections
- Full improvements and construction of walkable paths across remainder and outlying lots that create bottlenecks
- Installation of safe pedestrian crossings and sidewalk access from all subdivision outlets to the CUSD Schools and accommodation for bike lanes.

PAGES 1 AND TWO OF THREE PAGES (THIRD PAGE WITH PHASING MAP)



Phasing of improvements
Any conditions that are not included on this map will be done with Phase 8 or 9. This map is intended to include all roadway improvement conditions
3/15/06

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

NOVEMBER 05, 2008

VESTING TENTATIVE TRACT MAP NO. 5891/UGM

BETWEEN WEST ASHLAN AVENUE AND THE WEST GETTYSBURG AVENUE ALIGNMENT; AND, BETWEEN NORTH BRYAN AND NORTH HAYES AVENUES

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

NOTICE TO PROJECT APPLICANT

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

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008, the subdivider may prepare a Final Map in accordance with the approved tentative map, and related Rezone Application No. R-07-29.

2. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.

3. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

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

5. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and

shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.

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

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

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

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

10. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and County of Fresno and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of the Final Map of Vesting Tentative Tract No. 5891/UGM.

11. No portion of any lot within this proposed subdivision shall encroach into, or be located within, the Pacific Gas and Electric Company (PG&E) transmission line easement on the subject property.

GENERAL INFORMATION

12. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.

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

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

    a) Pursuant to the California Environmental Quality Act it is the lead agency's responsibility to evaluate all resources within a project area for possible eligibility to the California Register of Historical Resources (PRC 21084.1). The City of Fresno's 2025 General Plan also directs staff to review all demolition permits (within the City) for resources over 50 years of age for their potential listing on the Local Register of Historical Resources (G-11-c).

        - NOTE: A historic survey was prepared for the subject property as part of the processing and evaluation of Plan Amendment Application No. A-07-008. Based upon the information submitted within the consultants survey report, staff concurs with the consultant's findings; there are no historic resources for the purposes of the California Environmental Quality Act.

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

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

17. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation measures.

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

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

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

a) Major street entryways should contain enhanced landscaping (and irrigation systems), surface materials, and fencing/wall treatments that respectively improve and better define a project's visual image and character.

i) The subdivider shall provide a minimum 10-foot wide landscaped strip on the west property line (local street side property line) of Lot 5 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

- NOTE: The landscaped strip shall extend to the front yard setback of said lot.

ii) Outlots "A," "T," "AI," "AT" & "CJ" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which are proposed to be located adjacent to the major street entryways into the subdivision shall be dedicated for Open Space purposes and shall be landscaped and maintained in accordance with the conditions below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

b) The proposed subdivision shall incorporate aggregated open spaces which are centrally located, linked with landscaped pedestrian connections/walkways, and provided for active recreational purposes.

- NOTE: Generally, the aggregated open spaces shall have a minimum area of 10,000 square feet, with minimum dimensions of 70 feet by 100 feet.

i) The developer/owner shall landscape Outlots "F," "V," "W," "AA," "AO," "AP," "AQ," "AR," "AY," "BN" & "BS" of Vesting Tentative Tract Map No. T-5901/UGM dated October 30, 2008 and maintain said lots in accordance with the conditions listed below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

c) Landscaped pedestrian connections/walkways shall be provided for all subdivisions in order to link neighborhoods and to provide residents the opportunity to reach destinations, including (but not limited to) residences, bus stops, trails, parks (including mini, neighborhood, community, regional parks, etc.), schools, shopping centers, other subdivisions, etc.

i) The developer/owner shall landscape Outlots "A," "B," "K," "BM," "BP," "BS," "BW," "BY," "BZ," "CC," "CD" & "CJ" of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008, and maintain said lots in accordance with the conditions listed below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

ii) All proposed landscaped pedestrian connections or paseos, entryways and pathways, shall be improved in accordance with the approved landscape improvement plans, which are to be submitted to the Planning and Development Department for review and approval prior to Final Map approval.

- NOTE: Lighting details shall be provided with the submittal of the landscape improvement plans.

150

iii) Outlots ""BP," "BS" & "CD" of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 are also proposed to be dedicated for parking purposes.

- NOTE: Visitor parking areas and off-street parking geometrics shall be provided in accordance with Public Works Department standards, specifications, and policies.

d) Provide a minimum eight-foot wide landscaped strip at the end of all interior blocks. All "end-block" landscape treatments shall be maintained in accordance with the conditions listed below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

e) Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the conditions listed below.

- NOTE: Compliance with the City of Fresno "Anti-Graffiti Landscape Buffer Development and Planting Standards" shall be demonstrated and determined through submittal of the improvement plans for all required landscaping and irrigation systems to the Planning and Development Department for review prior to Final Map approval as indicated below.

f) Improvement plans for all required landscaping and irrigation systems shall be submitted to the Planning and Development Department for review and approval prior to recordation of the Final Map.

Street Tree Requirements

25. Comply with all of the requirements of the Department of Public Works memorandums dated December 18, 2007.

26. 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 landscape easements. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage by the developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards.

Maintenance

27. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer. If the Council or property owner/developer chooses not to include all of the items or certain items listed in a Community Facilities District (CFD), the property owner/developer shall be responsible for providing a mechanism approved by the City of Fresno for maintenance of such items.

a) Maintenance of all landscaping and irrigation systems as approved by the Public Works Department within the street right-of-ways (includes parkways and one-half of median islands in major streets), landscape easements, trails and outlots associated

with the subdivision. All outlots shall be dedicated to the City of Fresno for maintenance purposes and any related work required.

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

b) Maintenance of sidewalks and street furniture as approved by the Public Works Department within the street right-of-way and the landscape easements associated with the subdivision.

c) Maintenance of all landscape and irrigation systems on sides and in medians, decorative concrete and pilasters included as entry treatments to the tract.

d) Maintenance of all local street curbs, gutters and sidewalks, and median islands as approved by the Public Works Department within the boundary of the tentative map.

e) Maintenance and operating costs of all local street lights as approved by the Public Works Department within the boundary of the tentative map.

f) Maintenance of all street trees as approved by the Public Works Department within the boundary of the tentative map.

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

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

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

30. Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

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

32. Should the City Council or owner/developer choose not to include the maintenance items listed above in a CFD, then the property owner/developer shall create a homeowners' association for the maintenance of these items and proposed private streets, utilities, and walls/gates.

    a) The subdivider shall establish a Home Owners' Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

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

    b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs dated January 11, 1985.

PROPERTY DEVELOPMENT STANDARDS & ZONING

Lot Area and Dimensions

33. Pursuant to Section 12-306-N-21 of the FMC the Director of the Planning and Development Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:

    a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

Building Setbacks

34. Building setbacks shall be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-07-308 dated November 05, 2008 and Exhibit(s) "A" dated October 30, 2008.

Fences, Hedges & Walls

35. Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code at the rear of the required landscaped areas along West Ashlan and West Gettysburg

Avenues; and, at the rear of the required landscaped areas along North Bryan and North Hayes Avenues.

a) The six-foot high solid masonry wall (at finished grade of proposed site) shall be continued at the rear of the required landscaped strips on the local street side of the proposed lots abutting the entry street to the subdivision (west property line of Lot 5 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008).

36. Construct a six-foot high solid masonry wall; or, City of Fresno approved equivalent two-ply or double-sided wood fence, (at finished grade of proposed site) along all property lines of Outlots, that are proposed to be dedicated for Park/Open Space purposes within Vesting Tentative Tract Map No. T-5891/UGM dated October 30, 2008, and which abut adjacent property planned or zoned for residential use.

- NOTE: Exceptions to this condition are permitted in those circumstances where the main entryway into a proposed dwelling unit faces the abutting property line, and pedestrian access is afforded through the Outlot.

a) Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and Development Department for review prior to Final Map approval. City of Fresno approved equivalent wood fences shall be constructed in accordance with the City of Fresno, Planning and Development Department Fence Detail "F-1."

- NOTE: The height of the required walls (or approved equivalent wood fences) may be increased to a maximum seven feet along all property lines of Outlots which abut adjacent property planned or zoned for residential use.

b) The required six-foot high solid masonry wall (or approved equivalent wood fence) shall be increased to seven feet in height along the following property lines, which abut adjacent property planned or zoned for residential use:

Lot(s):	Property Lines:
Outlot "T"	West (adjacent to Lot 6)
Outlot "V"	East
Outlot "W"	East & West
Outlot "AA"	West
Outlot "AP"	North & South
Outlot "AQ"	East & West
Outlot "AR"	East & West
Outlot "BS"	West
Outlot "CC"	North & West (adjacent to outlying property)
Outlot "CJ"	West (adjacent to Lots 351-353)

- NOTE: The height of said walls or fences to be constructed along the property lines of the Outlots as referenced above, shall be reduced to a maximum three feet in height within the front yard setback area of abutting residential lots.

37. Construct a six-foot high solid masonry wall; or, City of Fresno approved equivalent two-ply or double-sided wood fence, (at finished grade of proposed site) along the following property lines, which are between proposed residential lots and rural residential parcels

that are between one-half and two acres in size and developed with at least one dwelling unit:

Lot(s):	Property Lines:
109-116	South, rear
245-248	West, rear
474-477	South, rear
481	South, side
485	North, side
633 & 634	East, rear

38. Construct a seven-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code at the rear of the required landscaped areas along the west property line of Lot 474 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

39. Construct a six-foot high solid masonry wall; or, City of Fresno approved equivalent two-ply or double-sided wood fence, (at finished grade of proposed site) along those portions of the Outlot "CK" (Private Street/Alley) alley segments which abut the adjacent rural residential parcel, Assessor's Parcel Number 512-070-16.

40. Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and Development Department for review prior to Final Map approval.

41. All landscaping adjacent to walls or fences shall comply with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

    - NOTE: Compliance with the City of Fresno "Anti-Graffiti Landscape Buffer Development and Planting Standards" shall be demonstrated and determined through submittal of the improvement plans for all required landscaping and irrigation systems to the Planning and Development Department for review prior to Final Map approval as indicated above.

42. Provide a corner cut-off area at all entryway intersections, where walls or fences are required, in accordance with Section 12-306-H-3-d of the FMC. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection. At the intersections of streets, this distance is 30 feet. The corner cut-off area shall be landscaped (including an irrigation system), and may be included within the City's Community Facilities District.

Zoning

43. Vesting Tentative Tract Map No. T-5891/UGM is subject to City Council approval of Rezone Application No. R-07-029.

SOLID WASTE SERVICE

44. Solid waste disposal for the subdivision shall be provided by the City of Fresno. The subdivision will be serviced as single family residential properties with Basic Container Service.

45. Comply with all of the requirements of the attached Department of Public Utilities, Solid Waste Division memorandum dated September 10, 2008.

PARK FEES

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

47. Outlots "F," "T," "V," "W," "AA," "AO," "AO," "AQ," "AR" & "BS" of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 shall be dedicated and maintained for open space purposes and may not be developed with other uses. **Pursuant to proposed City policy, these open space areas may be applied as a fee credit against the City's Parkland Dedication/In-Lieu Fee (Quimby Act) and/or Park Facilities Fee, as appropriate.**

FIRE SERVICE

This project is within three miles of temporary Fire Station No. 16 and permanent Fire Station 16.

48. The project is subject to city wide fire service fees.

49. Access is not acceptable: Dead end streets shall not exceed 450 feet without providing a second point of access.

    a) Lots 96-101, 108-123, 331, 334 of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, are all over 450 feet from a single point of access. These lots will need a second point of access or shall be provided with fire sprinkler systems.

        i) Lots requiring fire sprinklers shall have a covenant agreement filed per lot stating the fire sprinklers are a condition of the tract; or,

        ii) Provide details for emergency access in lieu of fire sprinklers.

            - NOTE: Gates, posts, or other barriers suitable to the Fire Department are required to be installed at the entrance to an emergency access only roadway.

            - NOTE: The entrance to all emergency accesses shall be posted with permanent signs: "FIRE ACCESS" (in six-inch letters), "VEHICLES REMOVED AT OWNER'S EXPENSE" (in two-inch letters), "FRESNO POLICE DEPARTMENT 621-2300 (in one-inch letters.

            - NOTE: Emergency accesses are required to be dedicated fire protection easements.

50. All private streets and driveways that are provided for emergency access for Fire Department use shall be constructed to a minimum unobstructed width of 20 feet.

a) No parking is allowed in the alleys. Alleys Shall meet Public Works Standard API-17 with a reduced turn radius as shown in the standard.

b) The 32-foot wide streets proposed for utilization in the tract are subject to further review and comment per Standard API-2A.

- NOTE: Upon further review the streets may be approved as shown or some areas may need to be identified as fire lanes.

51. Phasing of the project will required additional review for access and hydrants.

52. Provide residential hydrants and fire flows per Public Works Standards with two sources of water.

    a) Coordinate street hydrant locations with the Department of Public Works.

53. Comply with all of the requirements of the attached Fresno Fire Department memorandum dated September 16, 2008.

STREETS AND RIGHTS-OF-WAY

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

55. Provide curb ramps at all corners within the limits of this subdivision.

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

57. Local street lengths exceeding 800 feet and four way intersections require traffic calming measures.

58. Local streets shall be designed with a minimum 250-foot turning radius.

59. Underground all existing off-site overhead utilities and proposed utility systems within the limits of this map in accordance with FMC Sections 12-1011 and Resolution No. 78-522/88-229.

60. The following shall be submitted, as applicable, in a single package to the Planning and Development Department for review and approval:

    a) Signing and striping plans (per current California Department of Transportation standards);

    b) Street Construction Plans;

    c) Traffic Signal, Streetlight, and Trail Lighting plans; and,

    d) Landscape and irrigation plans (median island and street trees within all parkways).

a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;

b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and

c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.

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

LANDSCAPING AND OPEN SPACE

20. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-b of the West Area Community Plan, the subdivider shall provide a minimum 20-foot wide landscaped area (and irrigation system) along the south property line of all lots with frontage along West Ashlan Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

21. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-C of the West Area Community Plan, the subdivider shall provide a minimum 15-foot wide landscaped area (and irrigation system) along the north property line of all lots with frontage along West Gettysburg Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

22. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-C of the West Area Community Plan, the subdivider shall provide a minimum 15-foot wide landscaped area (and irrigation system) along the east property line of all lots with frontage along North Hayes Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

23. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-C of the West Area Community Plan, the subdivider shall provide a minimum 15-foot wide landscaped area (and irrigation system) along the west property line of all lots with frontage along North Bryan Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

24. A minimum two to five percent (2%-5%) of the site (less major street dedications) should consist of common passive/active open spaces comprised of pocket parks, tot lots, trails, pedestrian ways, and landscaped areas beyond minimum major street setbacks. Paseo corridors are strongly encouraged through subdivisions that connect to streets, destination, and other subdivisions.

- NOTE: The Developer is responsible to relocate all obstructions (e.g., poles, fencing, mailboxes, etc.) and make adjustments as necessary, within the area of construction.

61. If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, the subdivider shall pay all costs and fees associated with the City environmentally assessing the outlot to insure that it 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 environmental assessment. The environmental assessment shall be completed and all fees and costs for said environmental assessment shall be paid to the City prior to subdivider's submittal of the Final Map for City approval.

62. If not abandoned, the developer shall enter into an agreement with the owner of the private irrigation canal providing for piping the canal and submit an executed copy of the agreement or commitment letter from the owner of the private canal to the Planning and Development Department.

    - NOTE: The proposed easement shall be identified and a final cross-sectional detail provided on the map.

    a) All piping shall be located outside of the proposed street right-of-way.

    b) Any piping across City streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street.

    c) Submit engineered plans to the Public Works Department, Engineering Division for review and approval.

63. Comply with all of the requirements of the Public Works Department, Engineering Division memorandum dated September 17, 2008 (except as may be modified herein with respect to street names, outlots, and technical information revised on the map subsequent to the date of said memorandum).

    - NOTE: The timing of improvements may be based upon phasing of the proposed project pursuant to a determination by the Traffic Engineering Manager. Attached is a copy of an approved exhibit, dated August 15, 2008, which identifies the potential phasing of improvements. The phasing of improvements may be subject to change by the Traffic Engineering Manager if determined appropriate or necessary for public health and safety purposes.

MAJOR STREETS

North Bryan Avenue (Collector):

64. Dedicate 47-55 feet of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards.

    a) Match up with approved plans from Blair, Church and Flynn. (A 17-foot offset from section line was used.)

65. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct a six-foot residential

sidewalk per Exhibit "D." A two-foot pedestrian easement is required. Identify on the map.

66. Dedicate a 15-foot (minimum) easement for landscape and pedestrian purposes only to accommodate the planned bicycle and pedestrian trail for this portion of North Bryan Avenue. The dedicated easement and right-of-way shall provide for an eight-foot planter, eight-foot sidewalk, and 9 feet of landscaping.

    a) The bicycle portion of the trail shall be accommodated within the street. Stripe and sign to City standards.

67. Construct an 80-foot bus bay curb and gutter at the northeast corner of the intersection of North Bryan and West Ashlan Avenues to Public Works Standard P-73, complete with a 10-foot monolithic sidewalk.

68. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.

69. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for Collector Streets.

70. Relinquish direct vehicular access rights to North Bryan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

<u>West Gettysburg Avenue (Collector):</u>

71. Obtain and dedicate 47-55 feet of property on the south side and 17 feet of property on the north side, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards.

    - NOTE: Official Plan Line (OPL) No. 111 is not applicable per the City Engineer.

72. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct an 8-foot residential sidewalk per Condition No. 66 below to meet the West Gettysburg Avenue trail requirement. A 15-foot Landscape and Pedestrian Easement is required. Identify on the map.

73. Dedicate a 15-foot (minimum) easement for landscape and pedestrian purposes only to accommodate the planned bicycle and pedestrian trail for this portion of North Bryan Avenue. The dedicated easement and right-of-way shall provide for an eight-foot planter, eight-foot sidewalk, and 9 feet of landscaping.

    a) The bicycle portion of the trail shall be accommodated within the street. Stripe and sign to City standards.

74. Construct an 80-foot bus bay curb and gutter at the southeast corner of the intersection of West Gettysburg and North Bryan Avenues to Public Works Standard P-73, complete with a 10-foot monolithic sidewalk.

75. Construct 20 feet of permanent pavement on the south side (measured from face of curb) and 17 feet of permanent paving on the north side, within the limits of this subdivision.

76. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for Collector Streets.

77. Relinquish direct vehicular access rights to West Gettysburg Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

78. Dedicate a pedestrian easement over that portion of Outlot "T" of Vesting Tentative Tract Map 5891/UGM, dated October 30, 2008, which is located within the PG&E Transmission Line Easement, and construct a sidewalk around the existing electrical tower located within the West Gettysburg Avenue alignment.

North Hayes Avenue (Collector):

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

80. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct a six-foot residential sidewalk per Exhibit "D." A two-foot pedestrian easement is required. Identify on the map.

81. Construct an 80-foot bus bay curb and gutter at the southwest corner of the intersection of North Hayes and West Gettysburg Avenues to Public Works Standard P-73, complete with a 10-foot monolithic sidewalk.

82. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.

83. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for Collector Streets.

84. Relinquish direct vehicular access rights to North Hayes Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

West Ashlan Avenue (Arterial):

85. Dedicate 55-57 feet of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Arterial Standards.

    a) Match up with approved plans from Blair, Church and Flynn.

86. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct a six-foot residential sidewalk per Exhibit "D." A two-foot pedestrian easement is required. Identify on the map.

87. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.

88. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-7 for Arterial Streets.

89. Relinquish direct vehicular access rights to West Ashlan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

INTERIOR LOCAL STREETS (PRIVATE)

90. In accordance with Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008, relinquish vehicular access rights to Outlot "CK" (Private Street) from the street side property line of the following residential lots within this subdivision, which abut said private street:

Lot(s):	Property Line:	Street Name:
260-269, 453-466	North	Park Boulevard
28-37, 405, 406, 439, 466, 587-596	East	Artisan Parkway
249-259, 555-564	South	Park Boulevard
18-27, 467, 521-529, 597-607	West	Artisan Parkway

91. Design and construct the following proposed streets to local collector standards: Greenfield Drive, Park Boulevard, Live Oak Avenue, Artisan Parkway, and the alley adjacent to Lot 409 of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008.

    a) The proposed street design shall be approved by the Public Works Department.

92. Construct sidewalks on both sides of the proposed private streets in accordance with the 2025 Fresno General Plan. Sidewalks are to meet current ADA standards. Contact the Building and Safety Services Division for further information.

93. Maintain minimum clearances as directed by the Fire and Solid Waste Departments.

INTERIOR ALLEYS (PRIVATE)

94. Alleys shall be constructed per Public Works Standard API-17.

SPECIFIC MITIGATION REQUIREMENTS

95. Comply with all of the mitigation measure requirements of the Traffic Engineering Manager as outlined within the attached memorandum dated March 11, 2008.

    - NOTE: The timing of improvements may be based upon phasing of the proposed project pursuant to a determination by the Traffic Engineering Manager. Attached is a copy of an approved exhibit, dated August 15, 2008, which identifies the potential phasing of improvements. The phasing of improvements may be subject to change by the Traffic Engineering Manager if determined appropriate or necessary for public health and safety purposes.

96. The intersection of West Ashlan Avenue and the one-eighth mile point east of North Bryan Avenue shall be designed such that the median island will allow for westbound to eastbound u-turns.

97. The intersection of West Ashlan and the proposed Artisan Parkway shall be designed with a full median opening to allow for left turns in and left turns out. The intersection may need to be signalized upon further review of the future entitlement for the commercial planned portion of the subject property.

98. The first order of work shall include a minimum two points of vehicular access to the major streets for any phase of this development.

99. Backing onto a major street is prohibited.

    a) Identify the proposed ingress/egress locations for all buildings to remain on the following APN(s):

        i) North Bryan Avenue: 512-070-16, 35, 47
        ii) North Hayes Avenue:311-050-06, 311-070-10, 11, 20, 21, 25, 29, 32, 44, 45 & 53
        iii) West Ashlan Avenue: 311-070-27, 40, 43 & 49

    b) Construct circular or hammerhead driveways, where not existing and construct concrete driveway approaches to Public Works Standards P-1 and P-4.

100. Relinquish vehicular access rights to the proposed outlot adjacent to Lot 1 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

101. Remove the structural section from the tentative map and provide on the street construction plans for review and approval.

102. The commercial planned portion of this map (i.e., Lots 649-652 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008) shall require a site plan / conditional use permit, with detailed plans and potentially a TIS or site access evaluation to determine additional traffic mitigation measures and conditions of approval.

103. The 45-degree two-way parking which is shown along Artisan Parkway would require a minimum of 62 feet from tip of car to tip of car. Widths vary based upon the angle.

104. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on West Ashlan and Gettysburg Avenues; and, North Bryan and North Hayes Avenues.

105. The proposed project shall provide a pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on North Bryan and North Hayes Avenues; and West Gettysburg and West Ashlan Avenues.

    a) The roadways shall also be built to accommodate bike lanes even though they may not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

TRAFFIC SIGNAL MITIGATION IMPACT (TSMI) FEE

106. This project shall pay the current TSMI Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule).

107. The project shall install all-way stop signs at the intersection of North Bryan and West Ashlan Avenues. The project shall provide safety lighting on the northeast and northwest corners for a future signal.

108. The following intersections shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation, and signal pre-emption. This works is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees:

a) North Hayes and West Ashlan Avenues.
b) North Hayes and West Gettysburg Avenues.
c) North Bryan and West Gettysburg Avenues.
d) West Ashlan and North Polk Avenues.
e) North Bryan and Park Boulevard (not reimbursable)
f) West Ashlan and proposed Artisan Parkway (pending further review and approval of a detailed commercial CUP/SPR, not reimbursable).

FRESNO MAJOR STREET IMPACT (FMSI) FEE

109. This map is in the New Growth Area, therefore pay all applicable growth area fees and City-Wide Regional Street Impact Fees.

FRESNO MAJOR STREET IMPACT (FMSI) REQUIREMENTS

When construction occurs adjacent to the County of Fresno, comply with the Standard County Conditions of Approval (Attachment "A"). Additional right-of-way may be required for driving sight distances, bike lanes, etc.

North Bryan Avenue (Collector):

110. Dedicate and construct (four) 12-foot travel lanes with 5-foot shoulders and a 12-foot center two0way left turn lane within the limits of this subdivision and continue north to West Shaw Avenue. Stripe 250-foot left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

West Gettysburg Avenue (Collector):

111. Dedicate and construct (two) 12-foot eastbound travel lanes with a 5-foot shoulder, (one) 12-foot westbound travel lane with a 5-foot shoulder and a 12-foot center two-way left turn lane within the limits of this subdivision. Stripe 250-foot left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

North Hayes Avenue (Collector):

112. Dedicate and construct (four) 12-foot travel lanes with 5-foot shoulders and a 12-foot center two-way left turn lane within the limits of this subdivision. Stripe 250-foot left turn

pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

113. Dedicate and construct (two) 12-foot northbound travel lanes with a 5-foot shoulder and (one) 12-foot southbound travel lane with a 5-foot shoulder from West Shaw Avenue to West Gettysburg Avenue. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

West Ashlan Avenue (Arterial):

114. Dedicate and construct (two) 12-foot eastbound travel lanes with a 5-foot shoulder, (two) 12-foot westbound travel lanes with a 5-foot shoulder and a raised concrete median island within the limits of this subdivision. Construct a raised concrete median with 250-foot left turn pockets at all major intersections. Details of said street shall be depicted on the approved tentative tract tract map. Dedication shall be sufficient to accommodate arterial standards and any other grading or transitions as necessary based on a 55 MPH design speed.

115. At a minimum the project shall construct West Ashlan Avenue with a 16-foot raised concrete median and a straight 12-foot travel lane with 5-foot shoulders in each direction to connect Veterans Boulevard-Grantland Avenue to Cornelia Avenue.

a) This condition shall be implemented from Veteran's Boulevard to North Bryan Avenue and from North Hayes Avenue to North Cornelia Avenue.

- NOTE: While there will be additional conditions on West Ashlan Avenue , this condition is intended to provide one City standard arterial lane on West Ashlan Avenue without utility poles in the way.

116. Where not existing, dedicate sufficient right-of-way and construct additional paving for eastbound to westbound and westbound to eastbound U-turns at all major intersections from North Bryan Avenue to State Route 99 in accordance with Public Works Standard P-93.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FEES:

117. Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department, Traffic Engineering Section prior to a Final Map.

- NOTE: The Caltrans letter is included and fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6, Joanne Streibach at (559) 488-4347 regarding the fair share calculations. Verify the exact amount due to map revisions.

SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project are a 15-inch main located in West Gettysburg Avenue and an 8-inch main located in North Bryan Avenue.. The following sewer improvements shall be required prior to providing City sewer service to the project:

118. Construct 18-inch and 15-inch sanitary sewer mains in West Ashlan Avenue between North Bryan and North Hayes Avenues.

119. Construct an 8-inch sanitary sewer main in North Hayes Avenue from West Ashlan Avenue north approximately 1,000 linear feet.

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

121. Separate sewer house branches shall be required for each lot created.

122. Abandon all existing on-site private sewer septic systems in accordance with Department of Public Works standards specifications, and policies.

123. All public sewer facilities shall be constructed in accordance with Department of Public Works standards, specifications, and policies.

124. All underground street utilities shall be installed prior to permanent street paving.

125. Street easements and/or deeds shall be recorded prior to approval of improvement plans.

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

127. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developer's final map and engineered plan & profile improvement drawing for City review.

128. Comply with all of the requirements of the attached Public Utilities Department, Planning and Engineering Division memorandum dated January 02, 2008.

SANITARY SEWER FEES

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

a) Lateral Sewer Charge

b) Oversize Sewer Charge

c) Oversize Sewer Area: #39

d) Trunk Sewer Area: Grantland

e) Sewer Facilities Charge (Residential Only)

WATER SERVICE

The following conditions are required to provide water service to the tract:

130. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in West Gettysburg Avenue from North Hayes Avenue west to North Bryan Avenue.

131. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a total of 2,000 gallons per minute. Well sites shall be of a size and at a location acceptable to the Water Systems Manager. The cost of acquiring the well site(s) and construction of the well(s) shall be reimbursed from the UGM Water Supply Well Service Area Fund 301s, in accordance with established UGM policies.

132. Water well construction shall include wellhead treatment facilities, if required. The cost for constructing wellhead treatment facilities shall be reimbursed from UGM Wellhead Treatment Service Area Fund 301s, in accordance with established UGM policies.

133. No occupancies will be permitted prior to the satisfaction of the water supply requirement.

134. Develop and implement mitigation measures to offset groundwater pumping equivalent to the tract's annual water demand at buildout plus 15%. These mitigation measures include the use of FID surface water for irrigation, installation of low flow fixtures, the use of artificial lawns for landscape, and the use of evapotranspiration controllers. The mitigation measures shall be subject to prior approval by the Water Systems Manager.

135. The development shall design appropriate infrastructure to facilitate water consumption at a rate of 243 gallons/person/day.

136. Separate water services with meter boxes shall be provided for each lot created.

137. 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 a combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.

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

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

140. All proposed water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan for any proposed landscape within the easements shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the water main. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.

141. Construct a reclaimed water system in public rights-of-way to utilize future tertiary treated waste water for landscape irrigation purposes. Design of the reclaimed water mains will be subject to approval by the Assistant Director of Public Utilities.

142. Comply with all of the requirements of the Department of Public Utilities, Water Division memorandum dated October 13, 2008, except as may be modified above or in agreement with the Water Systems Manager.

URBAN GROWTH MANAGEMENT REQUIRMENTS (GENERAL)

143. The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Las as related to tentative tract maps.

RIGHT-OF-WAY ACQUISITION

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

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

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

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

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

FLOOD CONTROL AND DRAINAGE

149. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated May 29, 2008.

150. Any temporary basin constructed for or used by this subdivision requires approval of FMFCD and the City of Fresno, and may only be implemented through a covenant between the City and the Developer prior to final map approval. Temporary basins shall be fenced within seven days of the time a basin becomes operational, and fencing shall conform to City of Fresno Public Works Standard No. P-45. The Fresno Mosquito and Abatement District shall be provided access rights and a means of entry for inspection and mosquito abatement activities for all on-site basins (refer to attached map of mosquito abatement districts in the Fresno-Clovis Metropolitan Area). Attached hereto, and incorporated by reference, is a copy of the updated Public Works Standard No. P-62 for temporary on-site ponding basins, and a copy of the City of Fresno's Guidelines for Ponding Basin / Pond Construction and Management, dated October 29, 2004. Maintenance of temporary ponding basins shall be by the Subdivider until permanent service for the entire subdivision is provided.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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

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

153. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

154. Attached for the developer/subdivider's records and consideration is the State Department of Transportation (Caltrans) memorandum dated April 04, 2008.

- NOTE: The Caltrans letter is included and fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6, Joanne Streibach at (559) 488-4347 regarding the fair share calculations. Verify the exact amount due to map revisions.

COUNTY OF FRESNO ROAD MAINTENANCE AND OPERATIONS

The following conditions are required of development project plans for connection or adjacent to County areas where slated for annexation into incorporated cities:

155. The developer/subdivider shall comply with all of the requirements of the attached memorandum to consultants, developers and engineers from the County of Fresno Department of Public Works and Planning, Road Maintenance & Operations Division pertaining to Developments Proposed in County Areas & Proposed for Annexation and dated November 19, 2007.

COUNTY OF FRESNO DEPARTMENT OF COMMUNITY HEALTH

156. Attached for the developer/subdivder's records and consideration is the County of Fresno Department of Community Health memorandum dated December 14, 2007.

PACIFIC GAS AND ELECTRIC COMPANY

157. The developer/subdivider shall comply with all of the requirements of the attached Pacific Gas and Electric Company memorandum dated December 12, 2007.

FRESNO IRRIGATION DISTRICT

158. Attached for the developer/subdivder's records and consideration is the Fresno Irrigation District (FID) memorandum dated December 11, 2007.

CENTRAL UNIFIED SCHOOL DISTRICT

159. The developer/subdivider shall comply with all of the requirements of the attached Central Unified School District memorandum dated January 23, 2008.

- NOTE: Central Unified School District has required that a school bus stop shall be constructed on the west side of North Hayes Avenue within the subdivision frontage per the specifications attached to its memorandum as referenced above.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

SEWER CONNECTION CHARGES	*FEE RATE*
1. Lateral Sewer Charge♠	$0.10/sq. ft. (to 100' depth)
2. Oversize Charge♠	$0.05/sq. ft. (to 100' depth)
3. Trunk Sewer Charge♥ Service Area: Grantland	
Residential	$419/living unit
Commercial	S.T.E.P.♦
4. Wastewater Facilities Charge♣	
Residential	$2,119/living unit
Commercial	S.T.E.P♦
5. House Branch Sewer Charge♥	N/A
WATER CONNECTION CHARGES	*FEE RATE*
6. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s)

	established by the Master Fee Schedule
7. Frontage Charge♠	$6.50/lineal foot
8. Transmission Grid Main Charge♠	$643/gross acre (parcels 5 gross Acres or more)
9. Transmission Grid Main Bond Debt Service Charge♠	$243/gross acre (parcels 5 gross acres or more)
10. UGM Water Supply Fee♥ Service Area: 301s	
Residential	$508/living unit
Commercial	$508/living unit equivalent*
11. Well Head Treatment Fee♥ Service Area: 301	
Residential	$221/living unit
Commercial	$221/living unit equivalent*
12. Recharge Fee♥ Service Area: 301	
Residential	$0.00/living unit
Commercial	$0.00/living unit equivalent*
13. 1994 Bond Debt Service♠ Service Area: 301	
Residential	$60/living unit
Commercial	$60/living unit equivalent*
CITYWIDE DEVELOPMENT IMPACT FEES	
14. Fire Facilities Impact Fee – Citywide‡	
Residential Low/Medium	$539/living unit
Residential Medium-High/High	$439/living unit
Commercial Retail	$236/1,000 sq. ft. †
15. Park Facility Impact Fee – Citywide‡	
Residential Low/Medium	$2,278/living unit
Residential Medium-High/High	$1,853/living unit
16. Quimby Parkland Dedication Fee♥	
Residential Low/Medium	$1,120/living unit
Residential Medium-High/High	$911/living unit

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17. Citywide Regional Street Fee♣

Residential Low/Medium	$8,361/adj. acre
Residential Medium-High/High	$12,030/adj. acre
Commercial Retail	$12,030/adj. acre

18. New Growth Area Major Street Fee♣ $18,790/adj. acre

Residential Low/Medium	$18,790/adj. acre
Residential Medium-High/High	$24,870/adj. acre
Commercial Retail	$24,870/adj. acre

19. Police Facilities Impact Fee – Citywide♦

Residential Low/Medium	$624/living unit
Residential Medium-High/High	$508/living unit
Commercial Retail	$665/1,000 sq. ft. †

20. Traffic Signal Charge♠ $440.03/living unit

Residential Low/Medium	$440.03/living unit
Residential Medium-High/High	$308.99/living unit
Commercial Retail	$45.98/ADT †

Notes:

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

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

♣ Due at Building Permit.

♠ Deferrable through Fee Deferral Covenant.

♥ Due at time of Final Map.

‡ Due at Certificate of Occupancy.

† Building areas to be calculated to the nearest square foot. Traffic Signal Fee is subject to review and conditions of approval from Transportation Planning through the entitlement review process based on Average Daily Trips of the proposed project.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

NOVEMBER 05, 2008

CONDITIONAL USE PERMIT APPLICATION NO. C-07-308

BETWEEN WEST ASHLAN AVENUE AND THE WEST GETTYSBURG AVENUE ALIGNMENT; AND, BETWEEN NORTH BRYAN AND NORTH HAYES AVENUES

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No(s):	512-070-01, 07, 17, 19, 29, 32, 39, 48, 50 & 54
2.	Street Location:	Located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenus. **(Council District 1, Councilmember Xiong)**
3.	Existing Zoning	"R-1/UGM/cz" (*Single Family Residential/Urban Growth Management/with conditions of zoning*) zone district; "R-2/UGM/cz" (*Low Density Multiple Family Residential/Urban Growth Management/with conditions of zoning*) zone district; and, "C-1/UGM/cz" (Neighborhood Commercial Shopping Center/Urban Growth Management/with conditions of zoning) zone district.
4.	Proposed Zoning	"R-1/UGM/cz" (*Single Family Residential/Urban Growth Management/with conditions of zoning*) zone district; "R-2/UGM/cz" (*Low Density Multiple Family Residential/Urban Growth Management/with conditions of zoning*) zone district; and, "C-1/UGM/cz" (Neighborhood Commercial Shopping Center/Urban Growth Management/with conditions of zoning) zone district.
5.	Planned Land Use:	Medium Density Residential (4.99-10.37 dwelling units/acre) Medium-High Density Residential (10.38-18.15 dwelling units/acre) Neighborhood Commercial
6.	Plan Areas:	West Area Community Plan
7.	Project Description:	Requests authorization to establish a private street planned development with modified lot area, lot dimension, building setback and lot coverage requirements for lots proposed to be created by Vesting Tentative Tract Map No. 5891/UGM.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Planning and Development Director on November 05, 2008, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A," "E" & "L" dated October 30, 2008.

Staff has determined that based upon the evidence in the record that the project proposal will not have a significant impact on the environment and that the filing of a Mitigated Negative Declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2); and has prepared a Mitigated Negative Declaration finding for Environmental Assessment Application No. A-07-08/R-07-29/C-07-308/T-5891. This environmental finding was properly published on March 13, 2008, and was approved by the Fresno City Council on May 20, 2008. No further environmental assessment will be needed at this time.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. T-5891/UGM.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on the original site plan exhibit to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by November 05, 2012 (four years from the date of Director approval). There is no exception.

To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov to schedule an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

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

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relating to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov of the City of Fresno Public Works Department, Engineering Division, Traffic Section.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

   a) Exhibit "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.

   b) Provide and identify a minimum four (4) foot wide path of travel along the public sidewalk directly in front of all properties created within the subdivision as required by Title 24 of the California Administration Code. An on-site pedestrian easement may be required if Title 24 requirements cannot be met within the existing public rights-of-way.

   c) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.

   d) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:

      - Dedications shall take place in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008.

   e) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:

      - There are no vacations required at this time.

2. STREET IMPROVEMENTS

   a) All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering

Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.

b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.

c) Design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

- NOTE: Reference Conditions of Approval for Vesting Tentative Tract Map No. 5891/UGM, dated November 05, 2008, for requirements respective to major, local and interior private streets.

d) Provide curb ramps at all corners within the limits of this subdivision.

e) Gates are not allowed with this application. If gates may be desired in the future, a redesign is required.

f) Install streetlights on all frontages to City Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.

g) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.

h) Provide parkway landscaping. Street trees shall be planted every 60 feet on center. Plans shall be prepared by a landscape architect.

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

j) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. (Include this note on the site plan.)

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

a) Development is subject to the following plans and policies:
   i) "R-1," *Single Family Residential District (Section 12-211 of the FMC)*
   ii) "R-2," *Expressway Area Overlay District (Section 12-212 of the FMC)*
   iii) "C-1," *Neighborhood Shopping Center District (Section 12-217 of FMC)*
   iv) "UGM," *Urban Growth Management (Article 4.5 of the FMC)*
   v) *"/cz,"* Conditions of Zoning (*Section 12-202-E of the FMC*)
   vi) 2025 Fresno General Plan
   vii) West Area Community Plan

2) ZONING

a) Approval of Conditional Use Permit Application No. C-07-308 is contingent upon approval of Rezone Application No. R-07-029 and Vesting Tentative Tract Map No. 5891/UGM.

3) POPULATION DENSITY

a) Contingent upon approval of Rezone Application No. R-07-29 and the conditions of zoning placed on the subject property and the medium and medium-high density residential planned land use designations; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 and Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

   i) Based upon the number of dwelling units (du) allowed per acre, respective to the medium density (4.99-10.37 du/acre) and medium-high density (10.38-18.15 du/acre) residential planned land use designations, and based upon the respective acreages of the subject property designated for medium density (approximately 96.24 acres) and medium-high density (approximately 22.55 acres) residential development, the subject property is required to be developed with between 714 and 1,407 dwelling units to meet the density requirements of the 2025 Fresno General Plan and FMC.

      - NOTE: As the subject tentative map was accepted for processing on October 23, 2007, which was prior to the "drop-down" provision deadline of October 31, 2007, the proposed overall density of 5.45 dwelling units/acre (648 dwelling units) for Vesting Tentative Tract Map No. 5891/UGM may be found to be consistent with the 2025 Fresno General Plan and West Area Community Plan (pursuant to Section 12-403-B-2-b(1) of the FMC, which was in effect prior to October 31, 2007).

   ii) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.

4) BUILDING HEIGHT

a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

b) No building or structure erected in the R-2 (*Low Density Multiple Family Residential*) zone district shall have a height greater than 35 feet.

c) All accessory buildings on the subject property, or lots proposed to be created by Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 shall comply with the requirements and provisions of the development standards of the FMC for the respective zone district and Section 12-306-N-1 (Accessory Buildings) of the FMC.

- NOTE: Exceptions. Overheight structures may be approved by the City of Fresno Planning Commission or Director of the Planning and Development Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

5) BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

Setbacks shall be provided in accordance with Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

a) No main building shall be erected within 15 feet of the Pacific Gas and Electric Company (PG&E) transmission line easement except as may be permitted in accordance with the following:

i) Lots 5 & 543 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 shall be permitted to have a reduced setback from the PG&E transmission line easement for portions of the main dwelling which are not deemed to be "habitable" living space (e.g. attached garage areas).

- NOTE: In no circumstance shall any portion of the main buildings, which are proposed to be developed on the abovereferenced lots, be allowed to be located within 10 feet of the PG&E transmission line easement.

- NOTE: The 15-foot building setback requirement from the PG&E transmission line easement was established based upon the retention of a minimum 50-foot building setback from the centerline of the existing and potential future transmission line towers located within the easement (existing centerline located 35 feet from nearest boundary of easement) pursuant to the "Prudent Avoidance" strategy practiced by the City of Fresno.

b) In accordance with Policy W-6-a of the West Area Community Plan, a minimum 20 foot rear yard building setback shall be provided for Lots 109-116, 245-248 & 474-477 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

i) Alternatively, for single story structures, encroachments into the 20-foot building

setback may be permitted subject to approval by the Planning and Development Department; and,

ii) Alternatively, for those two-story structures with no rear-facing windows above the first floor, or for those portions of two-story structures which have no rear-facing windows above the first floor, encroachments into the 20-foot building setback may be permitted subject to approval by the Planning and Development Department.

iii) The garage setback for Lots 245-248 may be reduced to accommodate the rear yard setbacks required under this section. However, if a garage setback of less than 18 feet is provided, then there shall be no parking allowed on the driveway.

- NOTE: A portion of Outlot "AI" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is adjacent to the alley may be utilized for parallel parking stalls to provide additional parking to Lots 245-248. For this purpose, a revised exhibit (to Conditional Use Permit Application No. C-07-308) which includes detailed parking geometrics shall be submitted for review and approval by the Planning and Development and Public Works Departments. A landscaped bulb-out shall be provided between pairs of parallel parking stalls provided for this purpose in order to maintain a sufficient landscape buffer along the north property line of Outlot "AI" (i.e., two adjacent parallel stalls, bulb-out for landscaping, two adjacent parallel stalls, bulb-out for landscaping, etc.). All required emergency vehicle clearances shall be maintained.

c) Only single-story structures shall be allowed on Lots 481, 485, 633 & 634 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 excepting circumstances in which a 20-foot building setback may be provided to the main building from property lines which abut adjacent rural residential lots between one-half and two acres in size and developed with at least one dwelling unit.

d) Any proposed deviation from the building setbacks established by Exhibit "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008 requires a revision to Conditional Use Permit Application No. C-07-308.

e) Spaces between buildings shall be provided in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

f) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

6) <u>LOT COVERAGE</u>

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

7) OPEN SPACES AND LANDSCAPING

a) The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008.

i) A landscape plan shall be submitted and approved for all open space and recreational areas within the development.

- NOTE: Open space areas shall be landscaped by the developer in accordance with the approved plan and shall thereafter be maintained by the property owner/subdivider; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

b) A minimum of 25 percent of the total area of all residential lots proposed to be created with lot areas of less than 3,500 square feet in area shall comprise and be developed (within the boundary of the subdivision) with usable open space for residents of the development.

- NOTE: Required front yards and street side yards shall not be considered part of the 25 percent usable open space. Usable open space shall include rear yards, interior side yards and landscaped areas between units and pathways, provided that each of them meets the minimum width and depth requirements (eight feet by eight feet). Usable open space shall also include private patios and balconies. Driveway and parking areas, indoor living areas of dwelling units, garages, carports, equipment rooms, utility rooms and any other buildings used for the maintenance of the development shall not be considered as part of the usable open space.

i) If the total area of all residential lots, which are proposed to be created with lot areas of less than 3,500 square feet in area is greater than one acre in size, then a minimum of 40 percent of the required 25 percent usable open space shall be developed with gardens, turfed play fields, hard surfaced game courts, recreation rooms, swimming pools or other features designed for the exclusive active recreational use of residents of the development.

c) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.

i) All yards adjacent to street frontage shall be provided automatic irrigation systems.

d) All yards (including private) and areas designated open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.

e) Landscaping adjacent to walls or fences shall comply with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

f) Provide a minimum of 1,296 medium sized trees on-site per FMC Section 12-306-N-24-g and in accordance with the following:

i) Provide a minimum of one medium size tree for each required parking space, plus one

medium sized tree for each residential unit.

- NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.

ii) 50 percent shading shall be provided for all paved alleyway surfaces proposed within the subdivision. Shading may be accomplished through the provision and planting of trees on residential lots (or Outlots designated for open space purposes) within 10 feet of the respective alleyway section.

- NOTE: At a minimum, one tree shall be provided for, or planted on, every other residential lot that is proposed to be created in the subdivision with alleyway frontage. In this circumstance trees shall be staggered on opposite sides of the alleyway in order to provide a continuous and uniform shade cover for the proposed alleyway.

iii) A landscape screen comprised of small sized trees (attaining a height of approximately 15-20 feet in height at maturity) shall be planted along the west property line of Lots 286, 287 & 296 of Vesting Tentative Tract Map No. 5891 dated October 30, 2008 in order to screen second story windows from adjacent rural residential property.

iv) A landscape screen comprised of a heavily planted combination of shrubs and trees shall be planted along the north property line of Outlots "AY" & "BS" in order to provide a "backdrop" or buffer between areas planned for commercial and residential uses.

g) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.

i) Fresno Municipal Code requires one (1) street tree per 60 linear feet of street frontage.

- NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant a minimum of one (1) tree (of similar type and size) for every 60 linear feet of street frontage on private property within ten feet of the back of the sidewalk.

- NOTE: An approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.

h) Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees. The property owner is required to provide and irrigation system with ongoing water supply.

i) One drainage hole, a minimum diameter of two (2) feet, shall be drilled for each tree to be planted. The depth of the drainage hole shall be determined as follows:

i) Hole must penetrate through and beyond any underlying paving material or hardpan soil

stratum.

ii) Hole shall be drilled to a depth where visual evidence of the subsurface sand or gravel drainage is apparent.

iii) If there is no apparent drainage stratum, the drainage hole shall be drilled a minimum of ten (10) feet deep.

j) The backfilling of drainage holes shall comply with the Standard Specifications or as determined by the engineer.

k) Complete a minimum waiting period of 20 days after drilling before any planting can begin.

l) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.

m) All planting, irrigation and related work shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.

n) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.

o) Trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. (Include this note on the site plan and landscape plan.)

p) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.

q) Landscaping shall be kept free from weeds and undesirable grasses.

r) Submit copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Planning Division. These plans must be reviewed and approved <u>prior</u> to obtaining building permits.

s) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.

i) A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division. (Include this note on the site and landscape plans.)

- NOTE: The hold on occupancy may be released at the discretion of the Planning and Development Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).

- NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.

t) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Planning and Development Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Planning Division. (Include this note on the site and landscape plans.)

8) FENCES, HEDGES, AND WALLS

a) Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008 and the specific landscape requirements contained herein.

b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein.

c) Clearly depict any proposed/existing fences, hedges and walls on Exhibits "A" of Conditional Use Permit Application No. C-07-308. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Planning and Development Department.

d) Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.

e) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

f) All future proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Planning and Development Department. (Include this note on the site plan.)

g) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

9) ACCESS

a) There shall be vehicular and pedestrian access from a dedicated and improved street, alley or

recorded private access to off-street parking facilities.

b) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.

c) Provide vehicular and/or pedestrian access as noted on Exhibits "A" of Conditional Use Permit Application No. 07-308 dated October 30, 2008 and as indicated per Conditions of Approval for Vesting Tentative Tract Map No. T-5891/UGM dated November 05, 2008.

i) Pedestrian walkways and handicap access shall be clearly delineated on the site plan.

10) OUTDOOR ADVERTISING AND MARKETING

a) Flags, banners, lampposts, monument graphics, identification signs and kiosks shall be permitted in accordance with the proposed Thematic Proposal for Tract 5891, which shall be approved by the Planning and Development prior to construction or installations.

11) BUILDING ELEVATIONS

a) All residential dwellings in the subject planned development shall be subject to review and approval by the Planning and Development Department in accordance with these conditions.

b) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way (or private street) or shall be placed on the ground outside of the required yards.

c) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, or adding polyfoam with a stucco finish to add visual interest and to break up monotonous walls. Submit elevations inclusive of modifications for review and approval.

i) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.

ii) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.

iii) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the subdivision which front onto, and gain access from a street.

iv) Where proposed attic vents shall be decorative, consistent with the style and character of each home.

PART E - CITY AND OTHER SERVICES

TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

a. Comply with all of the requirements of the attached Public Works Department, Engineering Division memorandums dated March 11, 2008 and September 17, 2008 and any requirements noted on Exhibits "A," dated October 30, 2008.

SOLID WASTE COLLECTION

b. Comply with all of the requirements of the attached Department of Public Utilities, Solid Waste Management memorandum dated September 10, 2008.

FIRE PROTECTION REQUIREMENTS

c. Comply with all of the requirements of the attached City of Fresno Fire Department memorandum dated September 16, 2008.

STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

d. Comply with all of the requirements of the attached Department of Public Works Division memorandums dated December 18, 2007.

FLOOD CONTROL REQUIREMENTS

e. Comply with all of the requirements of the attached Fresno Metropolitan Flood Control District memorandum dated May 29, 2008.

PUBLIC UTILITIES REQUIREMENTS

f. Comply with all of the requirements of the attached Department of Public Utilities, Planning and Engineering Division memorandums dated January 02, 2008 and October 13, 2008.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

g. The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has submitted the attached comments dated April 04, 2008, indicating that trips from this proposed development will impact State transportation facilities. Therefore, Caltrans is asking that this proposed development contribute its total proportional fair share of $111,040 to mitigate for impacts to these facilities.

PACIFIC GAS AND ELECTRIC COMPANY

h. Attached for your records and consideration is the Pacific Gas and Electric Company memorandum dated December 12, 2007.

COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

i. The developer/subdivider shall comply with all of the requirements of the County of Fresno Department of Community Health memorandum dated December 14, 2007.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

j. Attached for the applicant's records and consideration is the State of California Department of Toxic Substances Control memorandum dated January 07, 2008.

SCHOOL FEES

k. Comply with all of the requirements of the attached Central Unified School District memorandum dated January 23, 2008.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1) Include a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures (photographs may be submitted for drawings).

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

3) If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.

4) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Department Director within 15 days.

City of
FRESNO

DATE: **September 17, 2008 (5th Submittal)**

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Bryan D. Jones, T.E., Traffic Engineering Manager
Public Works Department, Engineering Division

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

SUBJECT: Public Works Conditions of Approval
TT 5891 / C-07-308, (Bryan, Hayes, Gettysburg and Ashlan)
McCaffrey Group / Provost & Prichard Engineering Group

The Public Works Department, Traffic Planning Section, 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.

General Conditions:

1. **Curb Ramps**: Provide curb ramps at all corners within the limits of this subdivision.
2. **Pedestrian Easements**: **Identify** all pedestrian easements on the map.
   a. Major Streets: A 2' dedication for a pedestrian easement is required. **(See Exhibit "D")**
   b. Local Streets: Private
3. **Overhead Utilities**: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. Design local streets with a minimum of **250'** radius.
5. Local street lengths exceeding 800' and four way intersections require traffic calming measures. Bulb-outs approved by Traffic Engineer 9-11-08.
6. **Garage setback**: Provide 20' from the garage to the back of walk. A minimum of 18' is allowed with a roll-up door.
7. **Dead-end Streets**: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-44**.
8. **Outlots**: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall pay all costs and fees associated with the City environmentally assessing the outlot to insure that it 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 environmental assessment. The environmental assessment shall be completed and all fees and costs for said environmental assessment shall be paid to the City prior to subdivider's submittal of the Final Map for City approval.
9. **Plan Submittal**: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping. The Developer is responsible to relocate all obstructions, e.g. poles, fencing, mailboxes, etc. and make adjustments as necessary, within the area of construction.

10. **Private Irrigation Pipe**: If not abandoned, the developer shall enter into an agreement with owner of the private canal providing for piping the canal and submit an executed copy of the agreement or commitment letter from the owner of the private canal to the Planning and Development Department. All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street. Submit engineered plans to Public Works Department, Engineering Division for review and approval. **Identify the proposed easement and provide a final cross sectional detail on the map.**
11. Identify City and County limits.

Frontage Improvement Requirements:

Major Streets:

Bryan Avenue: Collector

1. Dedicate **47'-55'** of property, from **center line**, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. Match up with approved plans from Blair Church and Flynn. A 17' offset from section line was used.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Bike, Pedestrian Equestrian Trail/Path : The Planning Department has determined that the bike portion of the trail is to remain in the street. Stripe and sign to City Standards. **Dedicate a 15' (minimum) easement for Landscape and Pedestrian purposes only to provide for an 8' planter, 8' sidewalk and 9' landscape.**
4. Construct an 80' bus bay curb and gutter at the northeast corner of Bryan and Ashlan to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
5. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
7. Relinquish direct vehicular access rights to Bryan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Gettysburg Avenue: Collector

1. Obtain and dedicate **47'-55'** of property on the south side and **17'** of property on the north side, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. ~~OPL #111.~~ n/a per City Engineer
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct an 8' residential sidewalk per item number 3 below to meet the Gettysburg trail requirement. A 15' Landscape and Pedestrian Easement is required. Identify on the map.
3. Bike, Pedestrian Equestrian Trail/Path (Alternate): This Department **does not** support the equestrian component of the trail due to health and safety issues. The Planning Department has determined that the bike portion of the trail is to remain in the street. Stripe and sign to City Standards. **Dedicate a 15' (minimum) easement for Landscape and Pedestrian purposes**

only to provide for an 8' planter, 8' sidewalk and 9' landscape. An additional 12' dedication is required for the equestrian portion, if required. Contact Planning and Development.

4. Construct an 80' bus bay curb and gutter at the southeast corner of Gettysburg and Bryan to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
5. Construct 20' of permanent paving on the south side (measured from face of curb) and 17' of permanent paving on the north side, within the limits of this subdivision.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
7. Relinquish direct vehicular access rights to Gettysburg Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.
8. Outlot 6: Dedicate a pedestrian easement to and construct a sidewalk around the existing electrical tower.

Hayes Avenue: Collector

1. Dedicate **47'-55'** of property, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct an 80' bus bay curb and gutter at the southwest corner of Hayes and Gettysburg to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
4. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.
5. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
6. Relinquish direct vehicular access rights to Hayes Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Ashlan Avenue: Arterial

1. Dedicate **55'-57'** of property, from center line, for public street purposes within the limits of this subdivision to meet the City of Fresno's Arterial Standards. Match up with approved plans from Blair Church and Flynn.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct 20' of permanent paving within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.
5. Relinquish direct vehicular access rights to Ashlan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Interior Local Collector Streets: Private

Design and construct the following streets to local collector standards: Masera, Swift, Willis, Cresta and the alley adjacent to lot 409. (Locations may change due to the many revisions.) The proposed street design shall be approved by the Public Works Department.

Interior Streets: Private

1. Construct sidewalks on both sides of the private streets in accordance with the 2025 General Plan, page 69; section E-1-j. Sidewalks to meet current ADA standards. Contact Building and Safety.
2. Maintain the minimum clearances, as directed by Fire and Solid Waste Departments.

Interior Alleys: Private

Alleys shall be constructed per Public Works Standard **API-17**.

Specific Mitigation Requirements: This tract will generate **486 a.m. / 655 p.m.** peak hour residential trips; therefore, a Traffic Impact Study (TIS) is required and has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager in the attached letter dated 03-11-08.

1. The intersection of :
    a. Ashlan and the 1/8 mile point east of Bryan Avenue shall be designed such that the median island will allow for westbound to eastbound u-turns.
    b. Ashlan and Cresta / Artisan Parkway shall be designed with a full median opening to allow for left turns-in and left turns-out. The intersection may need to be signalized upon further review of the CUP/SPR for the commercial portion.
2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
3. Backing onto a major street is prohibited. **Identify** the proposed ingress / egress locations for all buildings to remain on the following APN(s):
   Bryan Avenue: 512-070-16, 35, 47
   Hayes Avenue: 311-070-29, 32, 25, 45, 53, 20, 21, 51, 10, 11, 44 and 311-050-06
   Ashlan Avenue:311-070-49, 40, 43, 27
   Construct circular or hammerhead driveways, where not existing and construct concrete driveway approaches to Public Works Standards **P-1 and P-4.**
4. Relinquish vehicular access rights to the proposed outlot adjacent to lot 1.
5. Remove the structural section from the tentative map and provide on the street construction plans for review and approval.
6. The commercial portion of this map, lots 649-652, shall require a site plan / conditional use permit, with detailed plans and potentially a TIS or site access evaluation to determine additional traffic mitigation measures and conditions of approval.
7. Cresta / Artisan Parkway: 45 degree two-way parking is shown which would require a minimum of 62' from tip of car to tip of car. Widths vary based upon the angle.
8. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on **Ashlan Avenue, Hayes Avenue, Gettysburg Avenue, and Bryan Avenue.**
9. The proposed project shall provide pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on Bryan Avenue, Gettysburg Avenue, Ashlan Avenue, and

Hayes Avenue. The roadways shall also be built to accommodate bike lanes even though they may not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule).

1. At the intersection **Bryan Avenue/Ashlan Avenue** the project shall install all-way stop signs at this intersection. The project shall provide safety lighting on the northeast and northwest corners for a future signal.
2. The following intersections shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation and signal pre-emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees:
    a. Hayes / Ashlan
    b. Hayes / Gettysburg
    c. Bryan / Gettysburg
    d. Ashlan / Polk
    e. Bryan / Swift **(not reimbursable)**
    f. Ashlan / Cresta / Artisan Parkway **(**pending further review and approval of a detailed commercial CUP/SPR, **not reimbursable**.)

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

Fresno Major Street Impact (FMSI) Requirements:

When construction occurs adjacent to the County of Fresno, comply with the Standard County Conditions of Approval Attachment "A". Additional right of way may be required for driving sight distances, bike lanes, etc.

Bryan Avenue: Collector

1. Dedicate and construct (4) 12' travel lanes with 5' shoulders and a 12' center two-way left turn lane **within the limits of this subdivision and continue north to Shaw**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Gettysburg Avenue: Collector

1. Dedicate and construct (2) 12' eastbound travel lanes with a 5' shoulder, (1) 12' westbound travel lane with a 5' shoulder and a 12' center two-way left turn lane **within the limits of this subdivision**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Hayes Avenue: Collector

1. Dedicate and construct (4) 12' travel lanes with 5' shoulders and a 12' center two-way left turn lane **within the limits of this subdivision**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.
2. Dedicate and construct (2) 12' northbound travel lanes with a 5' shoulder and (1) 12' southbound travel lane with a 5' shoulder **from Shaw to Gettysburg Avenue**. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Ashlan Avenue: Arterial

1. Dedicate and construct (2) 12' eastbound travel lanes with a 5' shoulder, (2) 12' westbound travel lanes with a 5' shoulder and a raised concrete median island **within the limits of this subdivision.** Construct a raised concrete median with 250' left turn pockets at all major intersections. Details of said street shall be depicted on the approved tentative tract map. Dedication shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a **55** MPH design speed.
2. **From:** Veteran's Boulevard **To:** Bryan
   and
   From: Hayes **To:** Cornelia
   At a minimum the project shall construct **Ashlan Avenue** with a 16' raised concrete median and a straight 12' travel lane with 5' shoulders in each direction to connect **Veterans Boulevard-Grantland Avenue to Cornelia Avenue.** There will be additional conditions on Ashlan Avenue but this is intended to make sure we have one City standard arterial lane on Ashlan Avenue without utility poles in the way.
3. Where not existing, dedicate sufficient right-of-way and construct additional paving for eastbound to westbound and westbound to eastbound U-turns at all major intersections **from Bryan to SR-99** in accordance with Public Works Standard **P-93**.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map. The Caltrans letter is included and the following fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6, **Joanne Streibich at (559) 488-4347** regarding the fair share calculations. **Verify the exact amount due to map revisions.**

City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov

City of FRESNO

Public Works Department
Patrick Wiemiller, Director

March 11, 2008

TJKM
Jose Luis Benavides, P.E.
516 W. Shaw Avenue, Suite 200
Fresno, CA 93704-2515

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED TRACT 5891
northeast corner of Bryan Avenue and Ashlan Avenue
TIS07-034 dated July 3, 2007 received in Planning and Development August 13,2007

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by TJKM for the proposed subject project which consists of 659 Single Family Residential Units on 112 acres and 50,000 SF of neighborhood commercial on 5.93 acres:

GENERAL COMMENTS and CONDITIONS

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project is projected to generate 8,454 daily trips, 546 trips during the AM peak hour and 854 trips during the PM peak hour.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $440.03 per single family dwelling unit at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $45.98 per Average Daily Trip for commercial at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. The TSMI fee based on 659 single family dwelling units is $289,979.77. The TSMI fee based on 50,000 SF of neighborhood commercial at 2,147 ADT is $98,719.06. The total TSMI fee for the entire project is $388,698.83.

3. At the intersection of Shaw Avenue/Hayes Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket shall also be constructed. This may require the acquisition of private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Hayes Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane.

4. At the intersection of Shaw Avenue/Bryan Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket. This

may require the acquisition of private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Bryan Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane. The westbound left-turn lane is already secured by another Tract Map.

5. The City of Fresno is undertaking a Capital Improvement Project along with the Redevelopment Agency to widen Ashlan Avenue from Blythe Avenue to SR 99 to two lanes in each direction. Construction is occurring on Ashlan Avenue by Beazer Homes between Cornelia Avenue and Blythe Avenue under the old UGM system. As a result a bottleneck is occurring between that Tract Map and Blythe Avenue and westbound Ashlan Avenue shall be widened to 2 lanes across these property frontages. This reduces the impacts and safety concerns imposed by existing and project related traffic and is reimbursable as part of the Fresno Major Street Impact (FMSI) fee. The bottleneck includes the parcels addressed as

   4595 W. Ashlan Avenue
   4587 W. Ashlan Avenue
   4543 W. Ashlan Avenue
   4533 W. Ashlan Avenue

   The City of Fresno Public Works Department is attempting to apply Proposition 1B money to the bottleneck and fund construction to widen Ashlan Avenue. We anticipate that the City project will progress faster than this development so this work should be completed as a City Capital Project but in the event that money is not available is a condition of this tract.

6. At a minimum the project shall construct Ashlan Avenue with a "raised" median and a straight travel lane in each direction with a minimum 5 ft shoulder to connect Veterans Boulevard-Grantland Avenue to Cornelia Avenue. There will be additional conditions on Ashlan Avenue but this is intended to make sure we have one City standard arterial lane on Ashlan Avenue without utility poles in the way.

7. At the intersection Bryan Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall install all-way stop signs at this intersection. The project shall provide safety lighting on the northeast and northwest corners for a future signal. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane, 2 through lanes, and right-turn lane
   Westbound approach left-turn lane, 2 through lanes and a right-turn lane
   Eastbound approach left-turn lane, through lane and a through right-turn lane
   Northbound approach left-turn lane, shared through-right turn lane

8. At the intersection Hayes Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, 2 through lanes, and right-turn lane
Westbound approach left-turn lane, 2 through lane, and a right-turn lane
Eastbound approach left-turn lane, a through lane, and a shared through-right-turn lane
Northbound approach left-turn lane, shared through-right turn lane

Proper transition for the appropriate speeds will be necessary on the receiving side of the intersection.

9. At the intersection Hayes Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) has already done a lot of the safety lighting. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, 2 through lanes, and a right-turn lane
Westbound approach left-turn lane, through lane, and a right-turn lane
Eastbound approach left-turn lane, through lane, and a right-turn lane
Northbound approach left-turn lane, 2 through lanes, and a right turn lane

10. At the intersection Bryan Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the elementary school at the southwest corner. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane and shared through- right-turn lane
Westbound approach left-turn lane, 2 through lanes, and a right-turn lane
Eastbound approach left-turn lane, a through lanes and a shared through-right-turn lane
Northbound approach left-turn lane, 2 through lanes, and a right turn lane

11. At the intersection Bryan Avenue/Main Boulevard to Tract 5891 the project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the high school campus across the street. This traffic signal is <u>not</u> reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee and is project specific as the project has all traffic loading onto Bryan Avenue at one location. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane and two through lanes
Westbound approach shared left-turn lane-through lane- right-turn lane
Northbound approach two way left-turn lane, through lane and shared through-right turn lane

12. At the intersection Ashlan Avenue/Polk Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) was already conditioned to do a lot of the safety lighting and conduit. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, a shared through-right-turn lane
Westbound approach left-turn lane, a through, and 150 feet right-turn lane
Eastbound approach left-turn lane, a through, and 150 feet right-turn lane
Northbound approach left-turn lane, a shared through-right-turn lane

13. This project shall install Intelligent Transportation System (ITS) conduits and fiber along Ashlan Avenue from Bryan Avenue to Cornelia Avenue along with pole boxes and ITS equipment consistent with our Public Works ITS standards at each traffic signal intersection so that Ashlan Avenue is synchronized and motorists do not experience a red light every half mile.

14. Hayes Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have 2 northbound lanes and one southbound lane. Current this exists from Gettysburg Avenue to Santa Anna where a bottleneck exists and the roadway narrows down to County standards from Santa Anna to Shaw Avenue. It appears like the right-of-way exists for an additional (second) northbound through lane. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee so this additional northbound lane is project specific mitigation and a lien by this development could be put on the property owner.

15. Hayes Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. Tract 5400 which is also a McCaffrey Tract has put most of this in on the east side accept the lot from the south boundary of Tract 5400 to Ashlan Avenue. This property is owned by the McCaffrey Group and should be widened to reduce the bottleneck. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee.

16. Bryan Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have a northbound lane, one southbound lane, and a two way left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

17. Bryan Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

18. Ashlan Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have with a "raised" median and two travel lanes in each direction with a minimum 5 ft shoulder. This is fully reimbursable in the Fresno Major Street Impact (FSMI) fee.

19. Gettysburg Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have one westbound with a minimum 5 ft shoulder, 2 eastbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

20. The proposed project shall make necessary improvements and right-of-way dedications/vacations along adjacent public streets as per City of Fresno requirements.

21. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on Ashlan Avenue, Hayes Avenue, Gettysburg Avenue, and Bryan Avenue.

22. The proposed project shall provide pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on Bryan Avenue, Gettysburg Avenue, Ashlan Avenue, and Hayes Avenue. The roadways shall also be built to accommodate bike lanes even though they may

not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

23. The proposed project shall pay all applicable Caltrans Interchange Mitigation Impact fees to the City of Fresno Traffic Engineering as determine by Caltrans for Ashlan Avenue and Shaw Avenue with SR 99.

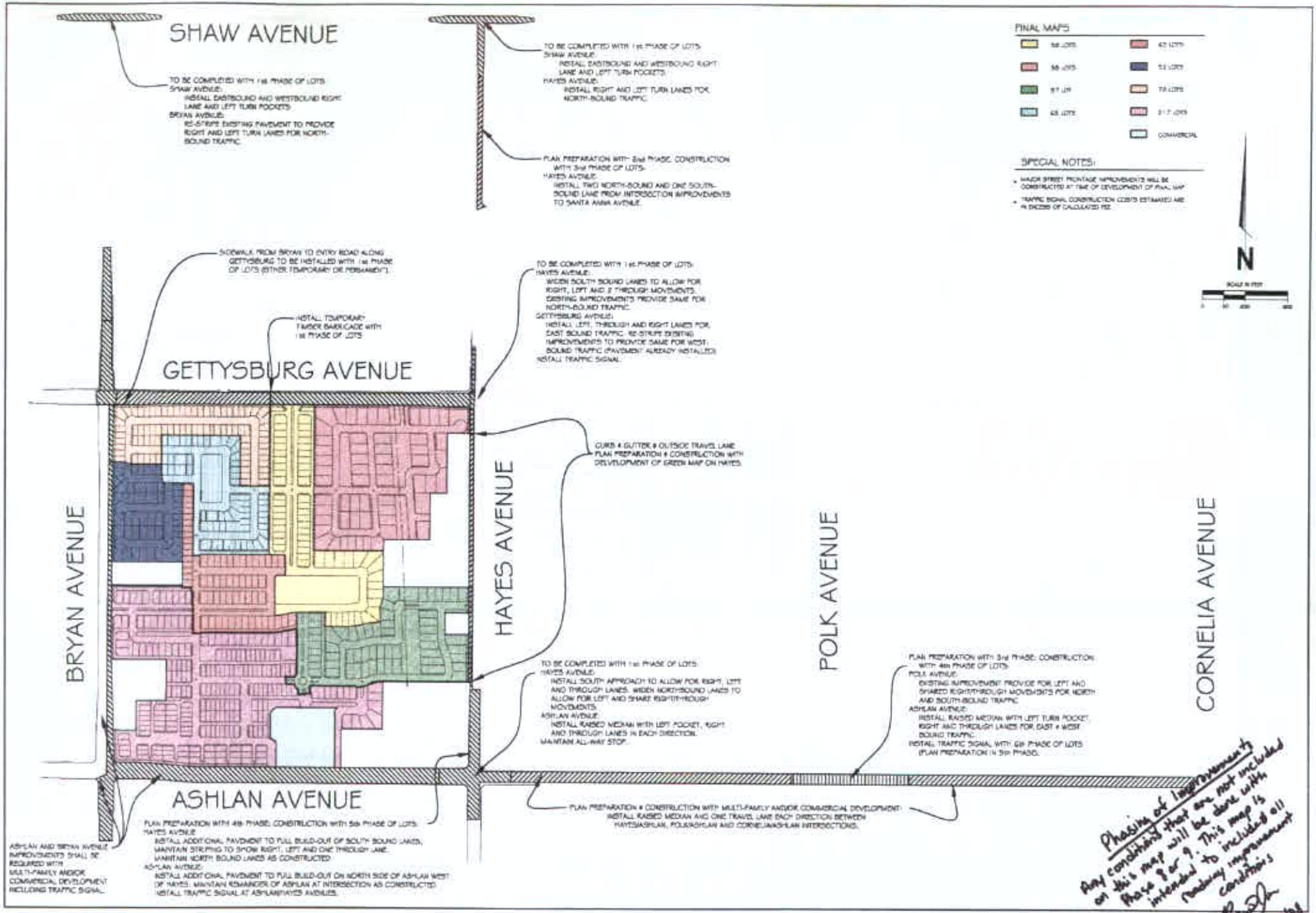
24. Veterans Boulevard/SR 99 interchange is an integral part of the West Fresno and Northwest Fresno Circulation Element in the 2025 General Plan. City staff are currently working on the Project Study Report (PSR) for this new interchange to relieve congestion at other interchanges. This interchange is a Measure C Tier 1 project and is partially funded at a cost of $60 million. Estimated costs for the total project are $97.222 million leaving a short fall of $37.222 million. The estimate average daily trips (ADT) served by the new Veterans Boulevard/SR 99 interchange is 70,370 vehicles in 2035 based on the City of Fresno technical memorandum approved by Caltrans. Therefore, to cover the short fall to get this interchange constructed each new project in West Fresno and Northwest Fresno will pay $529/ADT that are served by the interchange (across the freeway or accessing SR 99 via the interchange) to make a fair share contribution to the interchange to mitigate the project impacts to the Circulation Element of the General Plan MEIR in accordance with the Mitigation Fee Act. This project shall provide ADT counts for the Veterans Boulevard/SR 99 interchange based on a Fresno COG model run. This total fair share mitigation impact fee for the entire subdivision shall be paid prior to occupancy of the first dwelling unit.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or bryan.jones@fresno.gov .

Sincerely,

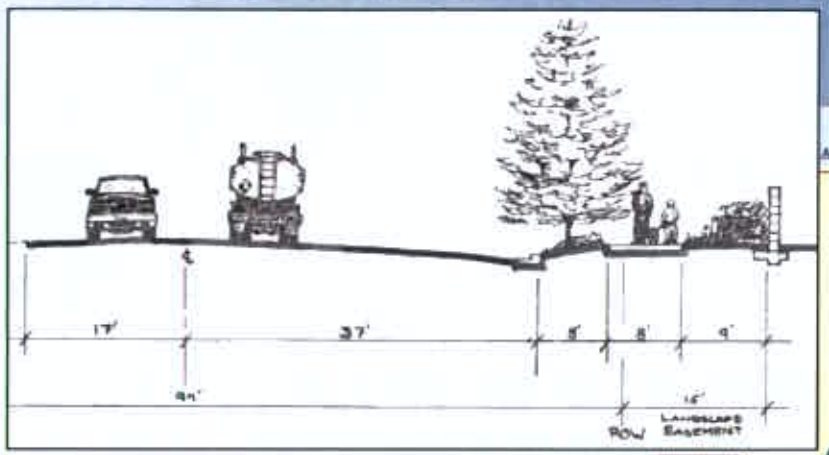
Bryan D. Jones, T.E.
Traffic Engineering Manager
Public Works Department, Traffic Engineering Division

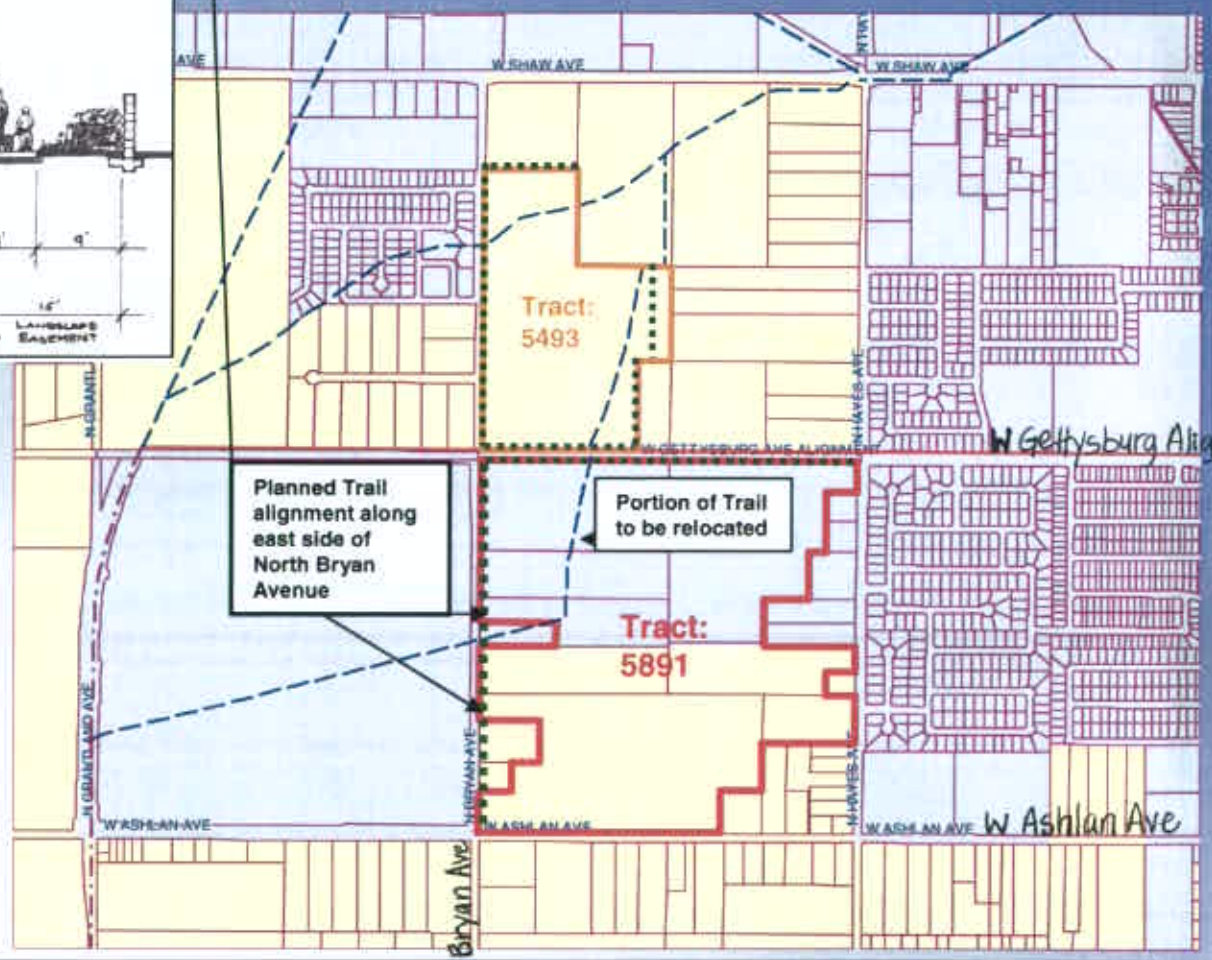
C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Darrell Unruh, Planning & Development Dept.
Will Tacket, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor


SHAW AVENUE
TO BE COMPLETED WITH 1st PHASE OF LOTS
SHAW AVENUE:
INSTALL EASTBOUND AND WESTBOUND RIGHT LANE AND LEFT TURN POCKETS
BRYAN AVENUE:
RE-STRIPE EXISTING PAVEMENT TO PROVIDE RIGHT AND LEFT TURN LANES FOR NORTH-BOUND TRAFFIC
TO BE COMPLETED WITH 1st PHASE OF LOTS
SHAW AVENUE:
INSTALL EASTBOUND AND WESTBOUND RIGHT LANE AND LEFT TURN POCKETS
HAYES AVENUE:
INSTALL RIGHT AND LEFT TURN LANES FOR NORTH-BOUND TRAFFIC
PLAN PREPARATION WITH 2nd PHASE, CONSTRUCTION WITH 3rd PHASE OF LOTS:
HAYES AVENUE:
INSTALL TWO NORTH-BOUND AND ONE SOUTH-BOUND LANE FROM INTERSECTION IMPROVEMENTS TO SANTA ANNA AVENUE.
FINAL MAPS
SPECIAL NOTES:
MAJOR STREET FRONTAGE IMPROVEMENTS WILL BE CONSTRUCTED AT TIME OF DEVELOPMENT OF FINAL MAP
TRAFFIC SIGNAL CONSTRUCTION COSTS ESTIMATED ARE IN EXCESS OF CALCULATED FEE
COMMERCIAL
N
SCALE IN FEET
SIDEWALK FROM BRYAN TO ENTRY ROAD ALONG GETTYSBURG TO BE INSTALLED WITH 1st PHASE OF LOTS (EITHER TEMPORARY OR PERMANENT).
INSTALL TEMPORARY TIMBER BARRICADE WITH 1st PHASE OF LOTS
GETTYSBURG AVENUE
TO BE COMPLETED WITH 1st PHASE OF LOTS:
HAYES AVENUE:
WIDEN SOUTH BOUND LANES TO ALLOW FOR RIGHT, LEFT AND 2 THROUGH MOVEMENTS. EXISTING IMPROVEMENTS PROVIDE SAME FOR NORTH-BOUND TRAFFIC.
GETTYSBURG AVENUE:
INSTALL LEFT, THROUGH AND RIGHT LANES FOR EAST BOUND TRAFFIC. RE-STRIPE EXISTING IMPROVEMENTS TO PROVIDE SAME FOR WEST-BOUND TRAFFIC (PAVEMENT ALREADY INSTALLED)
INSTALL TRAFFIC SIGNAL.
CURB & GUTTER & OUTSIDE TRAVEL LANE PLAN PREPARATION & CONSTRUCTION WITH DELVELOPMENT OF GREEN MAP ON HAYES.
BRYAN AVENUE
HAYES AVENUE
POLK AVENUE
CORNELIA AVENUE
TO BE COMPLETED WITH 1st PHASE OF LOTS:
HAYES AVENUE:
INSTALL SOUTH APPROACH TO ALLOW FOR RIGHT, LEFT AND THROUGH LANES. WIDEN NORTHBOUND LANES TO ALLOW FOR LEFT AND SHARE RIGHT/THROUGH MOVEMENTS.
ASHLAN AVENUE:
INSTALL RAISED MEDIAN WITH LEFT POCKET, RIGHT AND THROUGH LANES IN EACH DIRECTION.
MAINTAIN ALL-WAY STOP.
PLAN PREPARATION WITH 3rd PHASE, CONSTRUCTION WITH 4th PHASE OF LOTS:
POLK AVENUE:
EXISTING IMPROVEMENT PROVIDE FOR LEFT AND SHARED RIGHT/THROUGH MOVEMENTS FOR NORTH AND SOUTH-BOUND TRAFFIC
ASHLAN AVENUE:
INSTALL RAISED MEDIAN WITH LEFT TURN POCKET, RIGHT AND THROUGH LANES FOR EAST & WEST BOUND TRAFFIC
INSTALL TRAFFIC SIGNAL WITH 6th PHASE OF LOTS (PLAN PREPARATION IN 5th PHASE).
ASHLAN AVENUE
PLAN PREPARATION & CONSTRUCTION WITH MULTI-FAMILY AND/OR COMMERCIAL DEVELOPMENT:
INSTALL RAISED MEDIAN AND ONE TRAVEL LANE EACH DIRECTION BETWEEN HAYES/ASHLAN, POLK/ASHLAN AND CORNELIA/ASHLAN INTERSECTIONS.
PLAN PREPARATION WITH 4th PHASE, CONSTRUCTION WITH 5th PHASE OF LOTS:
HAYES AVENUE
INSTALL ADDITIONAL PAVEMENT TO FULL BUILD-OUT OF SOUTH BOUND LANES. MAINTAIN STRIPING TO SHOW RIGHT, LEFT AND ONE THROUGH LANE. MAINTAIN NORTH BOUND LANES AS CONSTRUCTED
ASHLAN AVENUE:
INSTALL ADDITIONAL PAVEMENT TO FULL BUILD-OUT ON NORTH SIDE OF ASHLAN WEST OF HAYES. MAINTAIN REMAINDER OF ASHLAN AT INTERSECTION AS CONSTRUCTED
INSTALL TRAFFIC SIGNAL AT ASHLAN/HAYES AVENUES.
ASHLAN AND BRYAN AVENUE IMPROVEMENTS SHALL BE REQUIRED WITH MULTI-FAMILY AND/OR COMMERCIAL DEVELOPMENT INCLUDING TRAFFIC SIGNAL.
Phasing of improvements
Any conditions that are not included on this map will be done with Phase 8 or 9. This map is intended to include all roadway improvement conditions
3/15/08

General Plan Amendment Application No. A-07-08

Proposes to relocate the planned bicycle/pedestrian trail alignment from the northwest corner of the subject property to along the east side of the North Bryan Avenue alignment.





▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪ ▪	**Proposed Trail Alignments**
▬ ▬ ▬ ▪	**Planned Trail Alignments**

City of FRESNO

City Council Hearing
May 13, 2008

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City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

September 10, 2008

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5891/UGM, A-07-008, R-07-029, and C-07-308, Solid Waste Conditions of Approval
Location: Between North Hayes and North Bryan Avenues and West Ashlan and West Gettysburg Avenues – ***REVISED***

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5891/UGM, A-07-008, R-07-029, and C-07-308 that was submitted by Provost & Pritchard, Inc., on behalf of the McCaffrey Group. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Department of Public Utilities.

General Requirements:

- Tract 5891 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.

- Per Municipal Code, Section 9-405 Solid Waste Disposal Regulations, Section (c)(11)(i). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.

- Per Municipal Code, Section 9-405 Solid Waste, Recycling and Green Waste Regulations, Section (c)(10)(i). No material container shall be stored in the front yard or side yard on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

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Special Requirements:

Developer will provide through access of alleys for solid waste vehicles. Solid waste vehicles will not be required to back up and/or turning around to service properties.

Residential solid waste servicing in alleys is approved under the condition that the alleys are constructed in accordance with API 17 and FMC 12-1011(c).

All alleys shall be posted "No Parking."

All alley-loaded lots not mentioned below shall place their containers in the alley for servicing on solid waste service days.

Covenant Requirements:

It shall be posted "No Parking" in the cul-de-sacs on the solid waste service day. All lots that are part of a cul-de-sac shall be clear of all vehicles by 5:30 a.m. on solid waste service days:

- Lots 95, 96, 97, and 98 on West Ashcroft Avenue
- Lots 107, 108, 109, and 110 on West Holland Avenue

Those lots that have a dead-end alley will be required to place their containers at an alternate location on solid waste service days:

- Lots 255, 256, 257, 258, and 259 shall place their containers at the south side of their individual lots
- Lots 287, 288, 289, 290, and 291 shall place their containers
- Lots 292, 293, 294, 295, and 296 shall place their containers at the south side of their individual lots
- Lots 324, 325, and 326 shall place their containers at the north of Lot 324
- Lots 327, 328, 329, 330, 331, and 332 shall place their containers at the north side of Lots 327 and 330
- Lots 333, 334, 335, 336, 337, and 338 shall place their containers at the north side of Lots 335 and 336
- Lots 339, 340, 341, 342, 343, and 344 shall place their containers at the north side of Lots 341 and 342
- Lots 347, 348, 349, and 350 shall place their containers at the north side of Lots 353 and 348
- Lots 351, 352, and 353 shall place their containers at the east of their individual lots
- Lots 354, 355, 356, and 357 shall place their containers at the south side of their individual lots
- Lots 374, 375, and 376 shall place their containers to the west side of Lot 357

September 16, 2008

TO: WILL TACKETT, Planner III
Planning and Development Department, Planning Division

FROM: RICK FULTZ, Senior Fire Prevention Inspector
Fire Department, Bureau of Prevention and Investigative Services

SUBJECT: TENTATIVE TRACT NO. 5891

The Fire Department has completed a review of the Tentative Tract Map 5891 which was submitted by McCaffrey Group. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Fire Department.

General Requirements:

This project is within 3 miles of temporary Fire Station No. 16 and permanent Fire Station 16.

This project is subject to city wide fire service fees.

Provide residential and commercial fire hydrants and fire flow per Public Works standards.

Access is not acceptable: Dead end streets shall not exceed 450 feet without providing a second point of access. Lots 96 through 101, Lots 108 through 123, lot 331 and lot 334 are all over 450 feet from a single point of access. The lots will need a second point of access or shall be provided with fire sprinkler systems. The lots requiring fire sprinklers shall have a covenant agreement filed per lot stating the fire sprinklers are a condition of the tract. Or

Provide details for emergency access in lieu of fire sprinklers.

Gates, posts, or other barriers suitable to the Fire Department are required to be installed at the entrance to an emergency access only roadway.

The entrance to all emergency accesses shall be posted with permanent signs: AFIRE ACCESS (6" letters) VEHICLES REMOVED AT OWNER=S EXPENSE (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).@

Emergency accesses are required to be dedicated fire protection easements.

All private streets and driveways that are provided for emergency access for Fire Department use shall be constructed to a minimum unobstructed width of 20 feet

No parking is allowed in the alleys and the alleys shall meet standard API-17 with a reduced turn radius as shown in the standard.

The 32' streets shown in the tract are subject to further review and comment per standard API-2A. Upon further review the streets may be approved as shown or some areas may need to be identified as fire lanes.

Phasing of the project will require additional review for access and hydrants.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559.621.86794)**

DATE: December 18, 2007

SUBJECT: Tentative Tract Subdivision Map T-5891 (Located Between West Gettysburg and West Ashlan Avenues and North Bryan and North Hayes Avenues).

The Department of Public Works has reviewed the Tentative Tract Map proposed by The McCaffrey Group, on engineering plans prepared by Provost & Pritchard, dated November 19, 2007. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in street right-of-ways, landscape easements, trails, outlots and median islands.

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards.

2. **Street Tree Planting by Developer:** For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Planting and Utility Easement.

   a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.

   b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."

   c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.

   d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.

   e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association.

2. **Maintenance Service Through Annexation into the Community Facilities District.** Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

   A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping.

   B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.

   C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.

   D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.

   E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

   F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the **City of Fresno Water Division and may not be included in the CFD.**

MEDIAN ISLAND LANDSCAPE REQUIREMENTS

1. When median islands front onto the proposed development project, **applicants shall submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.**

2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.

3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23. The Public Works Department requires all proposed median islands to be constructed with 2 foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick red slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet shall be capped with concrete as an integral part of the off site improvements, whether the median is landscaped or not.

OUTLOTS

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

TRAIL REQUIREMENTS

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

City of
FRESNO

PUBLIC WORKS DEPARTMENT

DATE: December 18, 2007

TO: WILL TACKETT, Planner III
Planning and Development Department

FROM: HILARY KIMBER, Parks Supervisor II
Public Works Department

SUBJECT: CONDITIONS FOR TENTATIVE SUBDIVISION TRACT 5891 AND COMMUNITY FACILITIES DISTRICT

1. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer. If the Council or property owner/developer chooses not to include all of the items or certain items listed in a Community Facilities District (CFD), the property owner/developer shall be responsible for providing a mechanism approved by the City for the maintenance of such items.

- Maintenance of all Landscaping and Irrigation systems as approved by the Public Works Department within the street right-of-ways (includes parkways and one half of median islands in Major Streets), landscape easements, trails and outlots associated with the subdivision. All outlots shall be dedicated to the City of Fresno for maintenance purposes and any related work required.

- Maintenance of Sidewalks and Street Furniture as approved by the Public Works Department within the street right-of-way and the landscape easements associated with the subdivision.

- Maintenance of all landscape and irrigation systems on sides and in medians, decorative concrete and pilasters included as entry treatments to the tract.

- Maintenance of all local street Curbs, Gutters and Sidewalks, and Median islands as approved by the Public Works Department within the boundary of the tentative map.

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

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

2. An Annexation Request Package shall be submitted to the Public Works Department if the owner/developer chooses to be annexed into the City's CFD for maintenance purposes to be reviewed for acceptance to process. Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City's website (http:\www.fresno.gov) under the Public Works Department Developer Doorway.

3. **Proceedings to place the Final Map into a CFD SHALL NOT commence** until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be Technically Correct.

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

If you have any questions, please call me at 621-8794

c: PW File No. 10770

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

Mr. Gil Haro, Planning Manager
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

McCaffrey Group
7020 N. Van Ness Blvd.
Fresno, CA 93711
-

MAP NO. **5891REV2**
DRAINAGE AREA(S) " **EO** " " - "
DATE 5/29/08

PRELIMINARY FEE(S) (See below)

DRAINAGE AREA	" **EO** "	**$1,507,798.00**
DRAINAGE AREA	" - "	-
TOTAL FEE		**$1,507,798.00**

TRACT No. 5891REV2

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.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

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

a) Fees related to undeveloped or phased portions of the project may be deferrable.

b) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.

c) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.

d) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

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Two sided document

e) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

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

1. _____ a. Drainage from the site shall be directed to _____

   X b. Grading and drainage patterns shall be as identified on Exhibit No. 1 ~~#2~~

   _____ 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:

   X Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".

   _____ None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:

X	Grading Plan	X	Storm Drain Plan	X	Final Map
X	Street Plan	X	Water & Sewer Plan	_____	Other

4. Availability of drainage facilities:

   _____ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno 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.

   X c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
   ~~Temporary service is available through~~ _____

   X 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.)

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_____ Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.

__X__ 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.

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, approved August 1999, (modified December 2002.) 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 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, 1997 (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.

TRACT No. 5891REV2

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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.

Gerald E. Lakeman,
District Engineer

Project Engineer: Rick Lyons

C: Provost & Pritchard
286 West Cromwell Ave.
Fresno, CA. 93711

5469 E. OLIVE - FRESNO, CA 93727 - (559) 456-3292 - FAX (559) 456-3194

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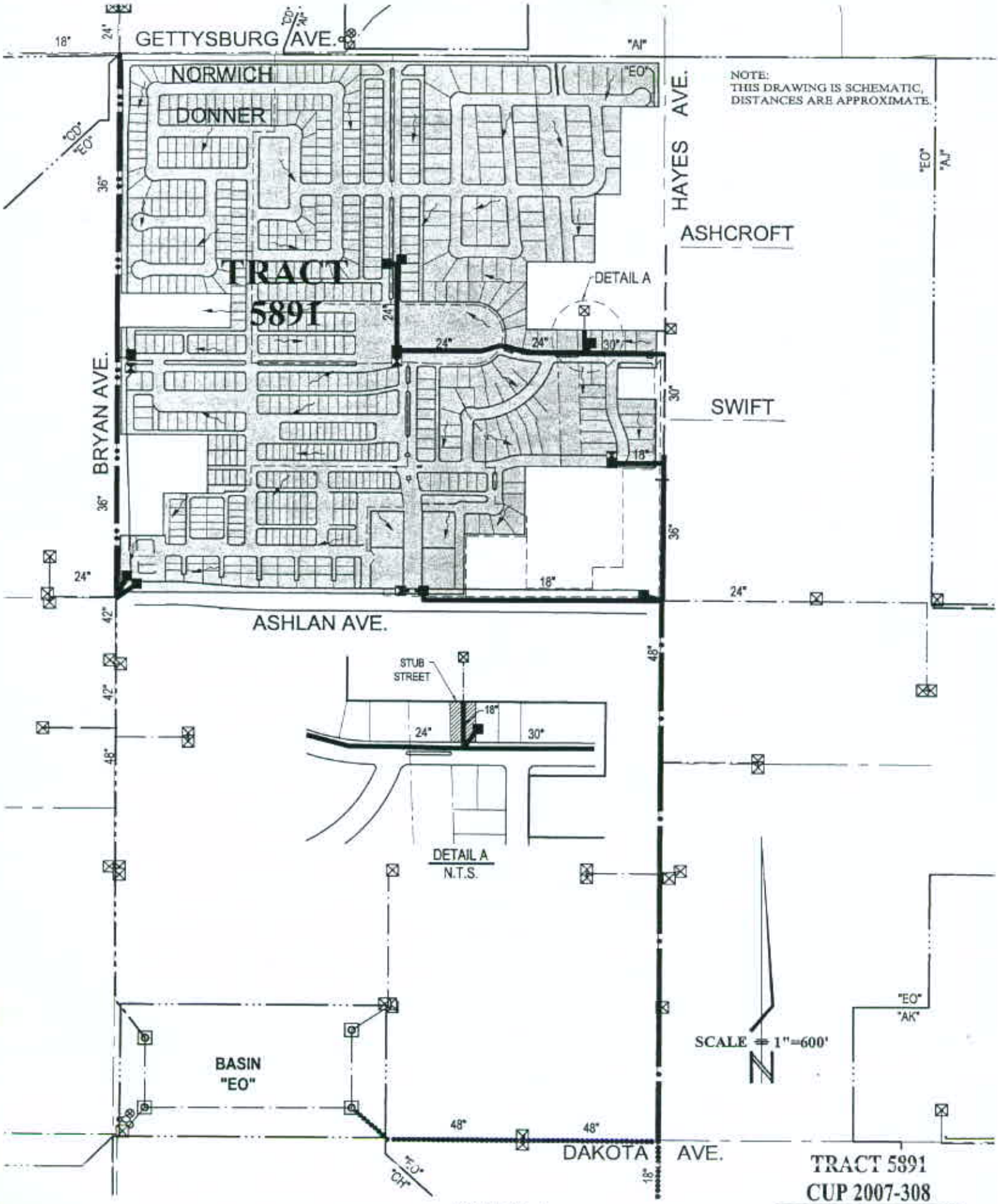

TRACT 5891
CUP 2007-308
DRAINAGE AREA: "EO"

EXHIBIT NO. 1
SHEET 1 OF 2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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DRAWN BY: MG DATE: 5/25/08
REVISED BY: MDH DATE: 5/29/08

LEGEND

Master Plan Facilities To Be Constructed By Developer
- Pipeline (Size Shown) & Inlet (Eligible For Fee Credit).

Optional Master Plan Facilities To Be Constructed By Developer
- Pipeline (Size Shown) Eligible For Fee Credit.

Master Plan Facilities To Be Constructed
By Central Unified School District.

Master Plan Facilities To Be Constructed
By Developer of Tract 5728.

Existing Master Plan Facilities

Future Master Plan Facilities

Non-master Plan Facilities To Be Constructed By Developer
(Not Eligible For Fee Credit)

Direction Of Drainage

Inlet Boundary

Drainage Area Boundary

TRACT 5652

DRAINAGE AREA: "EO"

EXHIBIT NO. 1
SHEET 2 OF 2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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DRAWN BY: MG DATE: 5/2/08
REVISED BY: — DATE: —

OTHER REQUIREMENTS
EXHIBIT NO. 2

The drainage fee identified on this revised Notice of Requirements for Tract 5891 has been computed at a rate commensurate to the calculated composite land use for this development. The District's Master Plan has been revised to accommodate the densities proposed for this project.

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

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

The easement may be slightly realigned to accommodate future development, provided the property owner accepts the responsibility to grade the property such that the drainage from the property will reach inlets on the alternate pipeline alignment, and accepts any additional costs for the construction of additional storm drain facilities that may be required. Any proposed storm drain alignments must be reviewed and approved by the District.

The District requires that the developer of Tract 5891 provide a stub street at Lot 542 to provide a means of drainage for major storm events. If the stub street is not provided, the developer will be required to provide a storm drainage channel to provide a method of conveyance for parcels north of this project during a major storm event.

No surface run-off shall be directed towards the alleys.

The construction of the Master Plan facilities labeled "Optional Master Plan Facilities" shown on Exhibit No. 1 will provide permanent drainage service to the easterly portion of Tract 5891. However, if the "Optional Master Plan Facilities" are not constructed, the District recommends temporary facilities until permanent service is available. The Central Unified School District will install the Master Plan facilities in Bryan Avenue that will provide permanent service to the westerly portion of the tract. Should these facilities not be constructed prior to development the District recommends temporary service until permanent service is available.

Development No. Tract 5891 Rev.2

OTHER REQUIREMENTS
EXHIBIT NO. 2

Some of the areas of Tract 5891 are shown with proposed alleys. The proposed alleys must have capacity to carry the necessary flows, particularly if part or all of the lots drainage will be directed toward the alley. Also, the major storm flows must be directed toward major streets and the major streets must be designed to accept the larger capacities of the major storm flows. The smaller streets with wedge curbing are of insufficient design to carry the capacities of the major storm flows.

The developer is required to provide storage in Basin "EO" by excavating 41,000 cubic yards as directed by the District in an excavation permit obtained from the District. If stockpiled within Basin "EO", the developer will be eligible for $1.40 per cubic yard credit. The District reserves the right to delete this work prior to the developer initiating work.

Prior to any work being initiated in the basin, the developer or his Contractor shall obtain an excavation permit from the District. If the work consists solely of stockpiling material excavated from the basin within the basin, there is not a permit fee. However, if any material is removed from the basin (off-site), a permit fee shall be paid prior to receiving the permit. No importing of material is permitted.

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

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

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are available. Contract the District's Environmental Department for further information regarding these policies related to industrial site requirements.

Development No. Tract 5891 Rev.2

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

Providing Life's Essential Services

DATE: October 13, 2008

TO: WILL TACKETT, Planner III
Department of Planning and Development, Planning Division

FROM: MICHAEL CARBAJAL, Supervising Engineering Technician
Department of Public Utilities, Water Division

SUBJECT: REVISED-WATER REQUIREMENTS FOR TENTATIVE TRACT NO. 5891/UGM

The following conditions are required to provide water service to the tract.

1. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in West Gettysburg Avenue from North Hayes Avenue west to North Bryan Avenue.

2. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a total of 2,000 gallons per minute. Well sites shall be of a size and at a location acceptable to the Water Systems Manager. The cost of acquiring the well site(s) and construction of the well(s) shall be reimbursed from the UGM Water Supply Well Service Area Fund 301s, in accordance with established UGM policies.

3. Water well construction shall include wellhead treatment facilities, if required. The cost for constructing wellhead treatment facilities shall be reimbursed from UGM Wellhead Treatment Service Area Fund 301s, in accordance with established UGM policies.

4. No occupancies will be permitted prior to the satisfaction of the water supply requirement.

5. Develop and implement mitigation measures to offset groundwater pumping equivalent to the tract's annual water demand at buildout plus 15%. These mitigation measures include the use of FID surface water for irrigation, installation of low flow fixtures, the use of artificial lawns for landscape, and the use of evapotranspiration controllers. The mitigation measures shall be subject to prior approval by the Water Systems Manager.

6. The development shall design appropriate infrastructure to facilitate water consumption at a rate of 243 gallons/person/day.

7. Separate water services with meters shall be provided to each lot created.

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

approved by the Water Systems Manager.

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

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

11. All proposed water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan for any proposed landscape within the easement shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the water main. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.

12. Construct a reclaimed water system in public rights-of-way to utilize future tertiary treated waste water for landscape irrigation purposes. Design of the reclaimed water mains will be subject to approval by the Assistant Director of Public Utilities.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Date: January 2, 2008

To: ROBERT LEWIS, Supervising Planner
Planning Division

From: DOUG HECKER, Supervising Engineering Technician
Public Utilities Department, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5891/UGM, REZONING APP. NO. R-07-29, PLAN AMENDMENT APP. NO. A-07-08 AND CONDITIONAL USE PERMIT C-07-308.

General

T-5891, A-07-008, R-07-029, C-07-308, for approximately 130 acres of land located between West Gettysburg and West Ashlan Avenues and North Bryan and North Hayes Avenues, proposing a 647-lot planned development subdivision. A-07-008 is a request to amend 2025 Fresno General Plan and West Area Community Plan from Neighborhood Commercial plu designation to Medium Density Residential plu designation for 10 acres (APN 311-070-29, 32 and 39) and Medium Density and High Density Residential plu designations to Neighborhood Commercial plu for 5 acres (por APN 311-070-50). R-07-029 requests to change the zoning from RR County, R-1-UGM, R-2-UGM and C-1-UGM to C-1-UGM Neighborhood Shopping Center-Urban Growth Management zone district (por of APN 311-070-50), R-1-UGM and R-2 Low Density Multiple Family Residential zone districts (APN 311-070-01, 07, 17, 19, 39, 48, 50 and 54). C-07-308 is a request to allow for reduced lot width, depth and setbacks and including public alley vehicle and pedestrian access.

Sanitary Sewer Service

The nearest sanitary sewer mains to serve the proposed project are a 15-inch main located in West Gettysburg Avenue and an 8-inch main located in North Bryan Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. Construct 18-inch and 15-inch sanitary sewer mains in West Ashlan Avenue between North Bryan and North Hayes Avenues.
2. Construct an 8-inch sanitary sewer main in North Hayes Avenue from West Ashlan Avenue north approximately 1,000 lf.
3. Sanitary sewer mains shall be extended within the proposed tract to provide sewer service to each lot created.
4. Separate sewer house branches shall be required for each lot created.
5. Abandon all existing on-site private sewer septic systems in accordance with City standards, specifications, and policies.
6. All public sewer facilities shall be constructed in accordance with Department of Public Works standards, specifications, and policies.
7. All underground street utilities shall be installed prior to permanent street paving.
8. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
9. Engineered improvement plans prepared to City Standards by a Registered Civil Engineer are required for proposed additions to the sanitary sewer system.
10. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.

Sanitary Sewer Fees

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

1. Lateral Sewer Charge.
2. Oversize Sewer Charge.
3. Oversize Sewer Area: #39
4. Trunk Sewer Area: Grantland
5. Sewer Facility Charge (Residential Only).

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4347
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

April 4, 2008

2131-IGR/CEQA
6-FRE-99-26.5+/-
A-07-008, R-07-029, C-07-308, T-5891, &TIS
MCCAFFREY MIXED-USE
SCH #2007121045

Mr. Will Tackett
City of Fresno Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Dear Mr. Tackett:

Caltrans has received the plan amendment, rezone, use permit, tract map, and Traffic Impact Study (TIS) for the mixed-use project located between West Gettysburg and West Ashlan Avenues, North Bryan and North Hayes Avenues. Caltrans has the following comments:

The project is expected to generate 546 AM and 854 PM Peak Hour trips. The project's TIS indicates that project trips would impact the State Route (SR) 99 interchanges at Shaw and Ashlan Avenues. Table VII of the project's TIS includes the traffic consultant's calculations for mitigation to the State Highway System. There are several discrepancies in Figure 10's peak hour numbers when comparing those shown in the 2025 Select Zone drawings of the SR 99 and Shaw Avenue intersection. Caltrans therefore recalculated the fair share, using the Council of Fresno County Governments' values over those in the project's TIS. Using the City's Formula, we have determined that this project's proportional share to mitigate for impacts to the identified interchanges is **$111,040**, as presented in the attached table (Attachment Number 1).

The City should consider a transit alternative for this project. There is sufficient development in this general area to support transit, and early planning could make such an alternative feasible. Caltrans recommends that this project be routed to Fresno Area Express (FAX) staff for their review and comment. Please see Attachment Number 2 for other recommended transportation alternatives.

If you have any questions, please call me at (559) 488-4347.

Sincerely,

Joanne Striebich

JOANNE STRIEBICH
Office of Transportation Planning
District 6

Attachments

C: State Clearinghouse
Mr. Scott Mozier, City of Fresno Public Works Department
Mr. Bryan Jones, City of Fresno Public Works Department
Ms Barbara Goodwin, Council of Fresno County Governments

ATTACHMENT NUMBER 1

Pro Rata Share Contributions Table
Tentative Tract No 5891
Ashlan and Bryan Avenues

PM	DESCRIPTION	PROPOSED IMPROVEMENT	ESTIMATED COST	COST/ TRIP	Project Trips	Project Contribution	NOTES
SR 99							
26.334	NB Off to Ashlan	Add turn lane	$1,537,000	$1,163	56	65,130	100 Unit Apartments TIS
26.554	Ashlan	Widen OC to add EB LT to Golden State Blvd	$1,307,900	$1,354	1	1,350	100 Unit Apartments TIS
28.102	Shaw OC	Widen OC (EB direction)	$1,130,252	$685	59	40,420	Fresport TIS
28.165	NB Off to Shaw	Add turn lane	$339,100	$345	12	4,140	Fresport TIS & Caltrans
	Total Pro Rata Share					$111,040	

ATTACHMENT NUMBER 2

CALTRANS RECOMMENDATIONS FOR TRANSPORTATION ALTERNATIVES:

Ongoing development throughout the City of Fresno, including this project, will make traffic operations significantly worse by adding considerably to delay and congestion. Transit alternatives can help reduce congestion and delay and reduce overall degradation of air quality and gridlocked intersections. The City of Fresno should focus on ways to eliminate trips in addition to enhancing capacity. Transportation alternatives the City should consider include standard highway solutions along with the following:

1. Park and ride facilities on site or within the proximity of this project.

2. A study of the general accommodation and provision of mass transit in this area to provide insight on ways of increasing transit usage.

3. Exploring the potential of commuter shuttles. The shuttle could be financed through an assessment district and provide a way for individuals to utilize a park-and-ride facility or commercial area parking lot and be shuttled to various commercial/office centers within the area. Commuters who need to go further could use City of Fresno transit if the City planned for convenient connections. This may help to reduce the Single Occupancy Vehicle (SOV) demand seeking to use the State Highway System.

4. Providing for continuity of non-motorized transportation.

5. Exploring the potential for employer-sponsored carpools/vanpools or monthly transit passes for employees as well as including as a condition of project approval a covered transit stop as mitigation for project-related impacts to the transportation/circulation system.

6. Exploring the potential for linking the purchase of a monthly transit pass with new residential development as partial mitigation for congestion and air quality impacts, and to ensure the long term viability of public transportation.

Pacific Gas and Electric Company

Kyle Patten
Land Agent
650 O Street Bag 23
Fresno, CA. 93760
Land Services

Phone: 559-263-5167
E Mail kap6&pge.com

12372 Walker

December 12, 2007

RECEIVED

DEC 19 2007

Planning Division
Planning & Development Dept
CITY OF FRESNO

Development Department
Engineering Services Division
Land Division Section
2600 Fresno Street, Room 3043
Fresno, CA. 93721-3604
Attn: Dave Braun

Dear ~~Dave Braun~~, WILL TACKETT

We have received your request for comments notice for the TentativeTract Map No. 5891.

OUR FILE: Herndon- Kearney 230KV Tower line

Thank you for the opportunity to review and comment on the Tentative Tract Map No. 5891. Pacific Gas and Electric Company (PG&E) owns and operates an electric transmission tower line located within the proposed project's boundaries. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

PG&E hereby requests that the locations of each steel tower facility be deliniated upon the map. PG&E maintains that the location of the easement is monumented by the existing steel towers and their projected centerlines on the property.

It is imperative that PG&E review all improvement plans prior to any construction activity proposed within our easement area.

Some examples of activities that could have an impact upon our facilities include permanent/temporary changes in grade under or over our facilities, construction of structures within or adjacent to PG&E's easements and planting of certain types of vegetation under our electric facilities.

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facility relocation's require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Expansion of distribution and transmission lines and related facilities are a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

PG&E remains committed to working with the City of Fresno to provide timely, reliable and cost effective gas and electric service. Please contact me at 263-5167 if you have any questions regarding our comments. We would also appreciate being copied on future correspondence regarding this development.

Sincerely,

Kyle Patten
Land Agent

225

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

TO: Consultants, Developers & Engineers

FROM: Road Maintenance & Operations / Development Engineering Plans Review & Approval

SUBJECT: Developments Proposed In County Areas & Proposed For Annexation

The following conditions are required of development project plans for connection or adjacent to County areas where slated for annexation into incorporated cities:

1. Road Improvement Plans

- Any work required within OR connecting to the County right–of-way will require review, approval and encroachment permit issuance from County Road Maintenance & Operations.
- Striping plans as part of road improvement plans shall be submitted. See attached checklist.
- NOTE: Traffic control devices proposed requires approval. STOP signs, NO PARKING and traffic signals require Board of Supervisors review prior to plan approval/permit issuance. Allow 60 days for the approval.
- Traffic studies will be required where more than 10 trips/peak hour at intersections or 100 trips/days are generated on a road segment.
- **A plan check review fee of $1,300 is required with the 1st submittal for the improvement plans.**

2. Utility Plans

- Proposed or required relocations and undergrounding are to be submitted with the 1st submittal of the plans.
- Submittal of plans from the affected utility company with the 2nd submittal is required prior to plan review.
- **A plan check review fee of $640 is required with the 1st submittal for the Encroachment.**

3. Grading Plans

- Where adjacent to County areas, plans shall be submitted and reviewed by the Development Engineering Section of County Public Works.
- Annexation documents are required for verification of the limits of work to be reviewed, approved and permitted.
- A grading voucher will issued upon submittal of adequate information [per the attached list] and approval prior to grading in areas proposed for annexation.
- Lotting patterns for adjacent tracts proposed shall be provided where affected by proposed developments.

4. Traffic Control Plans / Road Closures

- Staff requires 48 hours review time from submittal to response for TCP (Traffic Control Plan) reviews
- Lane closures are typically limited to between the hours of 9:00 am and 4:00 pm.
- No detours are permitted onto County of Fresno roadways that are not striped.
- Signs in the County's jurisdiction must be on posts where remaining in place longer than three days.
- No adjacent roadway is to be closed concurrently with an existing or proposed closure.
- Advanced notification by the developer/contractor is to be given to property owners, affected businesses and the motoring public affected by an upcoming/impending proposed closure.
- TCP's are required to reflect the most current edition of the California M.U.T.C.D.
- If any of the proposed closure or detour route is shown to be within a joint jurisdictional area, acceptance and agreement with that affected agency is required.
- Closures proposed to be long term must have a construction schedule submitted with the proposal to justify the duration requested. Liquidated damages at the rate of $1,200/day will be charged for closures exceeding the allotted period approved with the TCP.

Attachments: Road M&O Plan Check List, Dev Engr. Grading Voucher Checklist 11/19/2007

ROAD MAINTENANCE & OPERATIONS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4240 / FAX 262-4166
Equal Employment Opportunity • Affirmative Action • Disabled Employer

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS AND ENCROACHMENT PERMITS
MAINTENANCE & OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS AND PLANNING

Project:_____ Completed By:_____

Engineer:_____ Date:_____

The following checklist must be completed before plans can be accepted for review.
Date accepted for review: _____ By:_____

Screening for Plan Acceptance

Done (Init.)	N/A	
( )	( )	1) Pre – "Plan Preparation" mtg. with appropriate agency(ies) and engineering consultant staff held on _____.
( )	( )	2) Show existing and proposed right-of-way on plans.
( )	( )	3) Attach Conditions of Approval for land use entitlements to plans and mitigation measures if applicable.
( )	( )	4) Show "existing", "proposed", "to be relocated" and "to be removed" utilities and irrigation facilities on the plans. (The "Developer" is responsible for relocating any existing utility and irrigation facilities (within the County road right-of-way) to the correct alignment and grade.)
( )	( )	5) Provide written verification from all affected utility companies that required pole relocation design has commenced and all associated engineering fees paid.
( )	( )	6) Plans should be reviewed for existence of longitudinal irrigation facilities within R/W. If shown, special approval should be cleared before acceptance.
( )	( )	7) Plans should include a valid stamp and signature.
( )	( )	8) Provide Signing and Striping Plan showing existing pavement width, signs, and markings for a minimum of 300' (500' preferred) beyond project limits.
( )	( )	9) Provide note stating that a County encroachment permit is required.
( )	( )	10) Provide digital photos of the proposed project site.
( )	( )	11) Attach Traffic and Engineering Study for new intersection controls proposed (All way stops and Traffic Signals). Use Caltrans Traffic Manual warrants.
( )	( )	12) Show existing topographic information and show date in which data was collected on title sheet.
( )	( )	13) Provide structural section calculations to include 0.20 safety factor for County roads.
( )	( )	14) Provide documentation for proposed annexation.
( )	( )	15) Show jurisdictional lines (City & County) to include proposed annexation.
( )	( )	16) Allow a minimum of four weeks for Board of Supervisor's authorization for any proposed signal lights, stop signs, yield signs, speed zones or no parking zones.

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS & ENCROACHMENT PERMITS
MAINTENANCE & OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS & PLANNING

Project: _____ Completed by: _____

Engineer: _____ Date: _____

The following checklist will be completed before improvement plans can be approved.

Done (Init.) N/A

A. Plan Review Elements

1. Cross slope:

( ) ( ) a) 2% for new road (rural & urban areas)
( ) ( ) b) 2% to 3% for new road (mountainous area)
( ) ( ) c) 1% to 4% for existing road (50'-60' right-of-way)
( ) ( ) d) 1% to 3% for existing road (80'-110' right-of-way)

2. Side slope:

( ) ( ) a) Rural area: 2:1 maximum for fill slope; 1.5:1 maximum for cut slope; AC dike for fill> 3' and shoulder slope > 4:1
( ) ( ) b) Mountainous area; 2:1 maximum for fill slope > 5', 1 ½ ; 1 maximum for fill slope <5'; 1 ½: 1 maximum for cut slope
( ) ( ) c) Setback from property lines

3. Minimum culvert size:

( ) ( ) a) 18" outside FMFCD boundary
( ) ( ) b) 15" within FMFCD boundary

4. Curb return radius:

( ) ( ) a) 20' for local to local connection
( ) ( ) b) 25' for local to collector or arterial connection
( ) ( ) c) 25' for collector to collector connection
( ) ( ) d) 30' for arterial to collector connection
( ) ( ) e) 30' for arterial to arterial connection
( ) ( ) f) 30' for industrial road
( ) ( ) g) 40' for AC road approach

5. Vertical curve:

( ) ( ) a) Major road – Algebraic difference in profile grade > 0.5%
( ) ( ) b) Local road – Algebraic difference in profile grade $\geq$ 1.0%

6. Horizontal curve:

( ) ( ) a) Major road – deflection angle > 0.5°
( ) ( ) b) Local road – deflection angle $\geq$ 1.0°

7. Curb and gutter plan:

( ) ( ) a) Show proposed top of curb profile along site frontage.
( ) ( ) b) Show existing centerline profile along site frontage. Include at least 300' beyond each end of property or to existing cur, whichever is feasible.
( ) ( ) c) Show existing edge of pavement profile along site frontage. Include at least 300' beyond each end of property or to existing curb, whichever is feasible.

( ) ( ) d) Provide a minimum of 50' pavement transition at each end of proposed curb.
( ) ( ) e) Install wheelchair ramp at all curb returns.
( ) ( ) f) Provide a minimum of 0.2' fall around curb return and along valley gutter.
( ) ( ) g) Delineate existing and proposed curb/gutter, sidewalks, driveway approaches and pavement limits on the plan.
( ) ( ) h) Curb & gutter grades shall conform to FMFCD Master Drainage Plan.
( ) ( ) i) Curb & gutter plans must be submitted to and approved by FMFCD.
( ) ( ) j) Breakover angles.

8. Flood hazard:

( ) ( ) a) Submit drainage study.
( ) ( ) b) The hinge point of proposed road shall be a minimum of 12" above the 100-year high water level (site within FMFCD boundary excepted)
( ) ( ) c) Runoff from the development should be kept out of natural swales which drain to downstream areas as much as practical. In any case, this runoff should not exceed pre-development conditions.

9. Drainage:

( ) ( ) a) Provide AC gutter, dike or erosion controls at profile grade steeper than 1%.
( ) ( ) b) The hinge point of proposed road shall be a minimum of 12" above the gutter flowline.
( ) ( ) c) Spillway of drainage basin shall be a minimum of 6' wide and 2:1 maximum side slope.
( ) ( ) d) Submit drainage and grading plan showing how runoff will be taken care of without causing problems to roads or other properties if draining to natural channels.
( ) ( ) e) Show contour lines or adequate elevations on the plan.

10. Minimum gutter slope:

( ) ( ) a) 0.15% for dirt gutter, prefer 0.20%.
( ) ( ) b) 0.10% for concrete gutter, prefer 0.15%

11. Minimum structural section:

( ) ( ) a) 0.17' AC/0.35'AB/0.50' compacted native soil (95% compaction) on interior road.
( ) ( ) b) 0.17' AC/0.35'AB/0.50' compacted native soil (95% compaction) on existing County maintained road. Provide structural section calculations.

12. PM-10 Standards:

( ) ( ) a) Show pavement width to be a minimum of a 12' travel lane plus a 4' paved shoulder for ADT less than 3000.
( ) ( ) b) Show pavement width to be a minimum of a 12' travel lane plus an 8' paved shoulder for roadways with ADT greater than 3000.

NOTE: a 17' travel way with an AC dike may be used in lieu of the 12' + 8' listed above. The dike must be mountable with a 4:1 max slope for parking or if a Type 'A' Dike is proposed, Board of Supervisors approval is required for prohibition of parking.

13. Traffic Engineering Design:

( ) ( ) a) Provide all supporting information (auxiliary lane justification, intersection control warrants, Speed zones and parking prohibition) **NOTE**: BOS approval is required for prohibition of parking in excess of 200 feet in length.
( ) ( ) b) Show stop signs for cross streets that intersect through roads. NOTE: Stop signs for cross Streets other than through roads must be approved by the BOS.
( ) ( ) c) Reference plans to County of Fresno Improvement Standards, noting design speed used.
( ) ( ) d) Show transition lengths based on the formula L=WS per Caltrans Design Manual.
( ) ( ) e) Show all bay tapers to be 120'.
( ) ( ) f) Show and label all existing signing, striping and pavement markings within a minimum of 300 feet of the limits of construction (including street name signs) and not whether they are to remain, be relocated or removed.
( ) ( ) g) Show, label and dimension all types of striping.
( ) ( ) h) Show and identify proposed appropriate signing and striping.

( ) ( ) i) Show all signs to be located in the right-of-way and show that they are adequately visible.
( ) ( ) j) Show adequate intersection sight distance within right-of-way for all intersections and driveways.
( ) ( ) k) Show all obstructions to be removed or relocated to a minimum of 4' from the edge of pavement including utility poles.
( ) ( ) l) Provide 10' minimum clearance between edge of pavement and right-of-way unless otherwise approved by this office

14. Traffic Signal Design:

( ) ( ) a) Provide G7 street name signs mounted on mast arms.
( ) ( ) b) Show all signals to have 12" LED.
( ) ( ) c) Show pedestrian signals except a rural locations without pedestrian traffic.
( ) ( ) d) Show loop detectors to be installed in PVC conduit.
( ) ( ) e) Show appropriate loop detector spacing based on speed limit or maximum speed.
( ) ( ) f) Show all signal conductors to be contained in cable (vehicle-7, pedestrian-5, PPB-3).
( ) ( ) g) Show far and intermediate detectors for all approaches with speed in excess of 40 mph.
( ) ( ) h) Show signal poles to be 3.5' minimum (4'preferred) from edge of pavement or face of curb, whichever is greater.
( ) ( ) i) Verify that signal facilities will be compatible with future improvements.

15. Schools:

( ) ( ) a) Provide all pertinent support data.
1. School pedestrian study.
    a) Sidewalks.
    b) Suggested route to school.
2. Pedestrian volumes.
3. School attendance boundary.
4. On-site circulation for staff, buses, parents and students.

16. Utilities:

( ) ( ) a) General notes should require a USA check, and a statement that any obstructions in the roadway shall be relocated outside the paved area.
( ) ( ) b) Utility company pole relocation and required infrastructure installation plans corresponds with proposed road improvements.

17. Other:

( ) ( ) a) Record drawings or certification of compliance (from Engineer of record) may be required upon completion of the improvements within the road right-of-way.
( ) ( ) b) Review access points for compatibility with County road classification.
( ) ( ) c) Complete set of original plans should be submitted for County approval/signing.
( ) ( ) d) Confirm notification to property owners.

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS AND ENCROACHMENT PERMITS
MAINTENANCE AND OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS AND PLANNING

Project: _____ Completed by: _____

Engineer: _____ Date: _____

Done N/A
(Init.)

B. Permit Issuance Conditions:

( ) ( ) a) Board of Supervisor's consent for any City R/W acquisition.
( ) ( ) b) Copy of recorded deeds for all R/W acquisitions.
( ) ( ) c) Board approval needed for new stop sign or signal installation prior to plan approval.
( ) ( ) d) Section A.17.e should be accomplished.

Comments:

_____
_____
_____
_____
_____

( ) ( ) d) Construction Schedule to include time for utility relocation.

( ) ( ) e) Additional Requirements

_____

Note:

Contractor/Developer should be reminded that two (2) sets of the approved plans should be submitted to the County of Fresno Department of Public Works and Planning, Road Maintenance and Operations Division *before* any encroachment Permit will be processed.

County of Fresno
DEPARTMENT OF COMMUNITY HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

December 14, 2007

999999999
LU0014546
PE 2602

Will Tackett
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5891, R-07-029, C-07-308, A-07-008, The McCaffrey Group

PROJECT DESCRIPTION AND LOCATION: Proposes a 647-lot planned development subdivision on 130-acres and associated rezoning located between West Gettysburg and West Ashlan Avenues, and between North Bryan and North Hayes Avenues.

LIST THE SPECIFIC ADVERSE IMPACTS IN YOUR AREA OF EXPERTISE WHICH MAY RESULT FROM APPROVAL OF THE PROPOSED PROJECT.

PLEASE LIST SPECIFIC MITIGATION MEASURES THAT YOU WOULD RECOMMEND AS CONDITIONS OF PROJECT APPROVAL TO REDUCE ANY SIGNIFICANT ADVERSE IMPACTS.

[ ] **AN ENVIRONMENTAL IMPACT REPORT:** The project has the potential to result in significant adverse environmental impacts.

[X] **A NEGATIVE DECLARATION:** The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environmental Impact Report.

[ ] **NEITHER OF THE ABOVE, INSUFFICIENT INFORMATION TO DRAW ANY CONCLUSIONS:** The following additional information should be provided:

- Construction permits for the 647-lot planned development subdivision should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

- Construction permits for the 647-lot planned development subdivision should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

- The Fresno County Department of Community Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

  Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

  The Department of Community Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Ed Yamamoto, Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.

- The conditions as described in the "Conclusions and Recommendations" section on page nine (9) of the Acoustical Analysis prepared by Brown Buntin Associates, Inc., dated June 1, 2007 & revised on November 8, 2007 should be accepted as mitigation measures for the project. Without these measures the proposed noise sensitive receivers will be subjected to a level of noise in excess of the City of Fresno Noise Element standards.

Comments/Concerns Specific to the Proposed Rezone:

- Since specific tenants for this application have not been identified, the full range of C-1 uses will be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, storage of medical wastes, and potential noise nuisances.

Recommended Conditions of Approval Specific to the Proposed Rezone:

- Should a retail food establishment be proposed, prior to issuance of building permits, the tenant shall submit complete food facility plans and specifications to the Fresno County Department of Community Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3392 for more information.

- Prior to operation, prospective tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

- Prospective tenants should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.

- Certain uses allowed may utilize underground storage tanks. If such a use is proposed, then prior to the issuance of building permits, the applicant or future tenants shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency, at (559) 445-3271 for more information.

- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Hazardous Program Agency at (559) 445-3271 for more information.

- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

REVIEWED BY:

Glenn Allen, Environmental Health Specialist III

(559) 445-3357

ga

cc: Ed Yamamoto, Environmental Health Division

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Arnold Schwarzenegger
Governor

January 7, 2008

Mr. Will Tackett
City of Fresno
Planning and Development Department
2600 Fresno Street
Fresno, California 93721

EARLY CONSULTATION FOR THE A-07-008; R-07-029; C-07-308 & T-5891 PROJECT (SCH #2007121045)

Dear Mr. Tackett:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes building residential housing on agricultural land. DTSC recommends that research be conducted to determine whether pesticides were used on the proposed development site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.

In addition, although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

Please contact me by email at tmiles@dtsc.ca.gov or by telephone at (916) 255-3710, if you have any questions.

Sincerely,

Tim Miles

Tim Miles
Hazardous Substances Scientist

cc: Planning & Environmental Analysis Section (PEAS)
CEQA Tracking Center
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806

Printed on Recycled Paper

cc: State Clearinghouse
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613

Mr. Tim Casagrande, Deputy Director
Fresno County Community Health Department
1221 Fulton Mall, Third Floor
Fresno, California 93775

OFFICE OF

FRESNO IRRIGATION DISTRICT

YOUR MOST VALUABLE RESOURCE - WATER

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

December 11, 2007

RECEIVED

DEC 14 2007

Planning Division
Planning & Development Dept
CITY OF FRESNO

Mr. Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: VTTM 5891, A-07-008, R-07-029 and C-07-308 North of Ashlan to Gettysburg Avenue between Hayes and Bryan Avenues

Dear Mr. Tackett:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. 5891, Common Use Permit C-07-308, Rezone Application R-07-029 and Plan Amendment Application A-07-008 development located North of Ashlan to Gettysburg Avenue between Hayes and Bryan Avenues which has no impact on any of FID's facilities. FID approves the proposed development with the following conditions:

1. FID does not own, operate or maintain any facilities located on the applicant's property.
2. FID expects no adverse impacts from the approval of the subject proposal.
3. For informational purposes, a private pipeline known as the Wheaton No. 518 traverses the subject properties as shown on the enclosed map. FID suggests the developer and/or the developers engineer contact FID at their earliest convenience to determine if this private pipeline can be abandoned.
4. For informational purposes, a private pipeline known as the Gopher Hole No. 481 runs north to south on the eastside of Hayes Avenue as shown on the enclosed map.

Thank you for submitting this for our review. Please feel free to contact me with any questions or concerns at 233-7161 extension 321 or sbloem@fresnoirrigation.com.

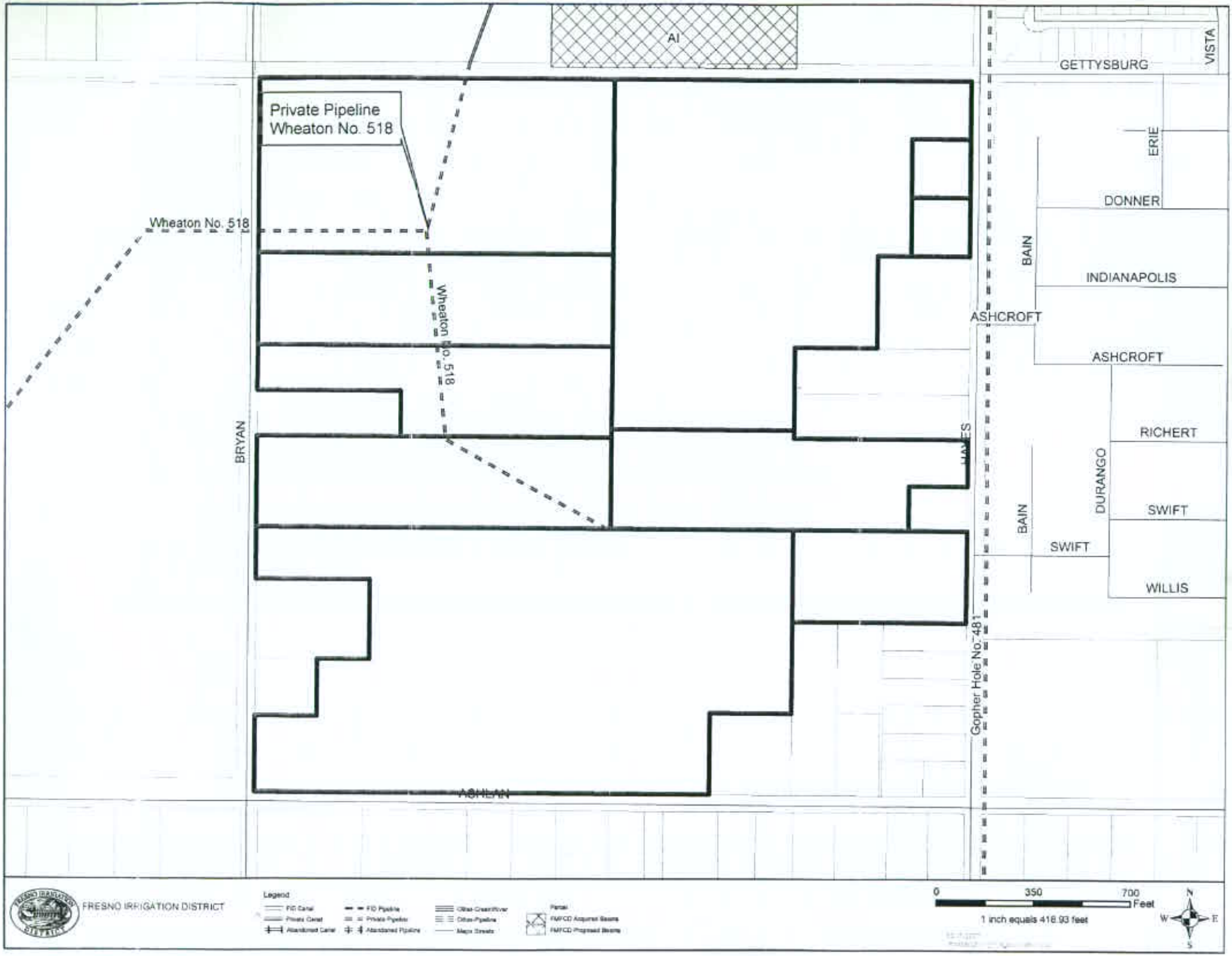
Sincerely,

Steve Bloem
Engineering Technician

Enclosure

G:\Agencies\City\TM5891,R-07-29,C-07-308,A-07-008.doc

BOARD OF DIRECTORS President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
EDDIE NIEDERFRANK, STEVE BALLS, TOM E. STEFFEN, General Manager GARY R. SERRATO


AI
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ASHCROFT
ASHCROFT
BRYAN
HAMES
RICHERT
DURANGO
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SWIFT
WILLIS
Gopher Hole No. 481
ASHLAN
FRESNO IRRIGATION DISTRICT
Legend
0
350
700
Feet
1 inch equals 416.93 feet
N
W
E
S

CENTRAL UNIFIED SCHOOL DISTRICT

OPERATIONAL SERVICES
4605 North Polk Avenue • Fresno California 93722
Phone: (559) 274-4700 ext. 105 • FAX: (559) 276-5515

Bert Contreras, Director - Operational Services

Facilities Project Manager
Eddie Davidson, Work Control Manager
Diane Komoto, Transportation Director
David Deel, Facilities Planning Manager

January 23, 2008

City of Fresno
Development Department – Planning Division
2600 Fresno Street
Fresno, CA 93721
Fax: 488-1020

RECEIVED
JAN 28 2008
Planning Division
Planning & Development Dept
CITY OF FRESNO

Attn: Will Tackett

Subject: **TT 5891** (R-07-29 & C-07-308)

Central Unified School District has the following conditions/comments for the above project(s):

Condition of approval:

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

2. Install concrete sidewalks/curbs/gutters on both sides of the interior streets for the proposed project in a manner consistent with the existing subdivisions in the area and to City standards.

3. A school bus stop shall be constructed on the west side of Hayes Avenue within the subdivision frontage per attached specifications.

Comments:

The proposed project will add approximately **373** K thru 12th grade students to the District's average daily attendance. The following chart identifies the breakdown per grade level.

Number of lots / units =	647
Grade Level:	# of Students Generated
K-6 grade students	232
7-8 grade students	61
9-12 grade students	79
TOTAL K-12 grade	**373**

The District will be caused to accommodate these new students short term at the schools of attendance indicated below. To offset the cost to house these students, the District currently levies development fees of **$4.15** per square foot for residential development and **$0.42** per square foot for commercial / industrial development.

Bus transportation may be provided to students in accordance with District policies in effect at the time of enrollment. Currently, bus transportation is provided for:

- K-8th grade students residing at least *one mile or more* from their school of attendance;
- 9th-12th grade students residing at least *two miles or more* from their school of attendance.

The District is an advocate for safe walking routes. Sidewalks will be required along interior neighborhood streets and major exterior streets to provide the necessary identifiable boundary between students and traffic, and provide a safe place for students walking to and from existing school sites and bus stops.

The District acknowledges that per the above transportation policies students from this tract will most likely walk to their respective schools of attendance located at the Educational Center which is adjacent to this proposal at the southwest corner of Gettysburg and Bryan Avenue. Construction of the Educational Center has started with the completion of the elementary school phase. Depending on the timeline for construction of the proposed tract 5891, subsequent phases of the educational center will be completed and are described in more detail below.

However, until all phases of the educational center are completed, the current school of attendance information is provided:

- Elementary School Information:

  School Name: Harvest Elementary
  Address: 6514 W. Gettysburg Avenue

- Middle School Information:

  School Name: El Capitan Middle School
  Address: 4443 W. Weldon Ave.

- High School Information:

  (a) School Name: Central High School – East Campus
  Address: 3535 N. Cornelia Ave

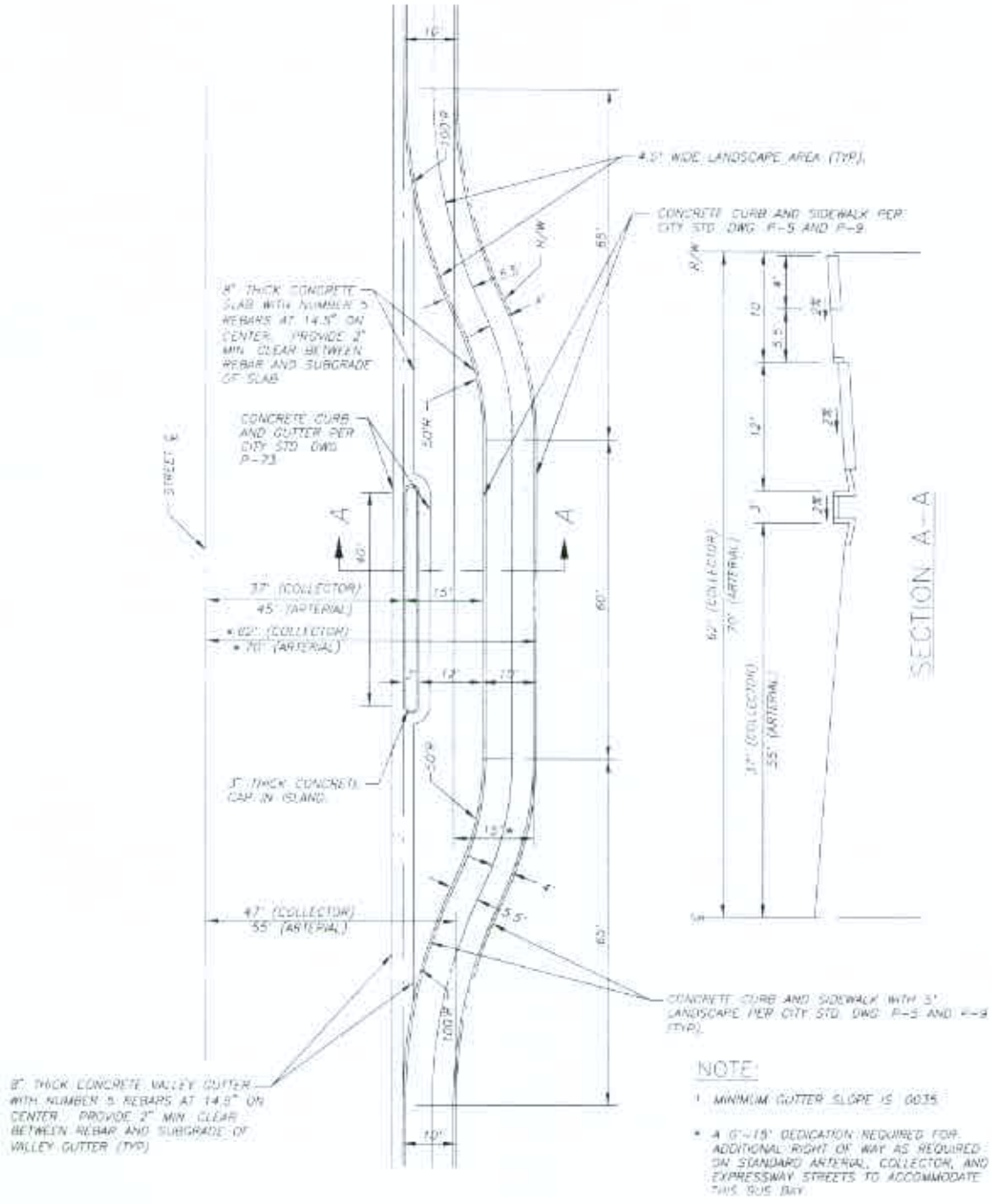
  (b) Currently, Central High School - *West* Campus is a mandatory attendance 9th grade school with optional programs for grades 10th -12th.

The District appreciates the opportunity to comment on above project. Should you have questions or need additional information, please contact me at 559-274-4700 x154 or hcontreras@centralusd.k12.ca.us.

Sincerely,

Bert Contreras
Director, Operational Services

cc: David Deel
FILE



NOTE:

1. MINIMUM GUTTER SLOPE IS 0.035

* A 0'-15' DEDICATION REQUIRED FOR ADDITIONAL RIGHT OF WAY AS REQUIRED ON STANDARD ARTERIAL, COLLECTOR, AND EXPRESSWAY STREETS TO ACCOMMODATE THIS BUS BAY.

SCHOOL BUS TURNOUT
FOR
COLLECTOR AND LOCAL STREET

BLAIR, CHURCH & FLYNN
CONSULTING ENGINEERS

TEL. (559) 297-5007 FAX. (559) 297-2995

DR. BY:	DATE	SCALE
P.G.	9-10-04	NO SCALE
		SHEET 1 of 1

Drawing: P:\204-0366\Dwg-Site\Dwg\Turnout.dwg
Plot by: paul Dec 13, 2005 - 9:27am

CITY OF FRESNO MITIGATED NEGATIVE DECLARATION
(Addendum)

Initial Study is on file in the Planning and Development Department, City Hall 2600 Fresno Street, Fresno, California 93721 (559) 621-8277	ENVIRONMENTAL ASSESSMENT NUMBER: A-07-08/R-07-29/ C-07-308/T-5891
APPLICANT: The McCaffrey Group 7020 Van Ness Boulevard Fresno, California 93711	ASSESSOR'S PARCEL NUMBER(S): 311-070-01, 07, 17, 19, 39, 48, 50, 54

FILED
MAR 13 2008
FRESNO COUNTY CLERK
By Marsha Gum
DEPUTY

PROJECT DESCRIPTION AND LOCATION:
Dirk Poeschel Land Development Services, Inc., on behalf of the McCaffrey Group, has filed Plan Amendment Application No. A-07-08, Rezone Application No. R-07-29, Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM pertaining to approximately 126.89 gross acres (122.93 net acres) of property located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenues. The plan amendment application proposes to amend the 2025 Fresno General Plan and West Area Community Plan by relocating a Neighborhood Commercial planned portion of the subject property from the southwest corner of the intersection of the West Gettysburg Avenue Alignment and North Hayes Avenue to the north side of West Ashlan Avenue between North Bryan and North Hayes Avenues. This relocation will involve redesignating the respective portions of the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential planned land use designation (approximately 10 acres); and, from the Medium and Medium-High Density Residential planned land use designations to the Neighborhood Commercial planned land use designation (approximately 5 acres). The Plan Amendment application also proposes to amend the 2025 Fresno General Plan, Multi-Purpose Trail Plan by relocating the bicycle/pedestrian trail alignment along the West Gettysburg Avenue Alignment and North Bryan Avenue. Rezone Application No. R-07-29 is a request to rezone the subject site from the RR (*Rural Residential [Fresno County]*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*), R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*), and C-1/UGM (*Neighborhood Commercial Shopping Center/Urban Growth Management*) zone districts. Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM request authorization for the development of an approximately 676-lot planned development subdivision on the subject property with approximately 646 dwelling units, four commercial buildings, and approximately 26 outlots designated for landscape and common access uses. A portion of the project site is proposed to be detached from the North Central Fire Protection District and the Kings River Conservation District and annexed to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Agency Formation Commission. As part of this project, it is also required that the City of Fresno and Fresno County approve findings to cancel Agricultural Land Conservation Contract Nos. 1250, 1251, and 1229. *(see p.2)

Filed with:
Fresno County Clerk
2221 Kern Street
Fresno, California 93721

The proposed project has been evaluated with respect to each item on the attached environmental checklist. This completed checklist reflects comments of any applicable responsible agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the Environmental Assessment Application, the checklist, and any attachments to the checklist, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the California Environmental Quality Act.

Any rating of "2" on the checklist indicates that a specific adverse environmental effect has been identified in a category which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project or may be related to the design and characteristics of the individual project. Effects rated in this manner are not sufficient in themselves to require the preparation of an Environmental Impact Report and/or have been mitigated to the extent feasible.

All new development activity and many non-physical projects contribute directly or indirectly toward a cumulative impact on the physical environment. The incremental effect contributed by this project toward such a cumulative effect is not considered substantial in itself.

The proposed project is not expected to result in any significant adverse effects in terms of the factors considered on the environmental checklist, including any such factors for which minor effects have been identified. Cumulative effects of a significant nature are also not expected. The proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The finding is therefore made that the proposed project will clearly not have a significant adverse effect on the environment.

This Mitigated Negative Declaration will be deemed final and effective if no appeal is filed in the manner specified by Section 12-505 of the Fresno Municipal Code.

INITIAL STUDY PREPARED BY:	SUBMITTED BY:
Will Tackett, Planner	Darrell Unruh
DATE: January 05, 2008	Darrell Unruh, Planning Manager PLANNING AND DEVELOPMENT DEPARTMENT

*1 See attached revised Project Description

CITY OF FRESNO AMENDED MITIGATED NEGATIVE DECLARATION

(Addendum Project Description)

Amended in accordance with Section 15073.5(c) of the California Environmental Quality Act (CEQA) Guidelines.

Initial Study is on file in the Planning and Development Department, City Hall 2600 Fresno Street, Fresno, California 93721 (559) 621-8277	Environmental Assessment Number: A-07-08/R-07-29/ C-07-308/T-5891
APPLICANT: The McCaffrey Group 7020 Van Ness Boulevard Fresno, CA 93711	Assessor's Parcel Number(s): 512-070-01, 07, 17, 19, 29, 32, 39, 48, 50 & 54

PROJECT DESCRIPTION AND LOCATION:

Dirk Poeschel Land Development Services, Inc., on behalf of the McCaffrey Group, has filed Plan Amendment Application No. A-07-08, Rezone Application No. R-07-29, Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM pertaining to approximately 126.89 gross acres (122.93 net acres) of property located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenues. The plan amendment application proposes to amend the 2025 Fresno General Plan and West Area Community Plan by relocating approximately five acres and removing approximately three acres of the approximately ten-acre Neighborhood Commercial planned portion of the subject property. The approximately five acres of neighborhood commercial planned property, which is proposed to be relocated, is proposed to be relocated from the southwest corner of the intersection of the West Gettysburg Avenue Alignment and North Hayes Avenue to the north side of West Ashlan Avenue between North Bryan and North Hayes Avenues. The proposed relocation and removal of planned neighborhood commercial area will involve redesignating the respective portions of the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential planned land use designation (approximately 8 acres); and, from the Medium and Medium-High Density Residential planned land use designations to the Neighborhood Commercial planned land use designation (approximately 5 acres). The Plan Amendment application also proposes to amend the 2025 Fresno General Plan, Multi-Purpose Trail Plan by relocating the bicycle/pedestrian trail alignment along the West Gettysburg Avenue Alignment and North Bryan Avenue. Rezone Application No. R-07-29 is a request to rezone the subject site from the RR (*Rural Residential [Fresno County]*) zone district to the R-1/UGM/cz (*Single Family Residential/Urban Growth Management/with conditions of zoning*), R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/with conditions of zoning*), and C-1/UGM/cz (*Neighborhood Commercial Shopping Center/Urban Growth Management/with conditions of zoning*) zone districts. Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM request authorization for the development of an approximately 676-lot planned development subdivision on the subject property with approximately 646 dwelling units, four commercial buildings, and approximately 26 outlots designated for landscape and common access uses. A portion of the project site is proposed to be detached from the North Central Fire Protection District and the Kings River Conservation District and annexed to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Agency Formation Commission. As part of this project, it is also required that the City of Fresno and Fresno County approve findings to cancel Agricultural Land Conservation Contract Nos. 1250, 1251, and 1229. *A development agreement for the proposed project will also be considered by the Fresno City Council. The Development Agreement will not affect any of the conditions of approval or project specific mitigation measures adopted, identified or applied to the project.*

Filed with:
Fresno County Clerk
2221 Kern Street
Fresno, CA 93721

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

ENVIRONMENTAL ASSESSMENT - INITIAL STUDY

MARCH 13, 2008

ENVIRONMENTAL ASSESSMENT NO.
A-07-08/R-07-29/C-07-308/T-5891

PROJECT DESCRIPTION

Plan Amendment Application No. A-07-08, Rezone Application No. R-07-29, Conditional Use Permit No. C-07-308, Vesting Tentative Tract Map No. 5891, and Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 have been filed by Dirk Poeschel Land Development Services, Inc., on behalf of the McCaffrey Group for approximately 126.89 gross acres (122.93 net acres) of property located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenues.

Plan Amendment Application No. A-07-008 is a request to amend the 2025 Fresno General Plan and the West Area Community Plan from the Neighborhood Commercial planned land use designation to the Medium Density Residential planned land use designation (10+/- acres, APN[s] – portion of 311-070-39; 311-070-29, 32) and Medium Density Residential and Medium-High Density Residential planned land use designations to the Neighborhood Commercial planned land use designation (5+/- acres, APN – portion of 311-070-50). The plan amendment also proposes to amend the City multi-purpose trail plan by deleting the bike/pedestrian trail alignment through the northwest area of the site and relocating same along the West Gettysburg and North Bryan Avenue alignments.

Rezone Application No. R-07-029, requests authorization to change the zoning for the subject property from the RR (Rural Residential, Fresno County) and R-1/UGM (*Single Family Residential/Urban Growth Management*), R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) and C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone districts to the C-1/UGM (Neighborhood Shopping Center/Urban Growth Management) zone district (5+/- acres, APN – portion of 311-070-50) and the R-1/UGM (*Single Family Residential/Urban Growth Management*) and R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone districts (125+/- acres, APN[s] – 311-070-01, 07, 17, 19, 39, 48, 50 & 54).

Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM request authorization for the development of an approximately 676-lot planned development subdivision on the subject property. Approximately 646 dwelling units are proposed to be developed on single family residential lots with reduced lot width, lot depth, and building setback development standards; and, public alley vehicle and pedestrian access. Four commercial buildings are proposed to be developed on the subject property and approximately 26 outlots are proposed to be designated for landscape and common access uses.

A portion of the project site is proposed to be detached from the North Central Fire Protection District and the Kings River Conservation District and annexed to the City of Fresno; these actions are under the jurisdiction of the Fresno Local Agency Formation Commission. It is also required that the City of Fresno and Fresno County approve findings to cancel Agricultural Land Conservation Contract Nos. 1250, 1251, and 1229. These actions necessitate routing of the project's proposed environmental finding through the State Clearinghouse.

The subject property is currently being used for agricultural purposes and has been developed with single family residences at rural densities. Property directly to the north is rural residential with one single family residential dwelling unit. Property to the east is developed with an urban single family residential subdivision. Properties to the south and west have been developed with single family residential dwellings at rural

residential densities.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Use
North	Medium Density Residential & Open Space/Ponding Basin	**AE-5/UGM** *Exclusive Five Acre Agricultural/Urban Growth Management*	Vacant & Rural Residential
South	Medium Density Residential	**AL-20 (County)** *Limited Five Acre Agricultural/Urban*	Rural Residential
East	Medium Density Residential	**R-1/UGM** *Single Family Residential/Urban Growth Management*	Vacant / Agricultural
West	Medium, Medium-High Density Residential & Public Facility/Elementary School	**AE-5/UGM** *Exclusive Five Acre Agricultural/Urban Growth Management*	Vacant/Agricultural, Rural Residential & Elementary School

2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130

Staff has reviewed the above-referenced project proposal and consulted with affected agencies and interest groups. The proposed project has been evaluated with respect to the provisions of the adopted 2025 Fresno General Plan (City Council Resolution No. 2002-379) and West Area Community Plan and the corresponding potential adverse environmental impacts, adopted environmental impact mitigation measures and determinations of overriding considerations established by the certification of the related Master Environmental Impact Report (MEIR) No. 10130 (City Council Resolution No. 2002-378). The proposed project, which includes an amendment of the adopted 2025 Fresno General Plan and West Area Community Plan has been determined to not be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), as codified in the Public Resources Code (PRC) Section 21157.1 (d) and the CEQA Guidelines Section 15177).

Based upon an analysis of the project, as summarized in the following environmental assessment initial study, it has been determined that the project may contribute to the creation of certain moderate environmental effects or the project may be adversely impacted by existing conditions as addressed below. However, these potential impacts have been determined to be equivalent to or less than those adverse impacts identified by MEIR No. 10130. It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). Therefore, it has been determined that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

MEIR No. 10130 examined the potential adverse environmental impacts of implementation of the 2025 Fresno General Plan, which provides plans and policies to accommodate projected population and employment growth through the year 2025. The City of Fresno has determined that specific economic, legal, social, technological and other considerations related to the implementation of the 2025 Fresno General Plan outweigh the unavoidable adverse environmental effects identified in the Final MEIR, including any effects not mitigated because of the infeasibility of mitigation measures and that the identified adverse

environmental effects are considered acceptable. It has been determined that the proposed project will contribute to the creation of insignificant environmental effects compared to the development of the medium and medium-high density residential planned land uses and neighborhood commercial planned land uses analyzed by the 2025 MEIR or the project may be adversely impacted by environmental situations addressed below.

The following impacts were identified by City Council Resolution No. 2002-378 certifying Final MEIR No. 10130 (2025 Fresno General Plan Update) as significant but mitigable effects:

1. Impact on Water Supply, Quality and Hydrology.
2. Increased Demand for Utilities and Service Systems.
3. Increased Demand for Public Services.
4. Increased Demand for Recreational Services.
5. Loss of Biological Resources.
6. Potential Disturbance of Cultural Resources.
7. Geology and Soils Impact.
8. Increased Demand for Energy.
9. Potential Aesthetic Concerns.

In addition, Resolution No. 2002-378, also identifies the following unavoidable significant impacts and statement of overriding considerations for these impacts:

1. Transportation and Circulation - The vehicular traffic levels of service (LOS) of E and F projected for Ashlan Avenue and the Herndon Avenue Expressway and other identified major street segments are considered a significant and unavoidable adverse impact which can not be completely mitigated. Furthermore, there are no reasonable mitigation measures available to only the City of Fresno which would reduce this impact to a less than significant level while allowing for the implementation of other appropriate alternative transportation facilities.

2. Air Quality - The adverse air quality impacts associated with the myriad of activities associated with the long range general plan for the Fresno metropolitan area can be expected to be significant and unavoidable, and cannot be completely mitigated. Furthermore, there are no reasonable mitigation measures available only to the City of Fresno which would assure the reduction of air quality impacts to a less than significant level. In order to provide a suitable living environment within the metropolitan area, the plan strives to facilitate expanded economic growth that will support increased employment opportunities.

3. Preservation of Agricultural Land - The conversion of agricultural land to urban uses within the planned boundary to accommodate the projected population and employment growth of the 2025 Fresno General Plan is a significant and unavoidable adverse impact, which can not be completely mitigated. Furthermore, there are no reasonable mitigation measures available only to the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less than significant level, while also allowing for prudent planned development to accommodate project population and employment growth.

4. Noise - The innumerable activities associated with urban living environments typically generate noise that contributes to the ambient noise levels that occur within the community. The MEIR identifies numerous mitigation measures intended to reduce the impacts of increased noise upon sensitive land uses. The 2025 Fresno General Plan, as the project, also specifies numerous general plan goals and implementing objectives and policies directed to reducing exposure to excessive noise levels. However, sufficient mitigation measures are not reasonably available only to the City of Fresno, which would assure the reduction of noise impacts to less than a significant level.

In addition to MEIR No. 10130, other environmental documents have been certified for major public facilities to accommodate population growth and urban development including Final EIR No. 10118 (Fresno/Clovis Regional Wastewater Treatment and Reclamation Facility Capacity Expansion) and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resources Management Plan). These environmental impact analyses and conclusions, together with supporting technical studies, further address the impacts of population growth and the necessary public facility capacity expansion associated with the urban development that will accommodate the growth projected by the 2025 Fresno General Plan. To the extent that these referenced environmental impact analyses, conclusions, findings and mitigation measures are applicable to the subject project they are incorporated herein by reference, pursuant to CEQA Guidelines Section 15150.

1.0-TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS

There are no geologic hazards or unstable soil conditions known to exist on the site. The existing topography is relatively flat with no apparent unique or significant land forms such as vernal pools. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. Grade differentials at property lines must be limited to one foot or less, or a cross-drainage covenant must be executed with affected adjoining property owners. No adverse environmental effects related to topography, soils or geology are expected as a result of this project.

2.0-AIR QUALITY AND GLOBAL CLIMATE CHANGE

Air Quality

The project site is located in Fresno County and within the San Joaquin Air Basin. This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north (and in turn contributing pollutants and precursors to downwind air basins). The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is the local regional jurisdictional entity charged with attainment planning, rule making, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments. The California Air Resources Board (CARB), a component of the California Environmental Protection Agency, sets statewide air quality standards and adopts statewide air pollution control measures such as standards for off-road vehicles, smog testing requirements applicable to on-road vehicles in the various air basins in the state, fuel formulation requirements for California and so forth. CARB evaluates and approves air pollution attainment plans proposed by local/regional air pollution control agencies in the state. The U.S. Environmental Protection Agency (EPA) sets national ambient air quality standards and is the agency which has ultimate approval authority for air quality attainment plans in air basins which have chronically or seriously failed to attain the federal air quality standards.

Traditionally, EPA has set the on-road emission standards for vehicle manufacturers. In recent years, there has been some overlap and dispute of the respective authority of CARB and EPA in the matter of on-road vehicular emission standards. CARB has proposed to regulate overall carbon

emissions pursuant to state laws adopted to reduce "greenhouse gases," and the federal agency has disputed the state's right to do this. Litigation on these issues is underway.

With respect to adopted air quality standards of the United States Environmental Protection Agency (EPA) and California Air Resources Board (CARB), the San Joaquin Valley Air Basin has been classified as follows:

Ozone: The San Joaquin Valley Air Basin is classified as being in "Serious Nonattainment" status under the Federal 8-hour ozone standard. "Nonattainment" under the State 8-hour standard, and "Severe Nonattainment" under the State 1-hour standard. The SJVUAPCD governing board and CARB have approved a designation of "Extreme Nonattainment" for the federal 8 hour ozone standard, which was forwarded to the EPA for ratification; however, the EPA's rulemaking and comment process is not yet complete so the "Extreme Nonattainment" designation is not yet in effect. An Ozone Attainment Demonstration Plan (OADP) has been prepared, identifying emission reductions and additional air pollution control Rules needed to attain the air quality standard by 2023.

Particulate matter: There are two regulated categories of this pollutant: PM-10, consisting of particles less than 10 microns in diameter, and PM-2.5, composed of particles than 2.5 microns in size. A "Serious Nonattainment" rating for federal PM-10 classification is still in force although the basin's monitoring results have demonstrated Attainment with this standard; the Serious Nonattainment rating will remain in effect until Federal Clean Air Act Section 107(d)(3) requirements are met. The Basin's PM-10 classification under state standards remains "Nonattainment." The Basin has been classified as being in "Nonattainment" for the 1997 federal PM-2.5 standard and for the State PM-2.5 standard, with an attainment demonstration plan for the federal 1997 PM-2.5 standard scheduled for adoption in mid-2008. The District has not yet been classified under the federal 2006 PM-2.5 standard (classification is expected by 2009).

Carbon monoxide (CO): "Attainment" classification by EPA and CARB; however, the Fresno Urbanized Area was previously in non-attainment and continues to be monitored for maintenance of attainment status.

Nitrogen Oxides (NOX): "Attainment" rating by EPA and "Attainment" by CARB. However, NOX is recognized and regulated as a major photochemical precursor for ozone/oxidant and particulate matter pollution.

Sulfur Oxides (SOX): "Attainment": rating by EPA and "Attainment" by CARB. However, SOX is recognized and regulated as a photochemical precursor to ozone/oxidant and particulate matter pollution.

Sulfates: No adopted federal standard; "Attainment" classification by CARB

Particulate Lead: No federal classification/designation; "Attainment" classification by CARB

Hydrogen sulfide (H_2S): No adopted federal standard; "Unclassified" rating by CARB

Visibility Reducing Particles: No adopted federal standard; "Unclassified" rating by CARB

Vinyl Chloride: No adopted federal standard; "Attainment" classification by CARB. As a hazardous air pollutant and a type of reactive organic gas, generators of

significant levels of vinyl chloride would be regulated through SJVUAPCD permitting rules and reductions in its emissions would be sought through attainment plans for oxidants/ozone and particulate matter.

Exceedances of ozone/oxidant standards set by the U. S. Environmental Protection Agency (EPA) and California Air Resources Board primarily occur during summer months, caused by the effect of heat and sunlight on ozone precursors such as reactive organic gases (ROG) and nitrates of oxygen (NOX). ROG and NOX are typically formed and by combustion of fossil fuels in internal combustion vehicle engines, heating appliances, etc.

Particulate matter exceedances may also be caused by photochemical reactions, but are also caused by direct emissions such as those from fireplace and agricultural waste woodburning, roadway tire wear, and fugitive dust (the effect of wind on open areas of disturbed soil, unpaved and dirty roadways). Despite the dry climate and potential for dust during the summer, particulate matter exceedances have occurred more often during winter months, attributable to residential woodburning and cotton plowdown activities. Residential wood burning has been partially curtailed by local building ordinances that have prohibit fireplace and wood stove installation in new homes since the early part of this decade, and by woodburning control rules adopted by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Control efforts over the past decade have been alleviating particulate matter to the point where the most recent monitoring period indicates attainment with the Federal particulate matter standard (formal approval of "Attainment" status is pending).

The region's high incidence of asthma, particularly childhood asthma, is primarily attributed to ozone and particulate matter exceedances, but may also be in part due to the nature of the pollutants encountered in the Valley, such as defoliants and pollen associated with agricultural operations. Household exposures to tobacco smoke, allergens and respiratory irritants are also being investigated as causal in the development of asthma.

In response to the San Joaquin Valley's chronic nonattainment status for ozone and particulate matter, the San Joaquin Valley Air Pollution Control District has adopted air quality attainment plans. Table VC-1 of MEIR No. 10130 lists the air quality attainment plans that have been adopted by the SJVUAPCD as of the date of MEIR certification. The SJVUAPCD is expected to adopt an attainment plan for the federal PM2.5 standard in April of 2008. Air quality attainment and implementation plans are periodically adopted and updated in response to area needs and federal and state mandates. These attainment and implementation plans prepared in response to the federal Clean Air Act are also intended to fulfill requirements of the California Clean Air Act, with emphasis on meeting California ambient air quality standards.

The principal components of air quality attainment plans consist of data describing measured air pollutant and pollutant precursor levels in the affected region's atmosphere; a baseline emissions inventory for the region; descriptions of control measures that will reduce future emissions; a future emissions inventory that reflects decreases due to implementation of emissions controls as well as increases due to increased population; and the results from a photochemical analysis model relating emissions to ambient pollutant levels, demonstrating attainment of the appropriate standard at a future target date through adoption and amendment of SJVUAPCD Rules and Regulations. The SJVUAPCD's formal Rulemaking process provides for public input and economic impact analysis and regulates consumer products and activities contributory to air pollution; permitting and enforcement activities conducted by the SJVUAPCD; and public education campaigns. SJVUAPCD also sponsors voluntary and incentive programs to provide for accelerated attainment.

It is the SJVUAPCD's strategy to implement multiple tactics or control measures, focusing on not only specific pollutant sources, but on overall transportation planning--which relates to funding for major roadway construction and mass transit. The District's Indirect Source Review (ISR) Rule 9510, effective March 1, 2006, is intended to encompass regional planning, transportation system, and site mitigation issues.

The MEIR prepared for the 2025 Fresno General Plan requires that that the most current version of the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities. The URBEMIS computer model evaluates the following emissions: ozone precursors (Reactive Organic Gases (ROG) and NOX; CO, SOX, and particulate matter. Project air quality impacts are evaluated using the SJVUAPCD's current version (2002) of the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), as updated by attainment plans, rules, and standards approved since 2002. For key pollutants and their precursors, the Threshold Levels of Significance, are expressed in tons per year in Table 2, below

As required by MEIR No. 10130, the proposed project has been analyzed by City of Fresno Planning Division staff using URBEMIS. The URBEMIS model analyzed impacts related to construction of 467 single-family homes and a 7 acre neighborhood park. The URBEMIS program requires information inputs regarding pedestrian and bicycle amenities that will serve the development, availability of public transit; street trees, and street lighting. The analysis also incorporates mitigation measures required by the City and feasibly incorporated at this stage of project analyses. These mitigations include watering of construction sites and unpaved construction roads three times daily; reducing speed on construction roadways to 15 mph; and a prohibition of residential woodburning.

The following URBEMIS analysis was done with information available at the current stage of project approval. Refinements to URBEMIS and its inputs may yield somewhat different results in future air quality impact modeling. Pursuant to SJVUAPCD Rule 9510, the Indirect Source Review Rule, other mitigation measures may be applied during construction and would be incorporated into the project. When the applicant completes the Indirect Source Review Rule application, SJVUAPCD will prepare a more elaborate URBEMIS analysis incorporating more defined project information that would be available at the special permit and construction permit levels of project development, such as information relating to construction fleet equipment and other potential mitigation factors including enhanced energy efficiency measures such as added insulation and solar equipment.

All data in the following table is expressed in tons per year:

Table 2: POTENTIAL AIR QUALITY IMPACTS OF TRACT 5891/UGM

	ROG	NOX	CO	SOX	PM10
Construction Emissions	16.68	4.30	17.44	0.01	0.92
Area Source Emissions	8.11	1.28	3.55	0.00	0.01
Operational Emissions	11.22	16.23	134.04	0.09	16.66
Total Area + Operational	19.33	17.51	137.59	0.09	16.67
SJVUAPCD Adopted Level of Significance	**10**	**10**	**100**	**27.375**	**14.6**

The URBEMIS 2007 model projections indicate that the proposed project could generate potentially significant levels for the emissions listed.

The SJVAPCD has developed the San Joaquin Valley 1991 California Clean Air Act Air Quality Attainment Plan (AQAP), which continues to project nonattainment for the above-noted pollutants in the future. This project will be subject to applicable Air District rules, regulations, and strategies. In addition, the construction phase of the project will be subject to the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Regulation VIII, Fugitive Dust Rules, related to the control of dust and fine particulate matter. This rule mandates the implementation of dust control measures to reduce the potential for dust to the lowest possible level. The plan includes a number of strategies to improve air quality including a transportation control strategy and a vehicle inspection program. In addition, the District encourages innovations in measures to reduce air quality impacts such as energy efficient building materials and household appliances, as well as site design features including landscaping, pedestrian and transit access features.

The 2025 Fresno General Plan also recognizes the benefit of sound land use planning strategies in order to mitigate the degradation of air quality within the San Joaquin Valley and Fresno County. The 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 (City Council Resolution No. 2002-378) includes "Reasonably Available Control Measures, which were adopted by the Fresno City Council on April 09, 2002 (resolution #2002-119). These measures include encouraging land use patterns which support public transit and other alternatives modes of transportation. In general, these measures would encourage land use patterns designed to reduce travel distances between related land uses (such as with mixed use projects) in order to facilitate development that reduces dependence upon the single-occupant vehicle. Accordingly, the measures also encourage and promote bicycle and pedestrian travel to reduce automobile use and improve air quality.

The 2025 Fresno General Plan MEIR No. 10130 recognizes that pedestrian travel is quite feasible for short shopping, business, school trips and is facilitated by the implementation of adopted ordinances and standards, including the Fresno Municipal Code, which requires installation of landscaping along all major and local streets with a street tree spacing of one tree every 60 feet. The 2025 Fresno General Plan and the West Area Community Plan major street design standards and bikeway plans provide for thorough distribution of alternative transportation improvements. These facilities assure convenient accessibility to neighborhood uses including schools, parks, and commercial centers using alternative nonvehicular means of transportation. Neighborhood parks are acquired and developed with urban growth management fees, frequently located in conjunction with an elementary school site that facilitate related academic, athletic, recreational, and other community activities that promote combined trip-making and encourage the use of

nonvehicular modes of transportation. The project site is in an Urban Growth Management (UGM) area where fees are collected to provide for parks and/or other recreational facilities in the area.

The subject development proposal incorporates a number of elements which are consistent with the adopted goals, objectives, and policies of the 2025 Fresno General Plan; and, strategies which utilize land use patterns designed to reduce travel distances and encourage alternative modes of transportation to the automobile through the integration and planned proximity of neighborhood commercial and open space land uses. The proposed project incorporates nodes of higher housing densities in areas served by the full range of urban services – neighborhood commercial uses and community centers, public services; resulting in a complete and integrated community containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents within easy walking distance of each other.

In addition, the City of Fresno continues to plan and implement the expansion of its fixed-route bus public transportation system in order to serve developing urban areas. Adopted standards and conditions of development require the provision of adequate bus stop facilities at appropriate major street locations to facilitate future public transportation services.

Furthermore, as noted above, this project will require major mitigation under Rule 9510. This Rule provides for incorporation of a wide range of mitigation measures into projects, and levies fees for pollutants generated by development projects. The fees are used to provide for regional air quality improvements and mitigations. Specifically, Rule 9510 requires that operational (traffic-associated) and construction equipment emissions of projects be reduced by at least 32% and 45%, respectively.

It should be noted that implementation of Rule 9510 alone will not reduce the project's potential emissions of reactive organic gases (ROG) below a level of significance. In certifying MEIR No. 10130 for the 2025 Fresno General Plan and West Area Community Plan, the City of Fresno adopted a Finding of Overriding Considerations for air quality, holding that generation of air pollutants is an unavoidable significant impact tributary to population growth and the urban development necessary to house and employ the increased population; acknowledging that, with present technology, it may not be feasible to mitigate these impacts below a level of significance. Because this project is consistent with, and implements, the 2025 Fresno General Plan and West Area Community Plan, and because it does not increase the intensity of development beyond that outlined for the subject property in those plans, the air quality Finding of Overriding Considerations would apply to this project.

In summary, the project as mitigated will not in and of itself significantly impact local air quality. This project's proposed design and mitigation measures, together with the implementation of the "Reasonably Available Control Measures" (RACM), as listed in table VC-3 of MEIR No. 10130, on all other applicable projects is expected to help the city improve its overall air quality. However, a larger regional implementation of these measures is needed to significantly help the air basin reach its air quality goals.

Climate Change and Global Warming

"Global warming" is the term coined to describe very widespread climate change characterized by a rise in the Earth's ambient average temperatures with concomitant disturbances in weather patterns and resulting alteration of oceanic and terrestrial environs and biota. The predominant opinion within the scientific community is that global warming is currently occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

When sunlight strikes the Earth's surface, some of it is reflected back into space as infrared radiation. When the net amount of solar energy reaching Earth's surface is equivalent to the energy radiated back into space,

the average ambient temperature of the Earth's surface would remain more or less constant. Greenhouse gases disturb this equilibrium by absorbing and retaining infrared energy, trapping heat in the atmosphere – the "greenhouse gas effect." The belief is that global warming is now occurring because natural carbon cycle processes (such as photosynthesis) are unable to absorb sufficient quantities of carbon dioxide and other GHG, and cannot keep the level of these gases under control. It is believed that a combination of factors related to human activities, such as deforestation and an increased emission of GHG into the atmosphere, is causing global warming.

Water vapor is the most predominant GHG, and is primarily a natural occurrence: approximately 85% of the water vapor in the atmosphere is created by evaporation from the oceans. The predominant types of anthropogenic greenhouse gases (those caused by human activity), are:

- Carbon Dioxide (CO_2), largely generated by combustion activities such as coal and wood burning and fossil fuel use in vehicles but also a byproduct of respiration and volcanic activities;

- Methane (CH_4), known commonly as "natural gas," is present in geologic deposits and is also evolved by anaerobic decay processes and animal digestion. On a ton-for-ton basis, CH4 exerts about 20 times the greenhouse gas effect of CO2;

- Nitrous Oxide (N_20), produced in large part by soil microbes and enhanced through application of fertilizers. N_20 is also a byproduct of fossil fuel burning: atmospheric nitrogen, an inert gas that makes up a large proportion of the atmosphere, is oxidized when air is exposed to high-temperature combustion. N_20 is used in some industrial processes, as a fuel for rocket and racing engines, as a propellant, and as an anesthetic. N_20 is one component of "Oxides of Nitrogen" (NOX), long recognized as precursors of smog-causing atmospheric oxidants;

- Chlorofluorocarbons (CFCs), synthetic chemicals developed in the late 1920s for use as improved refrigerants (e.g., "Freon™"). It was recognized over two decades ago that this class of chemicals exerted powerful and persistent greenhouse gas effects. In 1987, the Montreal Protocol halted production of CFCs;

- Hydrofluorocarbons (HFCs), another class of synthetic refrigerants developed to replace CFCs;

- Perfluorocarbons (PFCs), used in aluminum and semiconductor manufacturing, have an extremely stable molecular structure, with biological half-lives tens of thousands of years, leading to ongoing atmospheric accumulation of the GHGs; and,

- Sulfur Hexafluoride (SF_6), is used for insulation in electric equipment, semiconductor manufacturing, magnesium refining and as a tracer gas for leak detection. Of any gas evaluated, SF_6 exerts the most powerful greenhouse gas effect, almost 24,000 times as powerful as that of CO_2 on a ton-for-ton basis.

In an effort to address the perceived causes of global warming by reducing the amount of anthropogenic greenhouse gases generated in California, the state enacted the Global Warming Solutions Act of 2006 (Codified as Health & Safety Code Section 38501 et seq.). Key Provisions include the following:

- Codification of the state's goal by requiring that California's GHG emissions be reduced to 1990 "baseline" levels by 2020.

- Set deadlines for establishing an enforcement mechanism to reduce GHG emissions:

- By June 30, 2007, the California Air Resources Board (CARB) was required to publish "discreet early action" GHG emission reduction measures. Discrete early actions are regulations to reduce greenhouse gas emissions to be adopted by the CARB and enforceable by January 01, 2010;

- By January 01, 2008, CARB was required to identify what the state's GHG emissions were in 1990 (set the "baseline") and approve a statewide emissions limit for the year 2020 that is equivalent to 1990 levels. (These statewide baseline emissions have not yet been allocated to regions, counties, or smaller political jurisdictions.) By this same date, CARB was required to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions.

- By January 01, 2011, CARB must adopt emission limits and emission reduction measures to take effect by January 01, 2012.

As support for this legislation, the Act contains factual statements regarding the potential significant impacts on California's physical environment that could be caused by global warming. These include, an increase in the intensity and duration of heat waves, the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snow pack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residents, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

On August 24, 2007, California also enacted legislation (Public Resources Code § 21083.05 and § 21097) requiring the state Resource Agency to adopt guidelines for addressing climate change in environmental analysis pursuant to the California Environmental Quality Act. By July 01, 2009, the Governor's Office of Planning and Research (OPR) is required to prepare guidelines for the mitigation of greenhouse gas emissions, and transmit those draft regulations to the Resources Agency. The Resources Agency must then certify and adopt the guidelines by January 01, 2010.

Because it is believed that global warming is being caused by human activities on the entire planet, it would be highly speculative to conclude that this project would have an adverse impact on global climate. The Urbemis 2007 computer model does provide data on expected tonnage of CO2 and Oxides of Nitrogen (NOX) (137.59 and 17.51 tons per year, respectively) but because CARB has not adopted GHG emission limits and emission reduction measures and because CEQA guidelines have not been established for the evaluation and mitigation of greenhouse gas emissions, there is an absence of regulatory guidance to assist any lead agencies in determining whether a particular project will have a significant impact on global warming. Furthermore because the proposed project is an integrated combination of residential and commercial uses (allowing for office and retail activities) within the project's footprint. This combination of uses has been identified as a potential mitigation measure to address global warming impacts in a document published by the California Attorney General's Office entitled, *The California Environmental Quality Act Mitigation of Global Warming Impacts* (updated January 07, 2008). Specifically, this document describes this mitigation measure as follows, "Incorporate mixed-use, infill and higher density development to reduce vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods." A mix of land uses in close and connected proximity, such as is being proposed within this project, would be expected to generate fewer vehicle miles traveled per capita, leading to reduced emissions of greenhouse gases from engine emissions. The project also incorporates areas or "villages" of denser development which are commonly associated with increased public transit use. Due to its location between a major K-12 educational center campus and existing residential development, this project has some infill characteristics and will provide for neighborhood commercial development reducing vehicle trips generated by other nearby residential projects.

The project does not involve manufacturing activities that would generate SF_6, HFCs, or PFCs and does not proposed any uses which would generate methane on site. The City of Fresno prohibits installation of woodburning appliances in new homes, which would reduce CO_2 and N_2O from wood combustion.

Through updates in the California Building Code and statewide regulation of appliance standards, this project is also expected to conform to state-of-the-art energy-efficient building, lighting, and appliance standards as advocated in the California Environmental Protection Agency's publication *Climate Action Team / Proposed Early Actions to Mitigate Climate Change in California* (April 2007) and in CARB's *Proposed Early Actions to Mitigate Climate Change in California* (April 2007). Updated engine and tire efficiency standards would apply to project residents' vehicles, as well as the statewide initiatives applicable to air conditioning and refrigeration equipment, regional transportation improvements, power generation and use of solar energy, water supply and water conservation, landfill methane capture, changes in cement manufacturing processes, manure management (methane digester protocols), recycling program enhancements, and "carbon capture" (also known as "carbon sequestration," technologies for capturing and converting CO_2, removing it from the atmosphere).

We conclude that the project will not have a significant impact on global warming because of the lack of regulatory guidance, the relatively small size of this project, and the nature of this project being a multi-use development with some infill characteristics.

Mitigation Measures

1. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Mitigation Monitoring Checklist for measures identified in the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan (hereinafter, "MEIR Mitigation Measure Checklist"), dated March 13, 2008.

2. Through tract map conditions of approval, the developer shall conform to SJVUAPCD Rules for Indirect Source Review (Rule 9510), fugitive dust control (SJVUAPCD Regulation VIII) Rules for asphalt and paving operations and mobile equipment, and other rules and requirements as may be imposed by the SJVUAPCD and by City adopted air pollution control measures..

3.0-WATER

Fresno is one of the largest cities in the United States still relying entirely on groundwater for its public water supply. While the aquifer exceeds a depth of 300 feet and is large enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, as well as high consumptive use of water on a per capita basis (267 gallons per day per capita), have resulted in a decline in the total usable potable water supply.

The adverse groundwater conditions of limited supply and compromised quality have been well- documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report No. 10130 for the 2025 Fresno General Plan, Final EIR No.10100, Final EIR No.10117, and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to DBCP, arsenic, iron, and manganese concentrations; low water well yields; limited aquifer storage capacity and recharge capacity; and, intensive urban or semi-urban development occurring upgradient from the Fresno Metropolitan Area.

The Fresno Metropolitan Water Resource Management Plan has been adopted and the accompanying Final EIR (SCH #95022029) certified. The purpose of the management plan is to provide safe, adequate, and

dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementation measures and facilities.

In accordance with the provisions of the 2025 Fresno General Plan and Master EIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. The City has indicated that groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands.

Furthermore, Senate Bill 610 (Chapter 643, Statues of 2001) and Senate Bill 221 (Chapter 642, Statutes of 2001) amended state law (Section 10910 of the Water Code and Section 66473 of the Government Code, respectively), effective January 01, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 are companion measures which seek to promote more collaborative planning between local water suppliers and cities and counties. Both statutes require detailed information regarding water availability to be provided to the city and county decision-makers prior to approval of specified large development projects. For the purposes of Water Code Section 10912, large development projects include (but are not limited to) a proposed residential development of more than 500 dwelling units. For the purposes of Government Code Section 66473.7 a residential development of more than 500 dwelling units, except that for a public water system that has fewer than 5,000 service connections, any proposed residential development that would account for an increase of 10 percent or more in the number of the public water system's existing service connections.

Both statutes also require that detailed information be included in the administrative record that serves the evidentiary basis for an approval action by the city or county on such projects.

Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10913[a]) subject to CEQA. Under SB 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply from the public water system.

Pursuant to SB 610 and SB221, a water supply assessment was conducted and prepared by Provost & Pritchard Engineering Group, Inc., for the proposed project in accordance with Water Code Section 10910 and Government Code Section 66473.7. This study ultimately concludes that the subject development is, projected to have an annual demand of 350 acre-feet that will be met with local groundwater supplies. The assessment also asserts that, "since groundwater is not subject to the same fluctuations as surface water, it is a near-constant supply that will be available during all hydrologic conditions to satisfy project demands." The study does note however, that while "Fresno will rely on groundwater and surface water to satisfy demands of its users, during dry hydrologic conditions, groundwater will represent a greater portion of the water budget" and, "continued reliance on groundwater resources will cause groundwater levels to decline both locally and regionally if more surface water is not recharged."

While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities. As the proposed project places additional demand upon peak water use capacity, the proposed project must contribute to short-term and long-range water supply and distribution remediation projects in order to adequately address any deficiencies. The Water Division of the Public Utilities Department estimates that the proposed single family residential development will have an adequate source of water available to serve the project with the implementation of the mitigation measures noted below.

The mitigation measures of EIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption.

Alternative measures to satisfy this requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of Fresno Metropolitan Flood Control District storm water ponding basins.

In addition, the proposed project must contribute to the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

Implementation of the 2025 Fresno General Plan policies, the Water Resources Management Plan, and the applicable mitigation measures of approved environmental review documents will address the issues of providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the water related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated March 13, 2008.

2. The proposed project shall implement and incorporate, as applicable, the water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130 2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

4.0-PLANT LIFE

There are no significant native plant species known to exist on or in the general vicinity of this project site. There are no natural water features on the subject site and the Fresno Irrigation District has indicated that there are no man-made water features such as on-site surface irrigation facilities, which would support aquatic habitat on the site.

The subject property has historically been cultivated for agricultural uses. Three Agricultural Land Conservation Contracts (ALCC), or "Williamson Act" contracts, were entered by the property owners (or by family predecessors in interest):

ALCC Contract No. 1229 (38.65 ± acres; APN 512-070-50 and other parcels; agricultural uses and uses compatible thereto) located entirely within the County of Fresno;

ALCC Contract No. 1250 (18.79 ± acres; APN 311-070-01 and other parcels; agricultural uses and uses compatible thereto; recorded in 1970 – Ones and Enes Scarabello property) located partially within the City of Fresno and partially within the County of Fresno; and,

ALCC Contract No. 1251 (9.85 ± acres; APN 311-070-19 and other parcels; agricultural uses and uses compatible thereto; recorded in 1970 – Vinto and Norma Scarabello property) located entirely within the City of Fresno.

While active crop cultivation continues on the site, requests to cancel these ALCCs were filed for the subject property. The applicant submitted substantial documentation to support the required findings for cancellation. The California Department of Conservation Division of Land Resource Protection is in the process of reviewing the cancellation requests, and its recommendations will be forwarded for consideration by the City Council and County of Fresno prior to approval of these requests. The requests for cancellation will be processed and evaluated in accordance with Government Code Sections 51280-51287 and the City of Fresno Rules of Procedure to Implement the California Land Conservation Act of 1965 ("Williamson Act") adopted by the Council of the City of Fresno on April 04, 2006 by Resolution No. 2006-130.

Mitigation Measures

1. The Fresno County Farmland Preservation Commission, Fresno County Board of Supervisors and Fresno City Council shall evaluate the requests for cancellation of these Agricultural Land Conservation Contracts and the recommendations of the California Department of Conservation Division of Land Resource Protection, and shall take action on these applications prior to any City approval of the requested general plan amendment, rezone, conditional use permit, or vesting tentative tract map applications.

5.0-ANIMAL LIFE

There are no significant wildlife populations know to exist on or in the general vicinity of this project site. There are no water features which would support aquatic habitat. Landscaping proposed on the site perimeter and within the proposed development boundary will provide habitat for certain species of birds and small animals which may be suited for an urban environment.

6.0-HUMAN HEALTH/SAFETY

The Fresno County Department of Community Health is concerned that abandoned water wells and septic systems are not being properly destroyed, particularly with respect to new development projects. As City boundaries expand, community services are provided to areas originally served only individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the City's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells. Prior to occupancy, any water wells or septic systems on the subject property must be properly destroyed as detailed in the Fresno County Department of Community Health's letter dated December 14, 2008.

Stormwater basins will be subject to City of Fresno conditions for development and maintenance in order to prevent mosquito breeding, and will be inspected by the Fresno Mosquito and Vector Control District.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the human health/safety mitigation measures as noted in the attached Project Specific Monitoring Checklist dated March 13, 2008.

2. The proposed project shall implement and incorporate, as applicable, the human health/safety related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

7.0-NOISE

The proposed project is a request to develop an approximately 676-lot planned development subdivision on the subject property with approximately 646 dwelling units, four commercial buildings, and approximately 26 outlots designated for landscape and common access uses. The subject property is located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenues.

In developed areas of the community, noise conflicts often occur when a noise sensitive land use is located adjacent to a noise generator. Noise in these situations frequently stems from on-site operations, use of outdoor equipment, uses and sites where large numbers of persons assemble and vehicular traffic.

Some land uses, such as residential dwellings, are considered noise sensitive receptors and involve land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise.

The City and County Noise Elements establish a land use compatibility criterion of 60dB DNL for exterior noise levels in outdoor activity areas of new residential developments. Outdoor activity areas generally include backyards of single family residences. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation. Furthermore, the Noise Element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB DNL. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

In order to determine if noise from potential traffic generator located on or adjacent to the subject site will exceed the City's standards, and to determine if noise mitigation measures will be required, an Acoustical Analysis dated June 01, 2007, was prepared by Brown-Buntin Associates, Inc. for the proposed project and subject property.

Noise generated by streets and highways is dependent upon several variables, including the number of vehicles, vehicle mix (percent trucks versus private automobile), and average vehicle speeds. Sound levels along roadway segments will increase as a result of the incremental increases in the daily traffic volume and the redistribution of traffic along transportation corridors.

The acoustical analysis determined that the project area will be exposed to noise due to its proximity to a planned arterial street (East Ashlan Avenue) and adjacent collector streets (Bryan, Gettysburg and Hayes Avenues). For the undeveloped site, the future traffic noise exposure ranged from 62.3 to 62.9 dB DNL at the closest proposed building setback from the roadways. To mitigate traffic noise exposure, sound walls should be constructed along the adjacent major streets and within the project site adjacent to residential areas. The sound walls will provide acoustical shielding of ground level outdoor activity areas and reduce the amount of noise affecting the interior of proposed residences.

As the proposed project also incorporates a commercial element, portions of the proposed project may be subjected to potential noise nuisances associated with general commercial activities.

In order to satisfy the City's interior noise level standard, the acoustical analysis conducted for the subject

site determined that the proposed construction will need to be capable of providing a minimum outdoor-to-indoor noise level reduction (NLR) of approximately 12 dB at the first floor. If second-floor receivers are planned for lots along adjacent major streets, the minimum required NLR at the second-floor elevation would be approximately 18 dB. For this purpose it may be assumed that residential construction methods complying with current building code requirements will reduce exterior noise levels by a minimum of 25 dB if windows and doors are closed.

Appropriate measures will also be incorporated into the project to minimize potentially significant short-term localized noise impacts to existing noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project will require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment is equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in the Fresno Municipal Code.

Noise nuisances on the subject property will be addressed through the implementation of the City of Fresno's policies associated with construction activity, which are relative to the use of construction equipment and, the applicable development policies of the 2025 Fresno General Plan, which provide for the substantial reduction of traffic generated noise (including the use of barriers, site design, building design, noise reduction by building facades, the use of vegetation and the use of sound absorbing materials).

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the noise related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated March 13, 2008.

2. The proposed project shall implement and incorporate, as appropriate, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130/2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

9.0-LAND USE

The planned land uses of the approximately 126.5 acre project site are presently designated as neighborhood commercial for approximately 9.31 acres, medium density residential (4.99 to 10.37 dwelling units per acre) for 75.03 acres, medium high density residential (10.38 to 18.15 dwelling units per acres) for approximately 24.73 acres and public facility elementary school / alternatively medium density residential for 17.73 acres. The plan amendment application for the project site proposes to amend the 2025 Fresno General Plan and the West Area Community Plan by relocating the neighborhood commercial planned portion of the subject property from the southwest corner of the intersection of the West Gettysburg Avenue Alignment and North Hayes Avenue to the north side of East Ashlan Avenue between North Bryan and North Hayes Avenues. This relocation will involve redesignating the respective portions oft the subject property from the neighborhood commercial planned land use designation to the medium density residential planned land use designation (approximately 10 acres); and, from the medium and medium-high density residential planned land use designations to the neighborhood commercial planned land use designation (approximately 5 acres). The Plan Amendment application also proposes to amend the 2025 Fresno General Plan, Multi-Purpose Trail Plan by relocating the bicycle/pedestrian trail alignment along the West Gettysburg Avenue Alignment and North Bryan Avenue. The related rezone application would redesignate the site from the RR *(Rural Residential, Fresno County)* zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management),* R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*), and C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone districts.

The alternative planned land use designation for the public facility elementary school site is medium density

residential in accordance with the provisions of the 2025 Fresno General Plan Table 3 "Underlying / Alternative Land Use for Designated Public School Sites." Application of the alternative planned land use designation is appropriate because the Central Unified School District is implementing alternative school sites including an educational center complex immediately to the west of the project site. Approval of the proposed plan amendment and implementation of the adopted alternative planned land use designation will result in approximately five acres of neighborhood commercial, 98.7 acres of medium density residential and 23 acres of medium high density residential uses.

The project proposed to provide a mix of residential types which may attract a variety of household types representing a range of incomes and family sizes. These housing opportunities include conventional single family residential lot sizes as well as reduced lot sizes with common open space areas, community parking spaces and landscaped buffers with an enhanced pedestrian environment. The proposed density will provide for an efficient use of the land and public services in a developing neighborhood. With the proposed integrated neighborhood commercial center, compatibility with surrounding residential uses will be provided utilizing open space features, pedestrian and vehicular connections and implementation of traffic calming techniques. It is anticipated that the proposed mixture and arrangement of land use types are planned will serve as a model of contemporary planning strategies intended to promote a more enduring and sustainable community.

The project will be required to meet the City development standards to ensure it is aesthetically appealing and is appropriately compatible with the surrounding existing or planned uses. However, the proposed zoning entitlements for the project include a planned development conditional use permit which allows the modification of development standards within the project to accommodate the range of proposed housing types.

Objective C-9 of the 2025 Fresno General Plan states that the city should "Plan for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities." General Plan Policy C-10 states that the city should, "Promote the development of more compact pedestrian friendly, single family residential projects to aid in the conservation of resources such as land, energy, and materials." General Plan Policy C-10-a states that the city should, "Facilitate the construction of higher density single family residential development while maintaining a pleasant living environment."

Objective E-15 of the 2025 Fresno General Plan states that the City should "Establish a network of pedestrian, bicycle, and where appropriate equestrian trails to serve residential areas and to link residential areas with activity centers such as parks and recreational facilities, educational institutions, employment centers, cultural sites, and other focal points of the City environment, in order to enhance the community's recreational and alternative transportation opportunities and to provide visual and physical amenities."

The proposed project is consistent with these general plan objectives and policies. Reduced lot sizes will provide for affordable housing opportunities, and the integration and proximity of neighborhood commercial and open space land uses will encourage nodes of higher housing densities in areas served by the full range of urban services – neighborhood commercial uses and community centers, public services, and transit stops; resulting in a complete and integrated community containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents within easy walking distance of each other. The necessary infrastructure is in place or will be extended to serve the property. Public facilities such as schools, parks, fire stations and storm drain systems are also either available or being proposed and developed to serve the project.

Based upon previous actions and the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, and with consideration of the proposed land use relationships, and recommended neighborhood unifying design principles, it is concluded that the proposed plan amendment and rezone applications will further promote the achievement of the planned urban form and land use objectives of the 2025 Fresno General Plan and the West Area Community Plan and that the proposed development of the subject property will promote the goals of the 2025 General Plan through the support of such concepts as the Growth Alternative Alliance's "Landscape of Choice-Principles and Strategies" as based upon the Ahwahnee Group Principles.

Mitigation Measure

1. The proposed project shall implement and incorporate, as applicable, the land use related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated March 13, 2008.

2. The proposed project shall implement and incorporate, as appropriate, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130/2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

10.0-TRANSPORTATION AND CIRCULATION

The Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (incorporated herein by reference) utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted COG traffic model projected traffic volumes and the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from an LOS of A (reflecting a very low traffic volume with no travel delay) to an LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay).

The project will take access from West Ashlan, North Bryan, West Gettysburg, and North Hayes Avenues. The 2025 Fresno General Plan Circulation Element designates West Ashlan Avenue as a four-lane divided arterial, and North Bryan, West Gettysburg and North Hayes Avenues as four-lane collector streets. The project will be required to construct all necessary interior street and frontage improvements to City Standards. Right-of-way dedications and/or vacations will also be required along adjacent public streets in accordance with City of Fresno requirements to provide for the necessary improvements.

As required by the mitigation measures established by the certification of MEIR No. 10130, all plan amendments are required to prepare a traffic impact study (TIS). Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, the proposed 676-lot residential component (646 dwelling units) and four lot neighborhood commercial (approximately five acres) development are expected to generate an average of approximately 8,454 average daily trips (ADT). Of these vehicle trips it is projected that 546 will occur during the morning (7 to 9 a.m.) peak hour travel period and 854 will occur during the evening (4 to 6 p.m.) peak hour travel period.
While the proposed General Plan Amendment Application No. A-07-008 and related development entitlement proposes to modify the arrangement of the planned land use designations for the subject property, the projected project generated vehicle trip volumes will be equivalent to or slightly less than those projected by the traffic analysis prepared for the 2025 Fresno General Plan and MEIR.

Based upon the proposed development plan for the subject property, General Plan Amendment Application No. A-07-008 proposes a decrease in neighborhood commercial planned area from approximately 9.31 acres to approximately 5.17 acres; a difference of approximately 4.14 acres. The proposed 50,000 square feet of commercial floor space to be developed on the approximately 5.17 acres of land compared with the potential development of approximately 101,386 square feet of commercial floor space on approximately 9.31 acres of land would result in a 51% decrease in the number of average daily trips produced by this land use component.

The approximately 4.14 acre difference in commercial planned property will be developed with single family residential dwelling units within the medium density range pursuant to the 2025 Fresno General Plan. Furthermore, a portion of the subject property (approximately 17.73 acres), which was anticipated to be developed as an elementary school for Central Unified School District, will be developed in accordance with the medium density residential planned land use designation pursuant to Table 3 "Underlying / Alternative Land Use for Designated Public School Sites" of the 2025 Fresno General Plan. After recalculating the overall acreage of proposed medium density residential area, a total of approximately 106 acres of land within the boundary of the subject property will be devoted to a variety of single family residential and open space uses.

Calculating the number of dwelling units which could be developed on the currently planned medium density residential portion of the subject property, at the same density as is proposed by the subject development proposal (5.25 dwelling units/acre), and adding that number to the minimum number of dwelling units which could be developed consistent with the 2025 Fresno General Plan on the currently planned medium-high density residential portion of the subject property (10.38 dwelling units/acre) yields approximately 651 dwelling units on the subject property. Comparing this figure to the 646 dwelling units proposed to be developed on the subject property represents an approximately one percent reduction in the number of average daily trips produced.

The proposed planned development subdivision, with the proximity and connectivity of residential, open space, and neighborhood commercial land uses as integrated components, provides for a pattern of development which is anticipated to reduce the number of average daily vehicle trips. The proposed pattern of residential development with nodes of higher housing densities in areas of the development easily served by proximate neighborhood commercial uses and community centers along with open spaces, which augment a street network incorporating pedestrian paths, should contribute to a system of fully connected and interesting travel routes to various destinations.

Furthermore, the conceptual design should encourage pedestrian and bicycle use by proposing new street standards which utilize narrower travel lanes and wider sidewalks on both sides of interior streets outside of park strips. Utilization of these new street standards, when coupled with proposed reduced front yard setbacks and aesthetically pleasing two-story dwelling units on narrow lots should provide for the desired smaller streetscape, spatially defined by buildings, trees and lighting; promoting pedestrian connectivity while discouraging high speed traffic.

The Public Works Department Transportation Planning Section has reviewed the project TIS for the plan amendment, rezone, conditional use permit and vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated, subject to requirements for improvements and right-of-way dedications as listed within the City of Fresno Department of Public Works memorandum dated March 11, 2008. These improvements and dedication requirements generally include: the dedication and improvement of adjacent portions of West Ashlan and West Gettysburg Avenues and North Bryan and North Hayes Avenues (including, but not limited to, construction of a raised median and shoulder reservations along West Ashlan Avenue); construction of

additional lanes and widening within identified street segments outside the project boundary; construction of left and right turn lanes with pockets and acquisitions at identified intersections to reduce impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on streets to through movement motorists; installation of stop signs, safety lighting and signalization at identified intersections; installation of Intelligent Transportation System (ITS) conduits and fiber with pole boxes and ITS equipment at identified intersections with West Ashlan Avenue for synchronization; provisions for necessary lane configurations and proper transitions for appropriate speeds on receiving sides of identified intersections; full improvements and construction of walkable paths across remainder or outlying lots that create bottlenecks; installation of safe pedestrian crossings and sidewalk access from all subdivision outlets to the nearby Central Unified Schools; and, accommodations for bike lanes.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. The Traffic Signal Mitigation (TSMI) Fee of $440.03 per single family dwelling unit, and $45.98 per Average Daily Trip for commercial, is based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual and the Master Fee Schedule. The TSMI Fee based on 646 single family dwelling units is $284,259.38. The TSMI Fee based on 50,000 square feet of neighborhood commercial at 2,147 ADT is $98,719.06. The total TSMI Fee for the entire project is $382,978.44.

Along with other cities and Fresno County, the City of Fresno has partnered with the Fresno County Council of Governments and Caltrans on a regional study for the greater Fresno-Clovis-Madera Metropolitan area. The study may provide the nexus/rough proportionality study necessary for determining a developer's proportionate responsibility for capital improvements to the state highway system.

Caltrans has reviewed the project's TIS and has determined that the project would impact the State Route (SR) 99 Interchanges at Shaw and Ashlan Avenues. Caltrans has indicated that there are several discrepancies in the TIS's peak hour numbers provided within the "Project Only Trip Assignment" when comparing those shown in the 2025 Select Zone drawings of the SR 99 and Shaw Avenue intersection. Therefore, Caltrans recalculated the fair share using the Council of Fresno County Governments' values over those in the project's TIS. Using the "City Formula" Caltrans has calculated the project's fair share mitigation for cumulatively significant impacts to the SR 99/Shaw and Ashlan Avenue Interchanges to be $111,040.00 as detailed in their letter dated January 15, 2008. The proposed project will be required to pay all applicable Caltrans Interchange Mitigation Impact fees to the City of Fresno Department of Public Works, Traffic Engineering Division as determined by Caltrans for the interchanges of Ashlan and Shaw Avenues at SR 99.

The Veterans Boulevard / SR 99 interchange is an integral part of the West Fresno and Northwest Fresno Circulation Element in the 2025 Fresno General Plan. City staff are currently working on the Project Study Report (PSR) for this new interchange to relieve congestion at other interchanges. This interchange is a Measure C Tier 1 project and is partially funded at a cost of $60 million. Estimated costs for the total project are $97.222 million leaving a short fall of $37.222 million. The estimated average daily trips (ADT) served by the new Veterans/SR 99 interchange is 70,370 vehicles in 2035 based on the City of Fresno technical memorandum approved by Caltrans. Therefore, to cover the short fall to get this interchange constructed each new project in West Fresno and Northwest Fresno will pay $529/ADT that are served by the interchange (across the freeway or accessing SR 99 via the interchange) to make a fair share contribution to the interchange to mitigate the project impacts to the Circulation Element of the General Plan MEIR in accordance with the Mitigation Fee Act. This project shall provide ADT counts for the Veterans Boulevard/SR 99 interchange based on a Fresno COG model run. This total fair share mitigation impact fee for the entire subdivision will be required to be paid prior to occupancy of the first dwelling unit.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated March 13, 2008.

2. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as identified in the attached Master Environmental Impact Report No.10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

11.0-URBAN SERVICES

11.1-Availability of Fire Protection

The project site is located within the City's Urban Growth Management Area and must comply with the applicable service delivery requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. Temporary Fire Station No.16 and Permanent Fire Station 16 are located within 3 miles of the project site. Emergency Vehicular access and hydrant issues will be addressed during the review of Conditional Use Permit No. C-07-308 and Vesting Tentative Tract Map No. 5891.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the fire related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

11.4-Overcrowding of School Facilities

The project site is located within the enrollment areas of the Central Unified School District (CUSD). Project development will affect the District by generating students that will need to be housed in District schools. The district has adopted school impact fees in accordance with current state law, which will require the developer, when the project site is developed, to pay a fee for school facilities per the adopted fee schedule unless waived by the district. CUSD currently levies a school facilities fee of $4.15 per square foot for residential development and $0.42 per square foot for commercial/industrial development.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the school district mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

11.5 - Availability of Water and 11.6-Availability of Sewer Lines of Adequate Capacity

Implementation of the Fresno General Plan policies, the Water Resources Management Plan, and the applicable mitigation measures of approved environmental review documents will address the issues of providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes. The City of Fresno Public Utilities Department has reviewed this development proposal and has determined that the proposed project shall implement and incorporate, as applicable, the water related mitigation measures as noted in the attached Project Specific Monitoring Checklist referenced within Section 3.0 Water, above.

The Cities of Fresno and Clovis share jointly in the treatment capacity of the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. In 1998, the treatment capacity of the facility was expanded to accommodate up to 80 million gallons per day, and was upgraded with modernized equipment to safeguard against equipment failures. However, in an attempt to serve the anticipated 790,000 metropolitan area population for the year 2025, one or more sub-regional treatment and reclamation facilities will be required.

The Public Utilities Department has determined that adequate sanitary sewer service is available to serve the project area.

Conditional Use Permit No. C-07-308 and Vesting Tentative Tract Map No. 5891 will contain a detailed set of infrastructure requirements for the subject parcel which will include sewer and water main extensions.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the water related mitigation measures for Section 3.0 – Water, as noted in the attached Project Specific Monitoring Checklist dated March 13, 2008.

2. The proposed project shall implement and incorporate, as applicable, the sewer and water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

11.7 - Availability of Storm Water Drainage Facilities On or Off Site and Irrigation District Facilities

The Fresno Metropolitan Flood Control District has indicated that permanent drainage service will not be available to the proposed development and has recommended that temporary facilities be provided until a time in which permanent service is available. However, should the property/owner developer choose to construct "Optional Master Plan Facilities" in accordance with the Fresno Metropolitan Flood Control District memorandum for Vesting Tentative Tract Map No. T-5891, then permanent service will be available to serve the easterly portion of the subject property.

Furthermore, the Fresno Metropolitan Flood Control District has indicated that the size of the Master Plan facilities is adequate for the proposed tract provided the densities and drainage patterns are consistent with the District's Master Plan. Should drainage patterns or densities be modified, the Master Plan Facilities shall also be adjusted to accommodate these modifications.

The Fresno Metropolitan Flood Control District has also indicated that the District's storm drain system serving this area is designed for medium and medium-high density residential land uses with 5,000 square-

foot lots with 50% or less lot coverage. The fees calculated for the proposed project also reflect these planned densities. If it is determined that the proposed densities for the subject development exceed these planned densities, then the property owner/developer may be required to mitigate the impacts of the increased runoff to a rate that would be expected if developed to the medium and medium-high density residential uses as planned. If such a circumstance exists the owner/developer will be required to either make improvements to the existing pipeline system and/or basin facilities to provide additional capacity or will be required to use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing and planned systems. An approved grading plan is required in order to eliminate any adverse impacts on the existing or planned system.

Implementation of the mitigation measures as identified in the attached Project Specific Monitoring Checklist dated March 13, 2008, and in MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's drainage impacts to less than significant. Upon review of the associated Conditional Use Permit Application No. C-07-308, more specific requirements will be drafted by the District and incorporated into the project.

In order to avoid or reduce the discharge of pollutants into the storm water sewer system, the U.S. Environmental Protection Agency requires that a Notice Pollutant Discharge Elimination System permit be filed for a variety of industrial uses and for any construction site of five or more acres of land. The property owner of this development site has been informed the requirement and responsibility to ensure that the Notice of Intent is filed in accordance with the regulations published in Volume 55, No. 222, of the Federal Register.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the storm water related mitigation measures as noted in the attached Project Specific Monitoring Checklist, dated March 13, 2008.

2. The proposed project shall implement and incorporate, as applicable, the storm water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

12.0-HAZARDS

As the subject property has been used historically for agricultural purposes, and is being proposed for development with residential housing and commercial uses, research should be conducted to determine whether pesticides were used on the proposed development site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

Furthermore, as the proposed project incorporates a commercial component, potential adverse impacts should be considered which may include (but not be limited to) storage of hazardous materials and/or wastes, storage of medical wastes, and potential utilization of underground storage tanks.

The Pacific Gas and Electric Company (PG&E) owns and operates electric transmission lines, which traverse the subject property from the approximate northeast corner of the subject property to the approximate southeast corner of the subject property. PG&E provides that in order to promote the safe and reliable

maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. While the developer will be held responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the proposed development, the proposed lots and public street configuration will provide for unrestricted utility access and will allow for residential development of the proposed lots without the requirement for easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities; and further, will allow for upgrades or additions needed to accommodate additional improvements for growth and/or expansion. Due to the location of the transmission lines on the subject property the City, in accordance with requirements imposed consistently upon other residential developments, will that no portion of any lot proposed with the subject tract map be located within PG&E's transmission line easement and further, that no main buildings shall be erected within a minimum of 20 feet of the easement. Staff has determined that these requirements are necessary due to ambient noise levels generated from the lines and due to a "prudent avoidance" strategy implemented by the City on other residential subdivisions which aims to limit exposure to electromagnetic fields when it can be done at a reasonable cost and where reasonable effort seems appropriate. It should be noted however, that while there is public concern about the possible health hazards related to the delivery of electric power, much of the concern is derived from suggestive data that is not based on specific scientific evidence and which, at this time, is both incomplete and inconclusive.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the human health/safety mitigation measures as noted in the attached Project Specific Monitoring Checklist dated March 13, 2008.

2. The proposed project shall implement and incorporate, as applicable, the human health/safety related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

13.0 – AESTHETICS

No public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. Moreover, pedestrian friendly walkways will be formed with the landscaping and improvements along the interior of the proposed subdivision as well as along the project's frontage of East Ashlan and Gettysburg Avenues; and, North Bryan and Hayes Avenues. These will ultimately create ample pedestrian connections throughout the neighborhood as it develops.

14.0-HISTORICAL/ARCHAEOLOGICAL

Based upon information submitted within the Historic Resource Evaluation Report for the Scarabello Residence dated September 2007, staff has determined that there are no historic resources for the purposes of the California Environmental Quality Act on the subject property. It should be noted however that lack of surface evidence of historical resources does not preclude the subsurface existence of archaeological resources. To ensure that any possible archaeological sites will be protected, the following conditions will be added as conditions of project approval:

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

2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If

the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.

3. If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the archeological related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated March 13, 2008.

DETERMINATION

Based upon these previous actions and the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, it is concluded that the proposed land uses will not result in a significant indirect adverse environmental effect.

On the basis of this initial evaluation, it is determined that the proposed project is consistent with all applicable city plans and policies and conforms to all applicable zoning standards and requirements. Pursuant to Section 15070 of the California Environmental Quality Act (CEQA) Guidelines, it is further determined that there is no substantial evidence in the record that the proposed project may have a significant effect on the environment. **This is based upon the mitigation measures required as conditions of project approval which are referenced by this environmental assessment and are conditions upon which a mitigated negative declaration can be recommended.** A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.

CITY OF FRESNO
MITIGATED NEGATIVE DECLARATION
MONITORING CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. A-07-08/R-07-29/C-07-308/T-5891

	MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
2.1- *Air Quality*	Approval of the proposed project shall be conditioned upon compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII, Rule 8020, as related to fine particulate matter and dust.	Planning and Development Department, Building Section and Public Works Department, Construction Management Division.	Prior to Development	Planning and Development Department, Building Section and Public Works Department, Construction Management Division
	Submittal of an Air Impact Assessment (AIA) application for the proposed project pursuant to District Rule 9510;	Planning and Development Department and San Joaquin Valley Air Pollution Control District	Prior to discretionary action on proposed entitlement applications (Planning Commission action on Conditional Use Permit and Tentative Tract Map Applications);	Planning and Development Dept. and San Joaquin Valley Unified Air Pollution Control District
	Compliance with mitigation measures as identified by the San Joaquin Valley Air Pollution Control District respective to the AIA application including payment of any assessed fees.	Planning and Development Department and San Joaquin Valley Air Pollution Control District	Prior to Development	Planning and Development Dept. and San Joaquin Valley Unified Air Pollution Control District
3.0- *Water*	Develop and implement mitigation measures to offset groundwater pumping equivalent to, and in excess of, the tract's annual water demand at buildout as may be determined appropriate by the Water Systems Manager. Mitigation measures shall be subject to prior approval by the Water Systems Manager.	Planning and Development Department and Department of Public Utilities, Water Division	Prior to occupancy	Planning and Development Department and Department of Public Utilities, Water Division

4.0- *Plant Life*	Certification by the Board and Council of the amount of the cancellation fee that the land owner shall pay the County Treasurer upon cancellation of Williamson Act contracts.	Fresno County Board of Supervisors and Fresno City Council	Prior to any action by the Board or Council giving tentative approval to the cancellation of any Williamson Act contract.	Planning and Development Department.
	Satisfaction of the conditions and contingencies enumerated in the Certificates of Tentative Cancellation of Williamson Act contracts (including payment in full of the amount of any applicable cancellation fees).	Fresno County Board of Supervisors and Fresno City Council	Prior to execution by the Board or Council of a Certificate of Cancellation of any Williamson Act Contract.	Planning and Development Department.
	The Fresno County Farmland Preservation Commission, Fresno County Board of Supervisors and Fresno City Council shall evaluate the requests for cancellation of Agricultural Land Conservation Contracts and the recommendations of the California Department of Conservation, Division of Land Resource Protection, and shall take action on these cancellation applications.	The Fresno County Farmland Preservation Commission, Fresno County Board of Supervisors and Fresno City Council	Prior to City approval of the requested general plan amendment, rezone, conditional use permit, or vesting tentative tract map applications.	Planning and Development Dept.
6.0- Human Health / Safety	Seal and abandon existing on-site well(s) and/or existing on-site private sewer septic systems in accordance with the State of California Well Standards and City of Fresno standards, specifications, and policies.	Fresno County Department of Community Health, Department of Public Utilities and Planning and Development Department	Prior to development or recordation of Final Map on the subject property	Department of Public Utilities, Public Works Dept. and Planning Development Dept.
	Stormwater basins will be subject to City of Fresno conditions for development and maintenance in order to prevent mosquito breeding.	Planning and Development Department	Until such time as permanent drainage service is available	Fresno Mosquito and Vector Control District

7.0- Noise	Approval of the proposed project shall be conditioned upon compliance with the Acoustical Analysis prepared for the proposed project by Brown-Buntin Associates, Inc., dated June 01, 2007	Planning and Development Department	Prior to occupancy	Public Works Dept. and Planning Development Dept.
	Sound walls shall be constructed adjacent to residential areas to reduce exterior noise exposure in outdoor activity areas located at the first floor level.	Planning and Development Department	Prior to occupancy.	Planning and Development Department.
	Mechanical ventilation or air conditioning must be provided for all homes so that windows and doors may remain closed for required acoustical insulation; and, exterior doors, excluding glass doors, should be solid-core wood or insulated steel with perimeter weather-stripping and threshold seals.	Planning and Development Department	Prior to occupancy.	Planning and Development Department.
9.0 - *Land Use*	Approval is subject to an amendment to and the requirements and standards of the adopted 2025 Fresno General Plan and West Area Community Plan.	Planning and Development Department	By City Council action on Plan Amendment application and Entitlement processing	Planning and Development Department

10.0, 10.1 and 10.2 - *Traffic and Circulation*	This project shall pay its City Traffic Signal Mitigation Impact Fee at the time of building permit issuance. The project shall pay its appropriate street impact fees which will be determined at the time of building permit issuance.	Planning and Development Department and Caltrans	Prior to occupancy	Planning and Development Department and Public Works Department
	The developer of this project is required to make frontage improvements and right-of-way dedications along all adjacent streets in accordance with the conditions of project approval and comply with all of the requirements of the City of Fresno Department of Public Works, Traffic Engineering Division memorandum dated March 11, 2008.	Planning and Development Department, Public Works Department	Prior to occupancy	Public Works Department, Construction Management Division
	This project shall pay its proportional share to mitigate for impacts to the State Highway System (State Route [SR] 99 interchanges at Shaw and Ashlan Avenues) in the amount of $111,040.00.	Planning and Development Department, Public Works Department, Caltrans	Prior to occupancy	Caltrans, Planning and Development Department
	This project shall provide ADT counts for the Veterans Boulevard/SR 99 interchange based on a Fresno COG model run; and, pay its total fair share contribution impact fee for the entire subdivision to mitigate the projects impacts to the interchange.	Planning and Development Department, Public Works Department, Caltrans	Prior to occupancy of the first dwelling unit.	Public Works Department, Traffic Engineering Division
11.7 - *Availability of Storm Water Drainage Facilities and Irrigation District Facilities*	Approval is subject to compliance with the requirements of the Fresno Metropolitan Flood Control District (FMFCD), the Storm Drainage Flood Control Master Plan, and payment of drainage fees to FMFCD. Existing drainage patterns must be maintained and a public utility easement must be retained or a drain easement dedicated and centered over the future pipe location.	Fresno Metropolitan Flood Control District	Prior to issuance of building permits	Fresno Metropolitan Flood Control District, Public Works Dept. and Planning and Development Dept.

12.0 - *Hazards*	Subject property shall be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development and results of any testing evaluated to determine if concentrations present in soils will be protective of residents and workers.	Department of Toxic Substances Control and Planning and Development Department	Prior to development	Department of Toxic Substances Controal and Planning and Development Department
EIR No. 10130	Mitigation Measures and findings of Final EIR No. 10130 (West Area Community Plan) are incorporated as noted in attached checklist.	Planning and Development Dept. as authorized by Section 15150 of CEQA.	By City Council action on Plan Amendment application.	Planning and Development Dept.

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Public Works Department
Patrick Wiemiller, Director

March 11, 2008

TJKM
Jose Luis Benavides, P.E.
516 W. Shaw Avenue, Suite 200
Fresno, CA 93704-2515

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED TRACT 5891 northeast corner of Bryan Avenue and Ashlan Avenue
TIS07-034 dated July 3, 2007 received in Planning and Development August 13,2007

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by TJKM for the proposed subject project which consists of 659 Single Family Residential Units on 112 acres and 50,000 SF of neighborhood commercial on 5.93 acres:

GENERAL COMMENTS and CONDITIONS

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project is projected to generate 8,454 daily trips, 546 trips during the AM peak hour and 854 trips during the PM peak hour.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $440.03 per single family dwelling unit at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $45.98 per Average Daily Trip for commercial at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. The TSMI fee based on 659 single family dwelling units is $289,979.77. The TSMI fee based on 50,000 SF of neighborhood commercial at 2,147 ADT is $98,719.06. The total TSMI fee for the entire project is $388,698.83.

3. At the intersection of Shaw Avenue/Hayes Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket shall also be constructed. This may require the acquisition of private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Hayes Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane.

4. At the intersection of Shaw Avenue/Bryan Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket. This may require the acquisition of

private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Bryan Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane. The westbound left-turn lane is already secured by another Tract Map.

5. The City of Fresno is undertaking a Capital Improvement Project along with the Redevelopment Agency to widen Ashlan Avenue from Blythe Avenue to SR 99 to two lanes in each direction. Construction is occurring on Ashlan Avenue by Beazer Homes between Cornelia Avenue and Blythe Avenue under the old UGM system. As a result a bottleneck is occurring between that Tract Map and Blythe Avenue and westbound Ashlan Avenue shall be widened to 2 lanes across these property frontages. This reduces the impacts and safety concerns imposed by existing and project related traffic and is reimbursable as part of the Fresno Major Street Impact (FMSI) fee. The bottleneck includes the parcels addressed as

   4595 W. Ashlan Avenue
   4587 W. Ashlan Avenue
   4543 W. Ashlan Avenue
   4533 W. Ashlan Avenue

   The City of Fresno Public Works Department is attempting to apply Proposition 1B money to the bottleneck and fund construction to widen Ashlan Avenue. We anticipate that the City project will progress faster than this development so this work should be completed as a City Capital Project but in the event that money is not available is a condition of this tract.

6. At a minimum the project shall construct Ashlan Avenue with a "raised" median and a straight travel lane in each direction with a minimum 5 ft shoulder to connect Veterans Boulevard-Grantland Avenue to Cornelia Avenue. There will be additional conditions on Ashlan Avenue but this is intended to make sure we have one City standard arterial lane on Ashlan Avenue without utility poles in the way.

7. At the intersection Bryan Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall install all-way stop signs at this intersection. The project shall provide safety lighting on the northeast and northwest corners for a future signal. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane, 2 through lanes, and right-turn lane
   Westbound approach left-turn lane, 2 through lanes and a right-turn lane
   Eastbound approach left-turn lane, through lane and a through right-turn lane
   Northbound approach left-turn lane, shared through-right turn lane

8. At the intersection Hayes Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane, 2 through lanes, and right-turn lane

Westbound approach left-turn lane, 2 through lane, and a right-turn lane
Eastbound approach left-turn lane, a through lane, and a shared through-right-turn lane
Northbound approach left-turn lane, shared through-right turn lane

Proper transition for the appropriate speeds will be necessary on the receiving side of the intersection.

9. At the intersection Hayes Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) has already done a lot of the safety lighting. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, 2 through lanes, and a right-turn lane
Westbound approach left-turn lane, through lane, and a right-turn lane
Eastbound approach left-turn lane, through lane, and a right-turn lane
Northbound approach left-turn lane, 2 through lanes, and a right turn lane

10. At the intersection Bryan Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the elementary school at the southwest corner. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane and shared through- right-turn lane
Westbound approach left-turn lane, 2 through lanes, and a right-turn lane
Eastbound approach left-turn lane, a through lanes and a shared through-right-turn lane
Northbound approach left-turn lane, 2 through lanes, and a right turn lane

11. At the intersection Bryan Avenue/Main Boulevard to Tract 5891 the project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the high school campus across the street. This traffic signal is <u>not</u> reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee and is project specific as the project has all traffic loading onto Bryan Avenue at one location. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane and two through lanes
Westbound approach shared left-turn lane-through lane- right-turn lane
Northbound approach two way left-turn lane, through lane and shared through-right turn lane

12. At the intersection Ashlan Avenue/Polk Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) was already conditioned to do a lot of the safety lighting and conduit. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, a shared through-right-turn lane
Westbound approach left-turn lane, a through, and 150 feet right-turn lane
Eastbound approach left-turn lane, a through, and 150 feet right-turn lane
Northbound approach left-turn lane, a shared through-right-turn lane

13. This project shall install Intelligent Transportation System (ITS) conduits and fiber along Ashlan Avenue from Bryan Avenue to Cornelia Avenue along with pole boxes and ITS equipment consistent with our Public Works ITS standards at each traffic signal intersection so that Ashlan Avenue is synchronized and motorists do not experience a red light every half mile.

14. Hayes Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have 2 northbound lanes and one southbound lane. Current this exists from Gettysburg Avenue to Santa Anna where a bottleneck exists and the roadway narrows down to County standards from Santa Anna to Shaw Avenue. It appears like the right-of-way exists for an additional (second) northbound through lane. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee so this additional northbound lane is project specific mitigation and a lien by this development could be put on the property owner.

15. Hayes Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. Tract 5400 which is also a McCaffrey Tract has put most of this in on the east side accept the lot from the south boundary of Tract 5400 to Ashlan Avenue. This property is owned by the McCaffrey Group and should be widened to reduce the bottleneck. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee.

16. Bryan Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have a northbound lane, one southbound lane, and a two way left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

17. Bryan Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

18. Ashlan Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have with a "raised" median and two travel lanes in each direction with a minimum 5 ft shoulder. This is fully reimbursable in the Fresno Major Street Impact (FSMI) fee.

19. Gettysburg Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have one westbound with a minimum 5 ft shoulder, 2 eastbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

20. The proposed project shall make necessary improvements and right-of-way dedications/vacations along adjacent public streets as per City of Fresno requirements.

21. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on Ashlan Avenue, Hayes Avenue, Gettysburg Avenue, and Bryan Avenue.

22. The proposed project shall provide pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on Bryan Avenue, Gettysburg Avenue, Ashlan Avenue, and Hayes Avenue. The roadways shall also be built to accommodate bike lanes even though they may not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

23. The proposed project shall pay all applicable Caltrans Interchange Mitigation Impact fees to the City of Fresno Traffic Engineering as determine by Caltrans for Ashlan Avenue and Shaw Avenue with SR 99.

24. Veterans Boulevard/SR 99 interchange is an integral part of the West Fresno and Northwest Fresno Circulation Element in the 2025 General Plan. City staff are currently working on the Project Study Report (PSR) for this new interchange to relieve congestion at other interchanges. This interchange is a Measure C Tier 1 project and is partially funded at a cost of $60 million. Estimated costs for the total project are $97.222 million leaving a short fall of $37.222 million. The estimate average daily trips (ADT) served by the new Veterans Boulevard/SR 99 interchange is 70,370 vehicles in 2035 based on the City of Fresno technical memorandum approved by Caltrans. Therefore, to cover the short fall to get this interchange constructed each new project in West Fresno and Northwest Fresno will pay $529/ADT that are served by the interchange (across the freeway or accessing SR 99 via the interchange) to make a fair share contribution to the interchange to mitigate the project impacts to the Circulation Element of the General Plan MEIR in accordance with the Mitigation Fee Act. This project shall provide ADT counts for the Veterans Boulevard/SR 99 interchange based on a Fresno COG model run. This total fair share mitigation impact fee for the entire subdivision shall be paid prior to occupancy of the first dwelling unit.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or bryan.jones@fresno.gov .

Sincerely,

Bryan D. Jones, T.E.
Traffic Engineering Manager
Public Works Department, Traffic Engineering Division

C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Darrell Unruh, Planning & Development Dept.
Will Tacket, Planning & Development Dept.
Louise Gillo, Traffic Planning Supervisor

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN

Project/EA No. A-07-08/R-07-29/C-07-308/T-5891

Date: March 13, 2008

Mitigation Monitoring Checklist

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above noted Project Environmental Assessment as required by City Council Resolution No. 2002-378 and Exhibit "E", thereof, adopted on November 19, 2002, certifying the MEIR for the 2025 Fresno General Plan Update.

NOTE: Letters B-Q in mitigation measures refer to the respective section of Chapter V of MEIR No. 10130

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X			X		
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X			X		
B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X			X		

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Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors: a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services. b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X			X		
B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X			X		
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X				X	
B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X				X	

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Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.	Ongoing	Planning and Development Department	X			X		
C-2. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express					X	
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments					X	
D-1. The City shall monitor impacts of land use changes and development project proposals on metropolitan water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X			X		

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Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Department of Public Utilities and Planning and Development Department	X		X	X	X	
D-3. The City shall implement the Fresno Metropolitan Water Resources Management Plan and update this plan as necessary to ensure the cost-effectiveness use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities			X		X	
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban storm water pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X			X		
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods.	Ongoing	Planning and Development Department						X
D-6. The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Construction in this area from being damaged by the intensity of flooding in the riverbottom; and, b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and, c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department						X
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department						X
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management of all sources of water available to the planning area which is periodically updated to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development.	Ongoing	Department of Public Utilities			X		X	
D-9. If the City is unable to renew its 60,000-acre foot USBR water supply contract due to the city's Charter meter prohibition, replacement water supplies and/or conservation measures of equal benefit shall be secured.	Ongoing	Department of Public Utilities					X	
D-10. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities					X	

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Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department	X		X		X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department	X			X	X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department	X					
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department	X					
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department	X			X		
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities					X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities						X

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Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities			X		X	
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement application	Dept. of Public Utilities and Planning and Development Department	X			X		
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X			X		
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.						X
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept./Planning and Development Dept.	X			X		
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.	X			X		
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.						X

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Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.	X					

A – Incorporated into Project
B – Mitigated
C – Mitigation in Progress
D – Responsible Agency Contacted
E – Part of City-Wide Program
F – Not Applicable

Project/EA No. A-07-08/R-07-29/C-07-308/T-5891

Date: March 13, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologists' recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X					
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X					
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff						X
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.	X				X	
K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. • **Site Planning.** See Chapter V for more details. • **Barriers.** See Chapter V for more details. • **Building Designs.** See Chapter V for more details.	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X					
K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.	X				X	
L-1. Any construction that occurs as a result of a project shall conform with current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.	X				X	

A – Incorporated into Project
B – Mitigated
C – Mitigation in Progress
D – Responsible Agency Contacted
E – Part of City-Wide Program
F – Not Applicable

Project/EA No. A-07-08/R-07-29/C-07-308/T-5891

Date: March 13, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.				X	X	
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.						X

A – Incorporated into Project
B – Mitigated
C – Mitigation in Progress
D – Responsible Agency Contacted
E – Part of City-Wide Program
F – Not Applicable

FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 12894

The Fresno City Planning Commission at its meeting on November 05, 2008, adopted the following resolution pursuant to the Subdivision Map Act of the Government Code of the State of California and the Municipal Code of the City of Fresno.

WHEREAS, Vesting Tentative Tract Map No. 5891/UGM was filed with the City of Fresno and proposes to subdivide the subject property for the purposes of a 738-lot, single family residential (648 lots) and neighborhood commercial shopping center (4 lots) private street planned development subdivision with 86 Outlots proposed to be dedicated for various open space, private street, and parking purposes on approximately 122.93 net acres of property located between West Ashlan Avenue and the West Getttysburg Avenue Alignment; and between the North Bryan and North Hayes Avenues; and,

WHEREAS, on February 12, 2008, the District 1 Implementation Advisory Committee reviewed the tract map and related conditional use permit applications; and,

WHEREAS, the Planning and Development Department staff recommended approval of the proposed project subject to all conditions of approval contained in the staff report dated November 05, 2008; and,

WHEREAS, at that same hearing the Commission reviewed related Conditional Use Permit Application No. C-07-308 proposing to authorize the planned development of the subject property and the modification of property development standards for the subject property; and,

WHEREAS, the Fresno City Planning Commission conducted a public hearing on November 05, 2008, to review the proposed subdivision and considered the staff report and invited testimony with respect to the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Vesting Tentative Tract Map No. 5891/UGM may have a significant effect on the environment as identified by the Mitigated Negative Declaration finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 and subsequently adopted by the Fresno City Council on May 20, 2008.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of the subject vesting tentative tract map is consistent with the adopted 2025 Fresno General Plan and the Woodward Park Community Plan and the findings required pursuant to Section 66410 et. seq. of the Government Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Vesting Tentative Tract Map No. 5891/UGM subject to the Planning and Development Department Conditions of Approval dated November 05, 2008 and the following:

1. The conditions of approval for the proposed project were revised in accordance with the addendum, "Proposed Revisions and Corrections to Conditions of Approval for Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract map No. 5891/UGM dated November 05, 2008," which was prepared by City staff and adopted by the Planning Commission.

2. The Assistant Director of Public Utilities clarified for the record that "smart controllers" or a controller using evapotranspiration will be equivalent to an automatic controller for irrigation/landscape maintenance purposes.

3. The Public Works Department, Traffic Engineering Manager clarified for the record that payment of the $773,398 mitigation fee assessed for this project's fair share contribution for impacts to the Veterans Boulevard / State Route 99 interchange may be distributed evenly over the first five Final Maps recorded in Tract 5891. Said fee of $154,679.60 shall be due at time of Final Map Acceptance and be placed into an account as outlined in the Staff Report for the November 05, 2008 Planning Commission hearing.

4. The developer/subdivider agreed to work with the adjacent property owners residing at 4373 North Hayes Avenue (Grigor and Aida Bursalyan) to: (1) Assure extra care and maintenance of existing amenities on the adjacent property during construction (e.g. protection from dust and noise, provide for appropriate cleaning, debris removal, yard maintenance, etc.); (2) Communicate with adjacent property owners and take consideration with respect to fencing on and around the perimeter of adjacent property to establish and maintain uniformity; (3) Provide for and maintain appropriate access to adjacent property during construction; and, (4) Establish and maintain a dialogue with adjacent property owners respective to phases of construction, (i.e., provide appropriate notice of when and where work will be occurring, which may affect adjacent property, keep adjacent property owners informed of new development, etc.)

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner DiBuduo.

VOTING:	Ayes -	Cherry, DiBuduo, Holt, Kissler, Torossian, Vasquez
	Noes -	None
	Not Voting -	None
	Absent -	Vang

DATED: November 05, 2008

Darrell Clarke
for KEITH BERGTHOLD, Secretary
Fresno City Planning Commission

Resolution No. 12894
Vesting Tentative Tract Map No. 5891/UGM
Filed by The McCaffrey Group
Action: Approved

FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 12895

The Fresno City Planning Commission, at its meeting on November 05, 2008, adopted the following resolution relating to Conditional Use Permit Application No. C-07-308.

WHEREAS, Conditional Use Permit Application No. C-07-308 has been filed with the City of Fresno by The McCaffrey Group, for approximately 122.93 net acres of property located between West Ashlan Avenue and the West Getttysburg Avenue Alignment; and between the North Bryan and North Hayes Avenues; and,

WHEREAS, Conditional Use Permit Application No. C-07-308 seeks authorization for the development of a private street planned development which includes modified property development standards for the subdivision; and,

WHEREAS, on February 12, 2008, the District 1 Implementation Advisory Committee reviewed the related tentative tract map; and,

WHEREAS, on November 05, 2008, the Fresno City Planning Commission, reviewed the subject conditional use permit application in accordance with the policies of the West Area Community Plan and the 2025 Fresno General Plan; and,

WHEREAS, the Commission conducted a public hearing to review the proposed conditional use permit, received testimony from the applicant and considered the Planning and Development Department's report recommending approval of the proposed conditional use permit subject to special permit conditions; and,

WHEREAS, at that same hearing the Commission reviewed related Vesting Tentative Tract Map No. 5891/UGM to subdivide the property for the purposes of a 738-lot, single family residential (648 lots) and neighborhood commercial shopping center (4 lots) private street planned development with 86 Outlots proposed to be dedicated for various open space, private street, and parking purposes; and,

WHEREAS, the Fresno City Planning Commission considered the proposed conditional use permit relative to the staff report and environmental assessment issued for the project; and,

WHEREAS, the Fresno City Planning Commission invited testimony with respect to the proposed conditional use permit.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Conditional Use Permit Application No. C-07-308 may have a significant effect on the environment as identified by the Mitigated Negative Declaration finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 and subsequently adopted by the Fresno City Council on May 20, 2008,

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Conditional Use Permit Application No. C-07-308 authorizing the development of a private street planned development, which includes modified development standards for the subdivision subject to the Planning and Development Department Conditions of Approval dated November 05, 2008 and the following:

1. The conditions of approval for the proposed project were revised in accordance with the addendum, "Proposed Revisions and Corrections to Conditions of Approval for Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract map No. 5891/UGM dated November 05, 2008," which was prepared by City staff and adopted by the Planning Commission.

2. The Assistant Director of Public Utilities clarified for the record that "smart controllers" or a controller using evapotranspiration will be equivalent to an automatic controller for irrigation/landscape maintenance purposes.

3. The Public Works Department, Traffic Engineering Manager clarified for the record that payment of the $773,398 mitigation fee assessed for this project's fair share contribution for impacts to the Veterans Boulevard / State Route 99 interchange may be distributed evenly over the first five Final Maps recorded in Tract 5891. Said fee of $154,679.60 shall be due at time of Final Map Acceptance and be placed into an account as outlined in the Staff Report for the November 05, 2008 Planning Commission hearing.

4. The developer/subdivider agreed to work with the adjacent property owners residing at 4373 North Hayes Avenue (Grigor and Aida Bursalyan) to: (1) Assure extra care and maintenance of existing amenities on the adjacent property during construction (e.g. protection from dust and noise, provide for appropriate cleaning, debris removal, yard maintenance, etc.); (2) Communicate with adjacent property owners and take consideration with respect to fencing on and around the perimeter of adjacent property to establish and maintain uniformity; (3) Provide for and maintain appropriate access to adjacent property during construction; and, (4) Establish and maintain a dialogue with adjacent property owners respective to phases of construction, (i.e., provide appropriate notice of when and where work will be occurring, which may affect adjacent property, keep adjacent property owners informed of new development, etc.)

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner DiBuduo.

VOTING:	Ayes -	Cherry, DiBuduo, Holt, Kissler, Torossian, Vasquez
	Noes -	None
	Not Voting -	None
	Absent -	Vang

DATED: November 05, 2008

for KEITH BERGTHOLD, Secretary
Fresno City Planning Commission

Resolution No. 12895
Conditional Use Permit Application No. C-07-308
Filed by The McCaffrey Group
Action: Approved

FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 12912

The Fresno City Planning Commission, at its meeting on December 10, 2008, adopted the following resolution relating to the proposed Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.

WHEREAS, Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM have been filed with the City of Fresno by The McCaffrey Group, for approximately 122.93 net acres of property located between West Ashlan Avenue and the West Getttysburg Avenue Alignment; and between the North Bryan and North Hayes Avenues; and,

WHEREAS, The Fresno City Council at its meeting on May 20, 2008 adopted the Mitigated Negative Declaration finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 (Ordinance No. 2008-32/Bill No. B-34); and,

WHEREAS, The Fresno City Planning Commission at its meeting on November 05, 2008, adopted Resolution Nos. 12894 and 12895, thereby authorizing the development and subdivision of the Subject Property for the purposes of a 738-lot, single family residential (648 lots) and neighborhood commercial shopping center (4 lots) private street planned development subdivision with 86 Outlots proposed to be dedicated for various open space, private street, and parking purposes on approximately 122.93 net acres; and

WHEREAS, Pursuant to the provisions of Section 65864 et seq., of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property; and,

WHEREAS, Ashlan/Hayes No. 1 L.P., a Limited Partnership, has such interest in the Subject Property and desires a Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.; and,

WHEREAS, pursuant to the provisions of Section 65867 of the Government Code, the Planning Commission of the City of Fresno held a public hearing on the 10th day of December, 2008, to consider the proposed Development Agreement by and between the City of Fresno and Ashlan Hayes No. 1 L.P., during which the Fresno City Planning Commission invited testimony with respect to the proposed Development Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record that the addition of the Development Agreement to the project description contained in the initial study and Mitigated Negative Declaration prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 ("MND) results in a substantial change in the project through the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore recommends the City Council approve an addendum to the MND prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends approval to the City Council of the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P. subject to the following findings:

1. *The proposed Development Agreement, in accordance with Section 65867.5 of the Subdivision Map Act, is consistent with the 2025 Fresno General Plan and West Area Community Plan.*

   As the proposed Development Agreement relates to the development and subdivision of the Subject Property as proposed by Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM, which were approved on November 05, 2008 and determined (along with the design, improvements, density and zoning ordinance criteria), to be consistent with the goals, objectives, and policies of the 2025 Fresno General Plan and West Area Community Plan; and, further because the Agreement reinforces those conditions of

approval and mitigation measures for the proposed project, which have been deemed necessary to assure compliance with said plans, it may be determined that the Development Agreement is also consistent with said plans.

2. *The proposed Development Agreement provides that Vesting Tentative Tract Map No. 5891/UGM has complied with the provisions of Section 66473.7 of the Subdivision Map Act relative to the determination of a "sufficient water supply" as defined therein.*

A water supply study has been prepared for the proposed project and is structured to comply fully with the requirements of Senate Bills (SB) 221 and 610. The results/conclusions of that study have been incorporated within the analyses of the proposed project with respect to the California Environmental Quality Act and conditioning of the proposed project for approval. This study indicates that the City of Fresno will have sufficient supplies available during normal, single, and multiple dry years to meet the demands associated with the proposed Project along with all reasonably foreseeable planned and future developments within Fresno's sphere of influence. The City of Fresno Department of Public Utilities has reviewed and verified said study.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner DiBuduo.

VOTING:	Ayes -	DiBuduo, Holt, Kissler, Vang
	Noes -	None
	Not Voting -	None
	Absent -	Cherry, Torossian, Vasquez

DATED: December 10, 2008

for KEITH BERGTHOLD, Secretary
Fresno City Planning Commission

Resolution No. 12912
Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.
Action: Recommend Approval to City Council

Recording Requested by:
City Clerk, Fresno, California
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder=s Office

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY _____SECONDED BY _____

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF FRESNO AND ASHLAN/HAYES NO. 1 L.P. PURSUANT TO THE PROVISIONS OF SECTION 65864 ET SEQ. OF THE GOVERNMENT CODE.

WHEREAS, Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM have been filed for all that certain real property in the City of Fresno, County of Fresno, State of California, hereinafter referred to as the Subject Property and described as follows:

Parcel 1:

The North half of the Northwest quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Except the North 30 feet thereof heretofore conveyed to Fresno Traction Company.

Parcel 2:

The North one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Parcel 3:

The South one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the South 165.00 feet of the West 548.00 feet, as conveyed to David Scarabello,

by Gift Deed dated may 21, 1985 as Document No. 85067612, of Official Records.

Parcel 4:

The North one-half of the North one-half of the Southwest quarter of the Southeast quarter quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom all oil, gas and minerals previously reserved of record.

Parcel 5:

The North half of the North half of the Southeast quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian,

Excepting therefrom the South 150 feet of the East 215 feet of the North half of the North half of the Southeast quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the most Westerly 660 feet of Parcel 2 of Parcel Map No. 4474, recorded in Book 31, Page 26 of Parcel Maps, Fresno County Records.

Parcel 6:

The South three-fourths of the Southwest quarter of the Southeast quarter and the West half of the South three-fourths of the Southeast quarter of the Southeast quarter all quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, Fresno County Records.

Excepting therefrom the South 287 feet of the North 474 feet of the West 440 fee of the South three-fourths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 208 feet of the North 682 feet of the West 228 feet of the South three-fourths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 326.00 feet of the East 295.00 feet of the West half of the South three-fourths of the Southeast quarter of the Southeast quarter of said Section 16.

Parcel 7:

The South half of the North half of the South half of the East half of the East half of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the United States Government Township Plat; and,

WHEREAS, The Fresno City Council at its meeting on May 20, 2008 adopted the Mitigated Negative Declaration finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 (Ordinance No. 2008-32/Bill No. B-34); and,

WHEREAS, The Fresno City Planning Commission at its meeting on November 05, 2008, adopted Resolution Nos. 12894 and 12895, thereby authorizing the development and subdivision of

the Subject Property for the purposes of a 738-lot, single family residential (648 lots) and neighborhood commercial shopping center (4 lots) private street planned development subdivision with 86 Outlots proposed to be dedicated for various open space, private street, and parking purposes on approximately 122.93 net acres; and

WHEREAS, Pursuant to the provisions of Section 65864 et seq., of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property; and,

WHEREAS, Ashlan/Hayes No. 1 L.P., a Limited Partnership, has such interest in the Subject Property and desires a Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.; and,

WHEREAS, pursuant to the provisions of Section 65867 of the Government Code, the Planning Commission of the City of Fresno held a public hearing on the 10th day of December, 2008, to consider the proposed Development Agreement by and between the City of Fresno and Ashlan Hayes No. 1 L.P., during which the Commission considered, and recommended to the Council of the City of Fresno through Resolution No. 12912 approval of, the Development Agreement; and,

WHEREAS, The Council of the City of Fresno, on the 16th day of December, 2008, received the recommendations of the Planning Commission and City staff as specifically detailed in the Planning and Development Department Report to the City Council for the introduction and adoption of this Ordinance approving the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P., dated December 16, 2008.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed Development Agreement is in the best interest of the City of Fresno. The Council finds in

accordance with its own independent judgment that there is no substantial evidence in the record that the addition of the Development Agreement to the project description contained in the initial study and Mitigated Negative Declaration prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 ("MND"), through the Addendum dated December 16, 2008 results in a substantial change in the project through the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Accordingly, pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008 in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, the Addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891is hereby approved.

SECTION 2. The Council finds that the proposed project is a development for which the Development Agreement is appropriate pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 3. The Council finds, in accordance with Section 65867.5 of the Subdivision Map Act, and pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008, that the proposed Development Agreement is consistent with the 2025 Fresno General Plan and West Area Community Plan; and,

SECTION 4. The Council finds that the proposed Development Agreement complies with the Fresno Municipal Code and other applicable ordinances, standards, policies, and regulations of the City of Fresno pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 5. The Council finds that the proposed Development Agreement furthers the public health, safety, and general welfare; and, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Subject Property, pursuant to the

findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 6. The Council finds that the proposed Development Agreement provides for clear and substantial public benefit to the City of Fresno and residents along with a schedule for delivery of the benefit pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 7. The Council finds that the construction of public facilities required in conjunction with the development is adequate to serve the development pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 8. The Council finds that the proposed Development Agreement provides specified conditions under which further development not included in the agreement may occur pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 9. The Council finds that the proposed Development Agreement requires a faithful performance bond or other appropriate security in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions, and/or requirements of the Agreement pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 10. The Council finds, in accordance with Section 65867.5 of the Subdivision Map Act, and pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008, that the proposed Development Agreement provides that Vesting Tentative Tract Map No. 5891/UGM has complied with the provisions of Section 66473.7 relative to the determination of a "sufficient water supply" as defined therein.

SECTION 11. The Council hereby adopts and approves the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P. dated December 16, 2008, and

authorizes the City Manager and/or his designee to execute the Development Agreement on behalf of the City of Fresno.

SECTION 12. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2008, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

REBECCA E. KLISCH
City Clerk

By _____

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By _____ 12/2/2008
Deputy

Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.

APN No(s).: 512-070-01, 07, 17, 19, 29, 32, 39, 48, 50 & 54

EXHIBIT J

EXHIBIT J

Recording Requested by:
City Clerk, Fresno, California
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder=s Office

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Xiong SECONDED BY Sterling

BILL NO. B-80

ORDINANCE NO. 2008-78

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADOPTING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF FRESNO AND ASHLAN/HAYES NO. 1 L.P. PURSUANT TO THE PROVISIONS OF SECTION 65864 ET SEQ. OF THE GOVERNMENT CODE.

WHEREAS, Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. 5891/UGM have been filed for all that certain real property in the City of Fresno, County of Fresno, State of California, hereinafter referred to as the Subject Property and described as follows:

Parcel 1:

The North half of the Northwest quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof

Except the North 30 feet thereof heretofore conveyed to Fresno Traction Company

Parcel 2:

The North one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, according to the Official Plat thereof.

Parcel 3:

The South one-half of the South one-half of the Northwest quarter of the Southeast quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom the South 165.00 feet of the West 548.00 feet, as conveyed to David Scarabello.

Adopted 12/16/08
Approved 12/16/08
Effective 1/16/09

2008-78

by Gift Deed dated may 21, 1985 as Document No. 85067612, of Official Records

Parcel 4:

The North one-half of the North one-half of the Southwest quarter of the Southeast quarter quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

Excepting therefrom all oil, gas and minerals previously reserved of record.

Parcel 5:

The North half of the North half of the Southeast quarter of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian.

Excepting therefrom the South 150 feet of the East 215 feet of the North half of the North half of the Southeast quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the most Westerly 660 feet of Parcel 2 of Parcel Map No. 4474, recorded in Book 31, Page 26 of Parcel Maps, Fresno County Records.

Parcel 6:

The South three-fourths of the Southwest quarter of the Southeast quarter and the West half of the South three-fourths of the Southeast quarter of the Southeast quarter all quarter in Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Mendian, in the County of Fresno, State of California, according to the Official Plat thereof, Fresno County Records.

Excepting therefrom the South 287 feet of the North 474 feet of the West 440 fee of the South three-fourths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 208 feet of the North 682 feet of the West 228 feet of the South three-fourths of the Southwest quarter of the Southeast quarter of said Section 16.

Also excepting therefrom the South 326.00 feet of the East 295.00 feet of the West half of the South three-fourths of the Southeast quarter of the Southeast quarter of said Section 16.

Parcel 7:

The South half of the North half of the South half of the East half of the East half of the Southeast quarter of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the United States Government Township Plat, and,

WHEREAS, The Fresno City Council at its meeting on May 20, 2008 adopted the Mitigated Negative Declaration finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 (Ordinance No. 2008-32/Bill No. B-34), and,

WHEREAS, The Fresno City Planning Commission at its meeting on November 05, 2008, adopted Resolution Nos. 12894 and 12895, thereby authorizing the development and subdivision of

the Subject Property for the purposes of a 738-lot, single family residential (648 lots) and neighborhood commercial shopping center (4 lots) private street planned development subdivision with 86 Outlots proposed to be dedicated for various open space, private street, and parking purposes on approximately 122.93 net acres; and

WHEREAS, Pursuant to the provisions of Section 65864 et seq., of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property; and,

WHEREAS, Ashlan/Hayes No. 1 L.P., a Limited Partnership, has such interest in the Subject Property and desires a Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P., and,

WHEREAS, pursuant to the provisions of Section 65867 of the Government Code, the Planning Commission of the City of Fresno held a public hearing on the 10th day of December, 2008, to consider the proposed Development Agreement by and between the City of Fresno and Ashlan Hayes No. 1 L.P., during which the Commission considered, and recommended to the Council of the City of Fresno through Resolution No. 12912 approval of, the Development Agreement; and,

WHEREAS, The Council of the City of Fresno, on the 16th day of December, 2008, received the recommendations of the Planning Commission and City staff as specifically detailed in the Planning and Development Department Report to the City Council for the introduction and adoption of this Ordinance approving the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P., dated December 16, 2008.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed Development Agreement is in the best interest of the City of Fresno. The Council finds in

accordance with its own independent judgment that there is no substantial evidence in the record that the addition of the Development Agreement to the project description contained in the initial study and Mitigated Negative Declaration prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 ("MND"), through the Addendum dated December 16, 2008 results in a substantial change in the project through the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Accordingly, pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008 in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, the Addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891is hereby approved.

SECTION 2. The Council finds that the proposed project is a development for which the Development Agreement is appropriate pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 3. The Council finds, in accordance with Section 65867.5 of the Subdivision Map Act, and pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008, that the proposed Development Agreement is consistent with the 2025 Fresno General Plan and West Area Community Plan; and,

SECTION 4. The Council finds that the proposed Development Agreement complies with the Fresno Municipal Code and other applicable ordinances, standards, policies, and regulations of the City of Fresno pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 5. The Council finds that the proposed Development Agreement furthers the public health, safety, and general welfare, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Subject Property, pursuant to the

findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 6. The Council finds that the proposed Development Agreement provides for clear and substantial public benefit to the City of Fresno and residents along with a schedule for delivery of the benefit pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 7. The Council finds that the construction of public facilities required in conjunction with the development is adequate to serve the development pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 8. The Council finds that the proposed Development Agreement provides specified conditions under which further development not included in the agreement may occur pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 9. The Council finds that the proposed Development Agreement requires a faithful performance bond or other appropriate security in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions, and/or requirements of the Agreement pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008.

SECTION 10. The Council finds, in accordance with Section 65867.5 of the Subdivision Map Act, and pursuant to the findings provided in the Planning and Development Department Report to the City Council dated December 16, 2008, that the proposed Development Agreement provides that Vesting Tentative Tract Map No. 5891/UGM has complied with the provisions of Section 66473.7 relative to the determination of a "sufficient water supply" as defined therein.

SECTION 11. The Council hereby adopts and approves the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P. dated December 16, 2008, and

authorizes the City Manager and/or his designee to execute the Development Agreement on behalf of the City of Fresno.

SECTION 12. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 16th day of December, 2008, by the following vote:

Ayes: Calhoun, Caprioglio, Dages, Duncan, Sterling, Xiong
Noes: None
Absent: Perea
Abstain: None

REBECCA E. KLISCH
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By _____
Deputy

Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.

APN No(s).: 512-070-01, 07, 17, 19, 29, 32, 39, 48, 50 & 54

EXHIBIT K

EXHIBIT K

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

NOVEMBER 05, 2008

CONDITIONAL USE PERMIT APPLICATION NO. C-07-308

BETWEEN WEST ASHLAN AVENUE AND THE WEST GETTYSBURG AVENUE ALIGNMENT; AND, BETWEEN NORTH BRYAN AND NORTH HAYES AVENUES

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No(s):	512-070-01, 07, 17, 19, 29, 32, 39, 48, 50 & 54
2.	Street Location:	Located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenus. **(Council District 1, Councilmember Xiong)**
3.	Existing Zoning	"R-1/UGM/cz" (*Single Family Residential/Urban Growth Management/with conditions of zoning*) zone district; "R-2/UGM/cz" (*Low Density Multiple Family Residential/Urban Growth Management/with conditions of zoning*) zone district; and, "C-1/UGM/cz" (Neighborhood Commercial Shopping Center/Urban Growth Management/with conditions of zoning) zone district.
4.	Proposed Zoning	"R-1/UGM/cz" (*Single Family Residential/Urban Growth Management/with conditions of zoning*) zone district; "R-2/UGM/cz" (*Low Density Multiple Family Residential/Urban Growth Management/with conditions of zoning*) zone district; and, "C-1/UGM/cz" (Neighborhood Commercial Shopping Center/Urban Growth Management/with conditions of zoning) zone district.
5.	Planned Land Use:	Medium Density Residential (4.99-10.37 dwelling units/acre) Medium-High Density Residential (10.38-18.15 dwelling units/acre) Neighborhood Commercial
6.	Plan Areas:	West Area Community Plan
7.	Project Description:	Requests authorization to establish a private street planned development with modified lot area, lot dimension, building setback and lot coverage requirements for lots proposed to be created by Vesting Tentative Tract Map No. 5891/UGM.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Planning and Development Director on November 05, 2008, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A," "E" & "L" dated October 30, 2008.

Staff has determined that based upon the evidence in the record that the project proposal will not have a significant impact on the environment and that the filing of a Mitigated Negative Declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2); and has prepared a Mitigated Negative Declaration finding for Environmental Assessment Application No. A-07-08/R-07-29/C-07-308/T-5891. This environmental finding was properly published on March 13, 2008, and was approved by the Fresno City Council on May 20, 2008. No further environmental assessment will be needed at this time.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract Map No. T-5891/UGM.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on the original site plan exhibit to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by November 05, 2012 (four years from the date of Director approval). There is no exception.

To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov to schedule an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

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

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relating to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov of the City of Fresno Public Works Department, Engineering Division, Traffic Section.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

   a) Exhibit "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.

   b) Provide and identify a minimum four (4) foot wide path of travel along the public sidewalk directly in front of all properties created within the subdivision as required by Title 24 of the California Administration Code. An on-site pedestrian easement may be required if Title 24 requirements cannot be met within the existing public rights-of-way.

   c) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.

   d) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:

      - Dedications shall take place in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008.

   e) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:

      - There are no vacations required at this time.

2. STREET IMPROVEMENTS

   a) All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering

Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.

b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.

c) Design and construct curb, gutter, AC paving, and residential sidewalk patterns to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

- NOTE: Reference Conditions of Approval for Vesting Tentative Tract Map No. 5891/UGM, dated November 05, 2008, for requirements respective to major, local and interior private streets.

d) Provide curb ramps at all corners within the limits of this subdivision.

e) Gates are not allowed with this application. If gates may be desired in the future, a redesign is required.

f) Install streetlights on all frontages to City Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.

g) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.

h) Provide parkway landscaping. Street trees shall be planted every 60 feet on center. Plans shall be prepared by a landscape architect.

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

j) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. (Include this note on the site plan.)

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

a) Development is subject to the following plans and policies:
   i) "R-1," *Single Family Residential District (Section 12-211 of the FMC)*
   ii) "R-2," *Expressway Area Overlay District (Section 12-212 of the FMC)*
   iii) "C-1," *Neighborhood Shopping Center District (Section 12-217 of FMC)*
   iv) "UGM," *Urban Growth Management (Article 4.5 of the FMC)*
   v) *"/cz,"* Conditions of Zoning (*Section 12-202-E of the FMC*)
   vi) 2025 Fresno General Plan
   vii) West Area Community Plan

2) ZONING

a) Approval of Conditional Use Permit Application No. C-07-308 is contingent upon approval of Rezone Application No. R-07-029 and Vesting Tentative Tract Map No. 5891/UGM.

3) POPULATION DENSITY

a) Contingent upon approval of Rezone Application No. R-07-29 and the conditions of zoning placed on the subject property and the medium and medium-high density residential planned land use designations; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 and Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

   i) Based upon the number of dwelling units (du) allowed per acre, respective to the medium density (4.99-10.37 du/acre) and medium-high density (10.38-18.15 du/acre) residential planned land use designations, and based upon the respective acreages of the subject property designated for medium density (approximately 96.24 acres) and medium-high density (approximately 22.55 acres) residential development, the subject property is required to be developed with between 714 and 1,407 dwelling units to meet the density requirements of the 2025 Fresno General Plan and FMC.

      - NOTE: As the subject tentative map was accepted for processing on October 23, 2007, which was prior to the "drop-down" provision deadline of October 31, 2007, the proposed overall density of 5.45 dwelling units/acre (648 dwelling units) for Vesting Tentative Tract Map No. 5891/UGM may be found to be consistent with the 2025 Fresno General Plan and West Area Community Plan (pursuant to Section 12-403-B-2-b(1) of the FMC, which was in effect prior to October 31, 2007).

   ii) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.

4) BUILDING HEIGHT

a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

b) No building or structure erected in the R-2 (*Low Density Multiple Family Residential*) zone district shall have a height greater than 35 feet.

c) All accessory buildings on the subject property, or lots proposed to be created by Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 shall comply with the requirements and provisions of the development standards of the FMC for the respective zone district and Section 12-306-N-1 (Accessory Buildings) of the FMC.

- NOTE: Exceptions. Overheight structures may be approved by the City of Fresno Planning Commission or Director of the Planning and Development Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

5) BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

Setbacks shall be provided in accordance with Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

a) No main building shall be erected within 15 feet of the Pacific Gas and Electric Company (PG&E) transmission line easement except as may be permitted in accordance with the following:

i) Lots 5 & 543 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 shall be permitted to have a reduced setback from the PG&E transmission line easement for portions of the main dwelling which are not deemed to be "habitable" living space (e.g. attached garage areas).

- NOTE: In no circumstance shall any portion of the main buildings, which are proposed to be developed on the abovereferenced lots, be allowed to be located within 10 feet of the PG&E transmission line easement.

- NOTE: The 15-foot building setback requirement from the PG&E transmission line easement was established based upon the retention of a minimum 50-foot building setback from the centerline of the existing and potential future transmission line towers located within the easement (existing centerline located 35 feet from nearest boundary of easement) pursuant to the "Prudent Avoidance" strategy practiced by the City of Fresno.

b) In accordance with Policy W-6-a of the West Area Community Plan, a minimum 20 foot rear yard building setback shall be provided for Lots 109-116, 245-248 & 474-477 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

i) Alternatively, for single story structures, encroachments into the 20-foot building

setback may be permitted subject to approval by the Planning and Development Department; and,

ii) Alternatively, for those two-story structures with no rear-facing windows above the first floor, or for those portions of two-story structures which have no rear-facing windows above the first floor, encroachments into the 20-foot building setback may be permitted subject to approval by the Planning and Development Department.

iii) The garage setback for Lots 245-248 may be reduced to accommodate the rear yard setbacks required under this section. However, if a garage setback of less than 18 feet is provided, then there shall be no parking allowed on the driveway.

- NOTE: A portion of Outlot "AI" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is adjacent to the alley may be utilized for parallel parking stalls to provide additional parking to Lots 245-248. For this purpose, a revised exhibit (to Conditional Use Permit Application No. C-07-308) which includes detailed parking geometrics shall be submitted for review and approval by the Planning and Development and Public Works Departments. A landscaped bulb-out shall be provided between pairs of parallel parking stalls provided for this purpose in order to maintain a sufficient landscape buffer along the north property line of Outlot "AI" (i.e., two adjacent parallel stalls, bulb-out for landscaping, two adjacent parallel stalls, bulb-out for landscaping, etc.). All required emergency vehicle clearances shall be maintained.

c) Only single-story structures shall be allowed on Lots 481, 485, 633 & 634 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 excepting circumstances in which a 20-foot building setback may be provided to the main building from property lines which abut adjacent rural residential lots between one-half and two acres in size and developed with at least one dwelling unit.

d) Any proposed deviation from the building setbacks established by Exhibit "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008 requires a revision to Conditional Use Permit Application No. C-07-308.

e) Spaces between buildings shall be provided in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

f) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

6) <u>LOT COVERAGE</u>

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibits "A" of Conditional Use Permit Application No. C-07-308 dated October 30, 2008.

7) OPEN SPACES AND LANDSCAPING

a) The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008.

i) A landscape plan shall be submitted and approved for all open space and recreational areas within the development.

- NOTE: Open space areas shall be landscaped by the developer in accordance with the approved plan and shall thereafter be maintained by the property owner/subdivider; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

b) A minimum of 25 percent of the total area of all residential lots proposed to be created with lot areas of less than 3,500 square feet in area shall comprise and be developed (within the boundary of the subdivision) with usable open space for residents of the development.

- NOTE: Required front yards and street side yards shall not be considered part of the 25 percent usable open space. Usable open space shall include rear yards, interior side yards and landscaped areas between units and pathways, provided that each of them meets the minimum width and depth requirements (eight feet by eight feet). Usable open space shall also include private patios and balconies. Driveway and parking areas, indoor living areas of dwelling units, garages, carports, equipment rooms, utility rooms and any other buildings used for the maintenance of the development shall not be considered as part of the usable open space.

i) If the total area of all residential lots, which are proposed to be created with lot areas of less than 3,500 square feet in area is greater than one acre in size, then a minimum of 40 percent of the required 25 percent usable open space shall be developed with gardens, turfed play fields, hard surfaced game courts, recreation rooms, swimming pools or other features designed for the exclusive active recreational use of residents of the development.

c) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.

i) All yards adjacent to street frontage shall be provided automatic irrigation systems.

d) All yards (including private) and areas designated open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.

e) Landscaping adjacent to walls or fences shall comply with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

f) Provide a minimum of 1,296 medium sized trees on-site per FMC Section 12-306-N-24-g and in accordance with the following:

i) Provide a minimum of one medium size tree for each required parking space, plus one

medium sized tree for each residential unit.

- NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.

ii) 50 percent shading shall be provided for all paved alleyway surfaces proposed within the subdivision. Shading may be accomplished through the provision and planting of trees on residential lots (or Outlots designated for open space purposes) within 10 feet of the respective alleyway section.

- NOTE: At a minimum, one tree shall be provided for, or planted on, every other residential lot that is proposed to be created in the subdivision with alleyway frontage. In this circumstance trees shall be staggered on opposite sides of the alleyway in order to provide a continuous and uniform shade cover for the proposed alleyway.

iii) A landscape screen comprised of small sized trees (attaining a height of approximately 15-20 feet in height at maturity) shall be planted along the west property line of Lots 286, 287 & 296 of Vesting Tentative Tract Map No. 5891 dated October 30, 2008 in order to screen second story windows from adjacent rural residential property.

iv) A landscape screen comprised of a heavily planted combination of shrubs and trees shall be planted along the north property line of Outlots "AY" & "BS" in order to provide a "backdrop" or buffer between areas planned for commercial and residential uses.

g) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.

i) Fresno Municipal Code requires one (1) street tree per 60 linear feet of street frontage.

- NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant a minimum of one (1) tree (of similar type and size) for every 60 linear feet of street frontage on private property within ten feet of the back of the sidewalk.

- NOTE: An approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.

h) Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees. The property owner is required to provide and irrigation system with ongoing water supply.

i) One drainage hole, a minimum diameter of two (2) feet, shall be drilled for each tree to be planted. The depth of the drainage hole shall be determined as follows:

i) Hole must penetrate through and beyond any underlying paving material or hardpan soil

stratum.

ii) Hole shall be drilled to a depth where visual evidence of the subsurface sand or gravel drainage is apparent.

iii) If there is no apparent drainage stratum, the drainage hole shall be drilled a minimum of ten (10) feet deep.

j) The backfilling of drainage holes shall comply with the Standard Specifications or as determined by the engineer.

k) Complete a minimum waiting period of 20 days after drilling before any planting can begin.

l) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.

m) All planting, irrigation and related work shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.

n) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.

o) Trees shall be maintained in good health. Trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department. (Include this note on the site plan and landscape plan.)

p) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.

q) Landscaping shall be kept free from weeds and undesirable grasses.

r) Submit copies of landscaping and irrigation plans prepared by a landscape professional, showing the number and types of trees, to the Planning Division. These plans must be reviewed and approved <u>prior</u> to obtaining building permits.

s) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.

i) A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division. (Include this note on the site and landscape plans.)

- NOTE: The hold on occupancy may be released at the discretion of the Planning and Development Department to subjectively accommodate inappropriate planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).

- NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.

t) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Planning and Development Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Planning Division. (Include this note on the site and landscape plans.)

8) FENCES, HEDGES, AND WALLS

a) Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5891/UGM dated November 05, 2008 and the specific landscape requirements contained herein.

b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein.

c) Clearly depict any proposed/existing fences, hedges and walls on Exhibits "A" of Conditional Use Permit Application No. C-07-308. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Planning and Development Department.

d) Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.

e) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

f) All future proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Planning and Development Department. (Include this note on the site plan.)

g) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

9) ACCESS

a) There shall be vehicular and pedestrian access from a dedicated and improved street, alley or

recorded private access to off-street parking facilities.

b) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.

c) Provide vehicular and/or pedestrian access as noted on Exhibits "A" of Conditional Use Permit Application No. 07-308 dated October 30, 2008 and as indicated per Conditions of Approval for Vesting Tentative Tract Map No. T-5891/UGM dated November 05, 2008.

i) Pedestrian walkways and handicap access shall be clearly delineated on the site plan.

10) OUTDOOR ADVERTISING AND MARKETING

a) Flags, banners, lampposts, monument graphics, identification signs and kiosks shall be permitted in accordance with the proposed Thematic Proposal for Tract 5891, which shall be approved by the Planning and Development prior to construction or installations.

11) BUILDING ELEVATIONS

a) All residential dwellings in the subject planned development shall be subject to review and approval by the Planning and Development Department in accordance with these conditions.

b) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way (or private street) or shall be placed on the ground outside of the required yards.

c) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, or adding polyfoam with a stucco finish to add visual interest and to break up monotonous walls. Submit elevations inclusive of modifications for review and approval.

i) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.

ii) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.

iii) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the subdivision which front onto, and gain access from a street.

iv) Where proposed attic vents shall be decorative, consistent with the style and character of each home.

PART E - CITY AND OTHER SERVICES

TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

a. Comply with all of the requirements of the attached Public Works Department, Engineering Division memorandums dated March 11, 2008 and September 17, 2008 and any requirements noted on Exhibits "A," dated October 30, 2008.

SOLID WASTE COLLECTION

b. Comply with all of the requirements of the attached Department of Public Utilities, Solid Waste Management memorandum dated September 10, 2008.

FIRE PROTECTION REQUIREMENTS

c. Comply with all of the requirements of the attached City of Fresno Fire Department memorandum dated September 16, 2008.

STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

d. Comply with all of the requirements of the attached Department of Public Works Division memorandums dated December 18, 2007.

FLOOD CONTROL REQUIREMENTS

e. Comply with all of the requirements of the attached Fresno Metropolitan Flood Control District memorandum dated May 29, 2008.

PUBLIC UTILITIES REQUIREMENTS

f. Comply with all of the requirements of the attached Department of Public Utilities, Planning and Engineering Division memorandums dated January 02, 2008 and October 13, 2008.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

g. The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has submitted the attached comments dated April 04, 2008, indicating that trips from this proposed development will impact State transportation facilities. Therefore, Caltrans is asking that this proposed development contribute its total proportional fair share of $111,040 to mitigate for impacts to these facilities.

PACIFIC GAS AND ELECTRIC COMPANY

h. Attached for your records and consideration is the Pacific Gas and Electric Company memorandum dated December 12, 2007.

COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

i. The developer/subdivider shall comply with all of the requirements of the County of Fresno Department of Community Health memorandum dated December 14, 2007.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

j. Attached for the applicant's records and consideration is the State of California Department of Toxic Substances Control memorandum dated January 07, 2008.

SCHOOL FEES

k. Comply with all of the requirements of the attached Central Unified School District memorandum dated January 23, 2008.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1) Include a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures (photographs may be submitted for drawings).

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

3) If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.

4) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Department Director within 15 days.

City of
FRESNO

DATE: **September 17, 2008 (5th Submittal)**

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Bryan D. Jones, T.E., Traffic Engineering Manager
Public Works Department, Engineering Division

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

SUBJECT: Public Works Conditions of Approval
TT 5891 / C-07-308, (Bryan, Hayes, Gettysburg and Ashlan)
McCaffrey Group / Provost & Prichard Engineering Group

The Public Works Department, Traffic Planning Section, 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.

General Conditions:

1. **Curb Ramps**: Provide curb ramps at all corners within the limits of this subdivision.
2. **Pedestrian Easements**: **Identify** all pedestrian easements on the map.
   a. Major Streets: A 2' dedication for a pedestrian easement is required. **(See Exhibit "D")**
   b. Local Streets: Private
3. **Overhead Utilities**: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. Design local streets with a minimum of **250'** radius.
5. Local street lengths exceeding 800' and four way intersections require traffic calming measures. Bulb-outs approved by Traffic Engineer 9-11-08.
6. **Garage setback**: Provide 20' from the garage to the back of walk. A minimum of 18' is allowed with a roll-up door.
7. **Dead-end Streets**: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-44**.
8. **Outlots**: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall pay all costs and fees associated with the City environmentally assessing the outlot to insure that it 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 environmental assessment. The environmental assessment shall be completed and all fees and costs for said environmental assessment shall be paid to the City prior to subdivider's submittal of the Final Map for City approval.
9. **Plan Submittal**: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping. The Developer is responsible to relocate all obstructions, e.g. poles, fencing, mailboxes, etc. and make adjustments as necessary, within the area of construction.

10. **Private Irrigation Pipe**: If not abandoned, the developer shall enter into an agreement with owner of the private canal providing for piping the canal and submit an executed copy of the agreement or commitment letter from the owner of the private canal to the Planning and Development Department. All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street. Submit engineered plans to Public Works Department, Engineering Division for review and approval. **Identify the proposed easement and provide a final cross sectional detail on the map.**
11. Identify City and County limits.

Frontage Improvement Requirements:

Major Streets:

Bryan Avenue: Collector

1. Dedicate **47'-55'** of property, from **center line**, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. Match up with approved plans from Blair Church and Flynn. A 17' offset from section line was used.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Bike, Pedestrian Equestrian Trail/Path : The Planning Department has determined that the bike portion of the trail is to remain in the street. Stripe and sign to City Standards. **Dedicate a 15' (minimum) easement for Landscape and Pedestrian purposes only to provide for an 8' planter, 8' sidewalk and 9' landscape.**
4. Construct an 80' bus bay curb and gutter at the northeast corner of Bryan and Ashlan to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
5. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
7. Relinquish direct vehicular access rights to Bryan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Gettysburg Avenue: Collector

1. Obtain and dedicate **47'-55'** of property on the south side and **17'** of property on the north side, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. ~~OPL #111.~~ n/a per City Engineer
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct an 8' residential sidewalk per item number 3 below to meet the Gettysburg trail requirement. A 15' Landscape and Pedestrian Easement is required. Identify on the map.
3. Bike, Pedestrian Equestrian Trail/Path (Alternate): This Department **does not** support the equestrian component of the trail due to health and safety issues. The Planning Department has determined that the bike portion of the trail is to remain in the street. Stripe and sign to City Standards. **Dedicate a 15' (minimum) easement for Landscape and Pedestrian purposes**

only to provide for an 8' planter, 8' sidewalk and 9' landscape. An additional 12' dedication is required for the equestrian portion, if required. Contact Planning and Development.

4. Construct an 80' bus bay curb and gutter at the southeast corner of Gettysburg and Bryan to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
5. Construct 20' of permanent paving on the south side (measured from face of curb) and 17' of permanent paving on the north side, within the limits of this subdivision.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
7. Relinquish direct vehicular access rights to Gettysburg Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.
8. Outlot 6: Dedicate a pedestrian easement to and construct a sidewalk around the existing electrical tower.

Hayes Avenue: Collector

1. Dedicate **47'-55'** of property, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct an 80' bus bay curb and gutter at the southwest corner of Hayes and Gettysburg to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
4. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.
5. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
6. Relinquish direct vehicular access rights to Hayes Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Ashlan Avenue: Arterial

1. Dedicate **55'-57'** of property, from center line, for public street purposes within the limits of this subdivision to meet the City of Fresno's Arterial Standards. Match up with approved plans from Blair Church and Flynn.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct 20' of permanent paving within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.
5. Relinquish direct vehicular access rights to Ashlan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Interior Local Collector Streets: Private

Design and construct the following streets to local collector standards: Masera, Swift, Willis, Cresta and the alley adjacent to lot 409. (Locations may change due to the many revisions.) The proposed street design shall be approved by the Public Works Department.

Interior Streets: Private

1. Construct sidewalks on both sides of the private streets in accordance with the 2025 General Plan, page 69; section E-1-j. Sidewalks to meet current ADA standards. Contact Building and Safety.
2. Maintain the minimum clearances, as directed by Fire and Solid Waste Departments.

Interior Alleys: Private

Alleys shall be constructed per Public Works Standard **API-17**.

Specific Mitigation Requirements: This tract will generate **486 a.m. / 655 p.m.** peak hour residential trips; therefore, a Traffic Impact Study (TIS) is required and has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager in the attached letter dated 03-11-08.

1. The intersection of :
   a. Ashlan and the 1/8 mile point east of Bryan Avenue shall be designed such that the median island will allow for westbound to eastbound u-turns.
   b. Ashlan and Cresta / Artisan Parkway shall be designed with a full median opening to allow for left turns-in and left turns-out. The intersection may need to be signalized upon further review of the CUP/SPR for the commercial portion.
2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
3. Backing onto a major street is prohibited. **Identify** the proposed ingress / egress locations for all buildings to remain on the following APN(s):
   Bryan Avenue: 512-070-16, 35, 47
   Hayes Avenue: 311-070-29, 32, 25, 45, 53, 20, 21, 51, 10, 11, 44 and 311-050-06
   Ashlan Avenue:311-070-49, 40, 43, 27
   Construct circular or hammerhead driveways, where not existing and construct concrete driveway approaches to Public Works Standards **P-1 and P-4.**
4. Relinquish vehicular access rights to the proposed outlot adjacent to lot 1.
5. Remove the structural section from the tentative map and provide on the street construction plans for review and approval.
6. The commercial portion of this map, lots 649-652, shall require a site plan / conditional use permit, with detailed plans and potentially a TIS or site access evaluation to determine additional traffic mitigation measures and conditions of approval.
7. Cresta / Artisan Parkway: 45 degree two-way parking is shown which would require a minimum of 62' from tip of car to tip of car. Widths vary based upon the angle.
8. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on **Ashlan Avenue, Hayes Avenue, Gettysburg Avenue, and Bryan Avenue.**
9. The proposed project shall provide pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on Bryan Avenue, Gettysburg Avenue, Ashlan Avenue, and

Hayes Avenue. The roadways shall also be built to accommodate bike lanes even though they may not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule).

1. At the intersection **Bryan Avenue/Ashlan Avenue** the project shall install all-way stop signs at this intersection. The project shall provide safety lighting on the northeast and northwest corners for a future signal.
2. The following intersections shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation and signal pre-emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees:
    a. Hayes / Ashlan
    b. Hayes / Gettysburg
    c. Bryan / Gettysburg
    d. Ashlan / Polk
    e. Bryan / Swift **(not reimbursable)**
    f. Ashlan / Cresta / Artisan Parkway **(**pending further review and approval of a detailed commercial CUP/SPR, **not reimbursable**.)

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

Fresno Major Street Impact (FMSI) Requirements:

When construction occurs adjacent to the County of Fresno, comply with the Standard County Conditions of Approval Attachment "A". Additional right of way may be required for driving sight distances, bike lanes, etc.

Bryan Avenue: Collector

1. Dedicate and construct (4) 12' travel lanes with 5' shoulders and a 12' center two-way left turn lane **within the limits of this subdivision and continue north to Shaw**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Gettysburg Avenue: Collector

1. Dedicate and construct (2) 12' eastbound travel lanes with a 5' shoulder, (1) 12' westbound travel lane with a 5' shoulder and a 12' center two-way left turn lane **within the limits of this subdivision**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Hayes Avenue: Collector

1. Dedicate and construct (4) 12' travel lanes with 5' shoulders and a 12' center two-way left turn lane **within the limits of this subdivision**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.
2. Dedicate and construct (2) 12' northbound travel lanes with a 5' shoulder and (1) 12' southbound travel lane with a 5' shoulder **from Shaw to Gettysburg Avenue**. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Ashlan Avenue: Arterial

1. Dedicate and construct (2) 12' eastbound travel lanes with a 5' shoulder, (2) 12' westbound travel lanes with a 5' shoulder and a raised concrete median island **within the limits of this subdivision.** Construct a raised concrete median with 250' left turn pockets at all major intersections. Details of said street shall be depicted on the approved tentative tract map. Dedication shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a **55** MPH design speed.
2. **From:** Veteran's Boulevard **To:** Bryan
   and
   From: Hayes **To:** Cornelia
   At a minimum the project shall construct **Ashlan Avenue** with a 16' raised concrete median and a straight 12' travel lane with 5' shoulders in each direction to connect **Veterans Boulevard-Grantland Avenue to Cornelia Avenue.** There will be additional conditions on Ashlan Avenue but this is intended to make sure we have one City standard arterial lane on Ashlan Avenue without utility poles in the way.
3. Where not existing, dedicate sufficient right-of-way and construct additional paving for eastbound to westbound and westbound to eastbound U-turns at all major intersections **from Bryan to SR-99** in accordance with Public Works Standard **P-93**.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map. The Caltrans letter is included and the following fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6, **Joanne Streibich at (559) 488-4347** regarding the fair share calculations. **Verify the exact amount due to map revisions.**

City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov

City of FRESNO

Public Works Department
Patrick Wiemiller, Director

March 11, 2008

TJKM
Jose Luis Benavides, P.E.
516 W. Shaw Avenue, Suite 200
Fresno, CA 93704-2515

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED TRACT 5891
northeast corner of Bryan Avenue and Ashlan Avenue
TIS07-034 dated July 3, 2007 received in Planning and Development August 13,2007

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by TJKM for the proposed subject project which consists of 659 Single Family Residential Units on 112 acres and 50,000 SF of neighborhood commercial on 5.93 acres:

GENERAL COMMENTS and CONDITIONS

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project is projected to generate 8,454 daily trips, 546 trips during the AM peak hour and 854 trips during the PM peak hour.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $440.03 per single family dwelling unit at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $45.98 per Average Daily Trip for commercial at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. The TSMI fee based on 659 single family dwelling units is $289,979.77. The TSMI fee based on 50,000 SF of neighborhood commercial at 2,147 ADT is $98,719.06. The total TSMI fee for the entire project is $388,698.83.

3. At the intersection of Shaw Avenue/Hayes Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket shall also be constructed. This may require the acquisition of private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Hayes Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane.

4. At the intersection of Shaw Avenue/Bryan Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket. This

may require the acquisition of private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Bryan Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane. The westbound left-turn lane is already secured by another Tract Map.

5. The City of Fresno is undertaking a Capital Improvement Project along with the Redevelopment Agency to widen Ashlan Avenue from Blythe Avenue to SR 99 to two lanes in each direction. Construction is occurring on Ashlan Avenue by Beazer Homes between Cornelia Avenue and Blythe Avenue under the old UGM system. As a result a bottleneck is occurring between that Tract Map and Blythe Avenue and westbound Ashlan Avenue shall be widened to 2 lanes across these property frontages. This reduces the impacts and safety concerns imposed by existing and project related traffic and is reimbursable as part of the Fresno Major Street Impact (FMSI) fee. The bottleneck includes the parcels addressed as

   4595 W. Ashlan Avenue
   4587 W. Ashlan Avenue
   4543 W. Ashlan Avenue
   4533 W. Ashlan Avenue

   The City of Fresno Public Works Department is attempting to apply Proposition 1B money to the bottleneck and fund construction to widen Ashlan Avenue. We anticipate that the City project will progress faster than this development so this work should be completed as a City Capital Project but in the event that money is not available is a condition of this tract.

6. At a minimum the project shall construct Ashlan Avenue with a "raised" median and a straight travel lane in each direction with a minimum 5 ft shoulder to connect Veterans Boulevard-Grantland Avenue to Cornelia Avenue. There will be additional conditions on Ashlan Avenue but this is intended to make sure we have one City standard arterial lane on Ashlan Avenue without utility poles in the way.

7. At the intersection Bryan Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall install all-way stop signs at this intersection. The project shall provide safety lighting on the northeast and northwest corners for a future signal. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane, 2 through lanes, and right-turn lane
   Westbound approach left-turn lane, 2 through lanes and a right-turn lane
   Eastbound approach left-turn lane, through lane and a through right-turn lane
   Northbound approach left-turn lane, shared through-right turn lane

8. At the intersection Hayes Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, 2 through lanes, and right-turn lane
Westbound approach left-turn lane, 2 through lane, and a right-turn lane
Eastbound approach left-turn lane, a through lane, and a shared through-right-turn lane
Northbound approach left-turn lane, shared through-right turn lane

Proper transition for the appropriate speeds will be necessary on the receiving side of the intersection.

9. At the intersection Hayes Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) has already done a lot of the safety lighting. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, 2 through lanes, and a right-turn lane
Westbound approach left-turn lane, through lane, and a right-turn lane
Eastbound approach left-turn lane, through lane, and a right-turn lane
Northbound approach left-turn lane, 2 through lanes, and a right turn lane

10. At the intersection Bryan Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the elementary school at the southwest corner. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane and shared through- right-turn lane
Westbound approach left-turn lane, 2 through lanes, and a right-turn lane
Eastbound approach left-turn lane, a through lanes and a shared through-right-turn lane
Northbound approach left-turn lane, 2 through lanes, and a right turn lane

11. At the intersection Bryan Avenue/Main Boulevard to Tract 5891 the project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the high school campus across the street. This traffic signal is <u>not</u> reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee and is project specific as the project has all traffic loading onto Bryan Avenue at one location. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane and two through lanes
Westbound approach shared left-turn lane-through lane- right-turn lane
Northbound approach two way left-turn lane, through lane and shared through-right turn lane

12. At the intersection Ashlan Avenue/Polk Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) was already conditioned to do a lot of the safety lighting and conduit. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, a shared through-right-turn lane
Westbound approach left-turn lane, a through, and 150 feet right-turn lane
Eastbound approach left-turn lane, a through, and 150 feet right-turn lane
Northbound approach left-turn lane, a shared through-right-turn lane

13. This project shall install Intelligent Transportation System (ITS) conduits and fiber along Ashlan Avenue from Bryan Avenue to Cornelia Avenue along with pole boxes and ITS equipment consistent with our Public Works ITS standards at each traffic signal intersection so that Ashlan Avenue is synchronized and motorists do not experience a red light every half mile.

14. Hayes Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have 2 northbound lanes and one southbound lane. Current this exists from Gettysburg Avenue to Santa Anna where a bottleneck exists and the roadway narrows down to County standards from Santa Anna to Shaw Avenue. It appears like the right-of-way exists for an additional (second) northbound through lane. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee so this additional northbound lane is project specific mitigation and a lien by this development could be put on the property owner.

15. Hayes Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. Tract 5400 which is also a McCaffrey Tract has put most of this in on the east side accept the lot from the south boundary of Tract 5400 to Ashlan Avenue. This property is owned by the McCaffrey Group and should be widened to reduce the bottleneck. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee.

16. Bryan Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have a northbound lane, one southbound lane, and a two way left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

17. Bryan Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

18. Ashlan Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have with a "raised" median and two travel lanes in each direction with a minimum 5 ft shoulder. This is fully reimbursable in the Fresno Major Street Impact (FSMI) fee.

19. Gettysburg Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have one westbound with a minimum 5 ft shoulder, 2 eastbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

20. The proposed project shall make necessary improvements and right-of-way dedications/vacations along adjacent public streets as per City of Fresno requirements.

21. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on Ashlan Avenue, Hayes Avenue, Gettysburg Avenue, and Bryan Avenue.

22. The proposed project shall provide pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on Bryan Avenue, Gettysburg Avenue, Ashlan Avenue, and Hayes Avenue. The roadways shall also be built to accommodate bike lanes even though they may

not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

23. The proposed project shall pay all applicable Caltrans Interchange Mitigation Impact fees to the City of Fresno Traffic Engineering as determine by Caltrans for Ashlan Avenue and Shaw Avenue with SR 99.

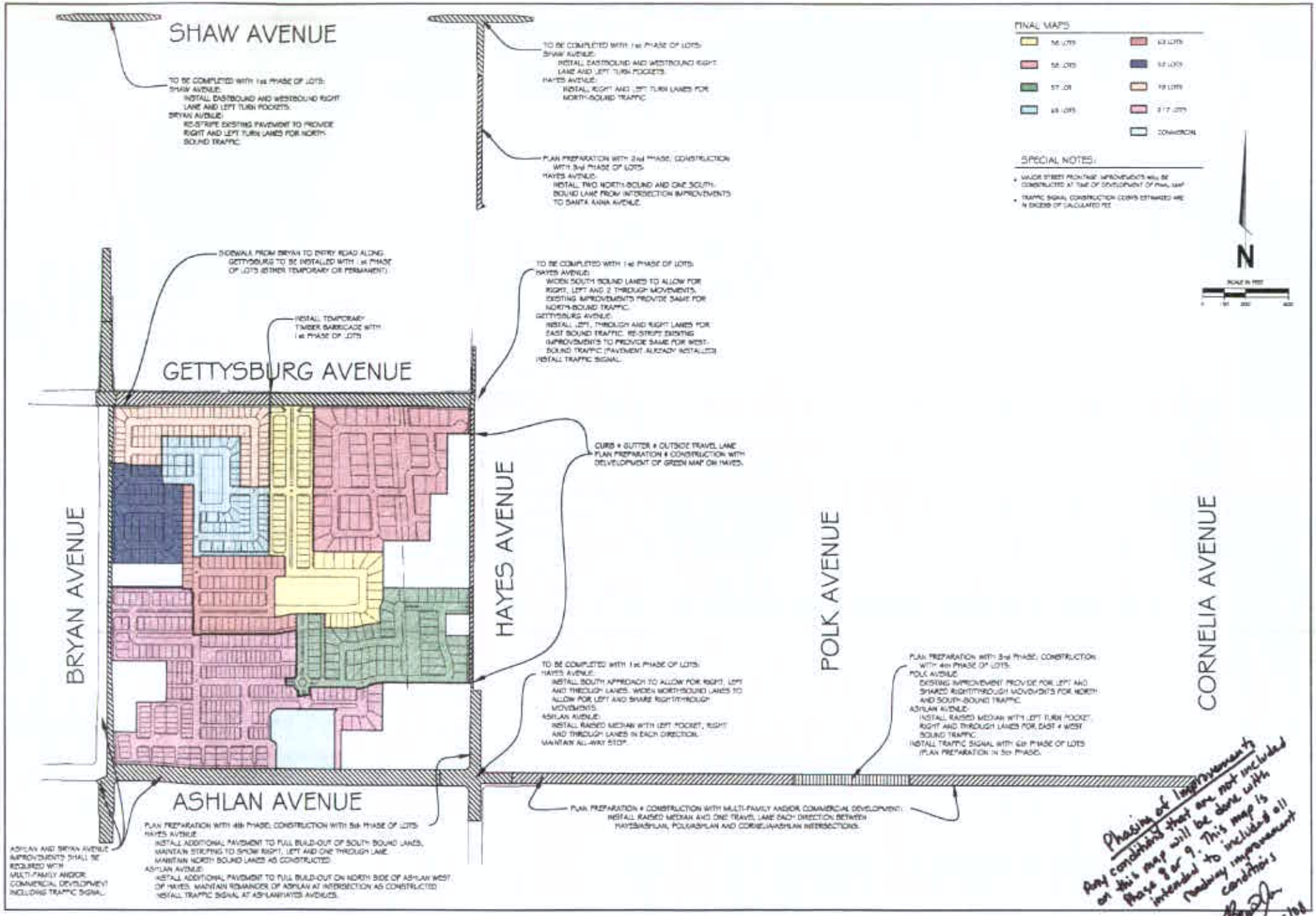
24. Veterans Boulevard/SR 99 interchange is an integral part of the West Fresno and Northwest Fresno Circulation Element in the 2025 General Plan. City staff are currently working on the Project Study Report (PSR) for this new interchange to relieve congestion at other interchanges. This interchange is a Measure C Tier 1 project and is partially funded at a cost of $60 million. Estimated costs for the total project are $97.222 million leaving a short fall of $37.222 million. The estimate average daily trips (ADT) served by the new Veterans Boulevard/SR 99 interchange is 70,370 vehicles in 2035 based on the City of Fresno technical memorandum approved by Caltrans. Therefore, to cover the short fall to get this interchange constructed each new project in West Fresno and Northwest Fresno will pay $529/ADT that are served by the interchange (across the freeway or accessing SR 99 via the interchange) to make a fair share contribution to the interchange to mitigate the project impacts to the Circulation Element of the General Plan MEIR in accordance with the Mitigation Fee Act. This project shall provide ADT counts for the Veterans Boulevard/SR 99 interchange based on a Fresno COG model run. This total fair share mitigation impact fee for the entire subdivision shall be paid prior to occupancy of the first dwelling unit.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or bryan.jones@fresno.gov .

Sincerely,

Bryan D. Jones, T.E.
Traffic Engineering Manager
Public Works Department, Traffic Engineering Division

C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Darrell Unruh, Planning & Development Dept.
Will Tacket, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor

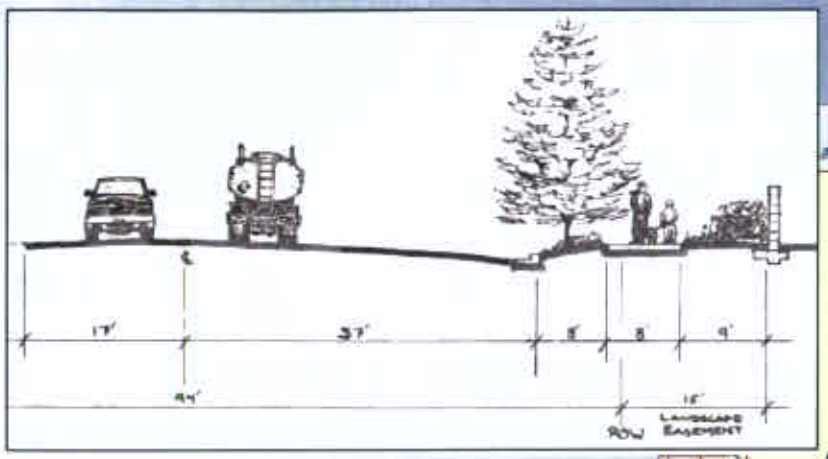


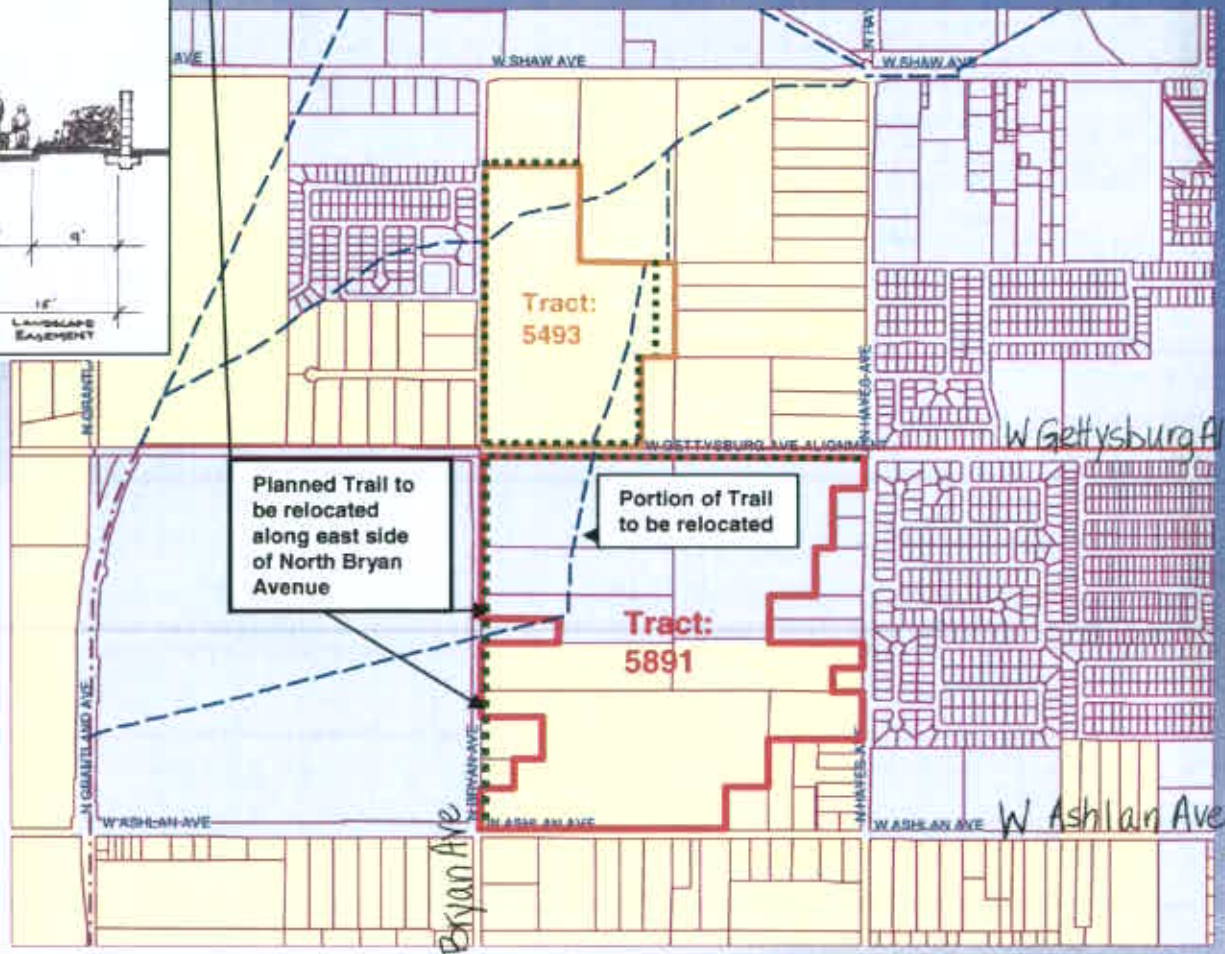
Phasing of improvements
Any conditions that are not included on this map will be done with Phase 8 or 9. This map is intended to include all roadway improvement conditions

3/15/08

General Plan Amendment Application No. A-07-08

Proposes to relocate the planned bicycle/pedestrian trail alignment from the northeast corner of the subject property to along the east side of the North Bryan Avenue alignment.





Proposed Trail Alignments

Planned Trail Alignments

City of FRESNO

Planning Commission Hearing

April 30, 2008

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

September 10, 2008

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5891/UGM, A-07-008, R-07-029, and C-07-308, Solid Waste Conditions of Approval
Location: Between North Hayes and North Bryan Avenues and West Ashlan and West Gettysburg Avenues – ***REVISED***

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5891/UGM, A-07-008, R-07-029, and C-07-308 that was submitted by Provost & Pritchard, Inc., on behalf of the McCaffrey Group. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Department of Public Utilities.

General Requirements:

- Tract 5891 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.

- Per Municipal Code, Section 9-405 Solid Waste Disposal Regulations, Section (c)(11)(i). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.

- Per Municipal Code, Section 9-405 Solid Waste, Recycling and Green Waste Regulations, Section (c)(10)(i). No material container shall be stored in the front yard or side yard on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

Special Requirements:

Developer will provide through access of alleys for solid waste vehicles. Solid waste vehicles will not be required to back up and/or turning around to service properties.

Residential solid waste servicing in alleys is approved under the condition that the alleys are constructed in accordance with API 17 and FMC 12-1011(c).

All alleys shall be posted "No Parking."

All alley-loaded lots not mentioned below shall place their containers in the alley for servicing on solid waste service days.

Covenant Requirements:

It shall be posted "No Parking" in the cul-de-sacs on the solid waste service day. All lots that are part of a cul-de-sac shall be clear of all vehicles by 5:30 a.m. on solid waste service days:

- Lots 95, 96, 97, and 98 on West Ashcroft Avenue
- Lots 107, 108, 109, and 110 on West Holland Avenue

Those lots that have a dead-end alley will be required to place their containers at an alternate location on solid waste service days:

- Lots 255, 256, 257, 258, and 259 shall place their containers at the south side of their individual lots
- Lots 287, 288, 289, 290, and 291 shall place their containers
- Lots 292, 293, 294, 295, and 296 shall place their containers at the south side of their individual lots
- Lots 324, 325, and 326 shall place their containers at the north of Lot 324
- Lots 327, 328, 329, 330, 331, and 332 shall place their containers at the north side of Lots 327 and 330
- Lots 333, 334, 335, 336, 337, and 338 shall place their containers at the north side of Lots 335 and 336
- Lots 339, 340, 341, 342, 343, and 344 shall place their containers at the north side of Lots 341 and 342
- Lots 347, 348, 349, and 350 shall place their containers at the north side of Lots 353 and 348
- Lots 351, 352, and 353 shall place their containers at the east of their individual lots
- Lots 354, 355, 356, and 357 shall place their containers at the south side of their individual lots
- Lots 374, 375, and 376 shall place their containers to the west side of Lot 357

September 16, 2008

TO: WILL TACKETT, Planner III
Planning and Development Department, Planning Division

FROM: RICK FULTZ, Senior Fire Prevention Inspector
Fire Department, Bureau of Prevention and Investigative Services

SUBJECT: TENTATIVE TRACT NO. 5891

The Fire Department has completed a review of the Tentative Tract Map 5891 which was submitted by McCaffrey Group. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Fire Department.

General Requirements:

This project is within 3 miles of temporary Fire Station No. 16 and permanent Fire Station 16.

This project is subject to city wide fire service fees.

Provide residential and commercial fire hydrants and fire flow per Public Works standards.

Access is not acceptable: Dead end streets shall not exceed 450 feet without providing a second point of access. Lots 96 through 101, Lots 108 through 123, lot 331 and lot 334 are all over 450 feet from a single point of access. The lots will need a second point of access or shall be provided with fire sprinkler systems. The lots requiring fire sprinklers shall have a covenant agreement filed per lot stating the fire sprinklers are a condition of the tract. Or

Provide details for emergency access in lieu of fire sprinklers.

Gates, posts, or other barriers suitable to the Fire Department are required to be installed at the entrance to an emergency access only roadway.

The entrance to all emergency accesses shall be posted with permanent signs: AFIRE ACCESS (6" letters) VEHICLES REMOVED AT OWNER=S EXPENSE (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).@

Emergency accesses are required to be dedicated fire protection easements.

All private streets and driveways that are provided for emergency access for Fire Department use shall be constructed to a minimum unobstructed width of 20 feet

No parking is allowed in the alleys and the alleys shall meet standard API-17 with a reduced turn radius as shown in the standard.

The 32' streets shown in the tract are subject to further review and comment per standard API-2A. Upon further review the streets may be approved as shown or some areas may need to be identified as fire lanes.

Phasing of the project will require additional review for access and hydrants.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559.621.86794)**

DATE: December 18, 2007

SUBJECT: Tentative Tract Subdivision Map T-5891 (Located Between West Gettysburg and West Ashlan Avenues and North Bryan and North Hayes Avenues).

The Department of Public Works has reviewed the Tentative Tract Map proposed by The McCaffrey Group, on engineering plans prepared by Provost & Pritchard, dated November 19, 2007. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in street right-of-ways, landscape easements, trails, outlots and median islands.

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards.

2. **Street Tree Planting by Developer:** For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Planting and Utility Easement.

   a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.

   b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."

   c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.

   d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.

   e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association.

2. **Maintenance Service Through Annexation into the Community Facilities District.** Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

   A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping.

   B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.

   C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.

   D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.

   E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

   F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the **City of Fresno Water Division and may not be included in the CFD.**

MEDIAN ISLAND LANDSCAPE REQUIREMENTS

1. When median islands front onto the proposed development project, **applicants shall submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.**

2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.

3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23. The Public Works Department requires all proposed median islands to be constructed with 2 foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick red slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet shall be capped with concrete as an integral part of the off site improvements, whether the median is landscaped or not.

OUTLOTS

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

TRAIL REQUIREMENTS

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

City of
FRESNO

PUBLIC WORKS DEPARTMENT

DATE: December 18, 2007

TO: WILL TACKETT, Planner III
Planning and Development Department

FROM: HILARY KIMBER, Parks Supervisor II
Public Works Department

SUBJECT: CONDITIONS FOR TENTATIVE SUBDIVISION TRACT 5891 AND COMMUNITY FACILITIES DISTRICT

1. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer. If the Council or property owner/developer chooses not to include all of the items or certain items listed in a Community Facilities District (CFD), the property owner/developer shall be responsible for providing a mechanism approved by the City for the maintenance of such items.

- Maintenance of all Landscaping and Irrigation systems as approved by the Public Works Department within the street right-of-ways (includes parkways and one half of median islands in Major Streets), landscape easements, trails and outlots associated with the subdivision. All outlots shall be dedicated to the City of Fresno for maintenance purposes and any related work required.

- Maintenance of Sidewalks and Street Furniture as approved by the Public Works Department within the street right-of-way and the landscape easements associated with the subdivision.

- Maintenance of all landscape and irrigation systems on sides and in medians, decorative concrete and pilasters included as entry treatments to the tract.

- Maintenance of all local street Curbs, Gutters and Sidewalks, and Median islands as approved by the Public Works Department within the boundary of the tentative map.

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

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

2. An Annexation Request Package shall be submitted to the Public Works Department if the owner/developer chooses to be annexed into the City's CFD for maintenance purposes to be reviewed for acceptance to process. Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City's website (http:\www.fresno.gov) under the Public Works Department Developer Doorway.

3. **Proceedings to place the Final Map into a CFD SHALL NOT commence** until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be Technically Correct.

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

If you have any questions, please call me at 621-8794

c: PW File No. 10770

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

Mr. Gil Haro, Planning Manager
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

McCaffrey Group
7020 N. Van Ness Blvd.
Fresno, CA 93711
-

MAP NO. **5891REV2**
DRAINAGE AREA(S) " **EO** " " - "
DATE 5/29/08

PRELIMINARY FEE(S) (See below)

DRAINAGE AREA	" **EO** "	**$1,507,798.00**
DRAINAGE AREA	" - "	-
TOTAL FEE		**$1,507,798.00**

TRACT No. 5891REV2

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.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

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

a) Fees related to undeveloped or phased portions of the project may be deferrable.

b) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.

c) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.

d) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

5469 E. OLIVE - FRESNO, CA 93727 - (559) 456-3292 - FAX (559) 456-3194

Two sided document

e) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

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

1. _____ a. Drainage from the site shall be directed to _____

   X b. Grading and drainage patterns shall be as identified on Exhibit No. 1 ~~#2~~

   _____ 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:

   X Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".

   _____ None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:

X	Grading Plan	X	Storm Drain Plan	X	Final Map
X	Street Plan	X	Water & Sewer Plan		Other

4. Availability of drainage facilities:

   _____ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno 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.

   X c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
   ~~Temporary service is available through~~ _____

   X 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.)

5469 E. OLIVE - FRESNO, CA 93727 - (559) 456-3292 - FAX (559) 456-3194

Two sided document

350

_____ Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.

__X__ 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.

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, approved August 1999, (modified December 2002.) 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 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, 1997 (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.

TRACT No. 5891REV2

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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.

Gerald E. Lakeman,
District Engineer

Project Engineer: Rick Lyons

C: Provost & Pritchard
286 West Cromwell Ave.
Fresno, CA. 93711

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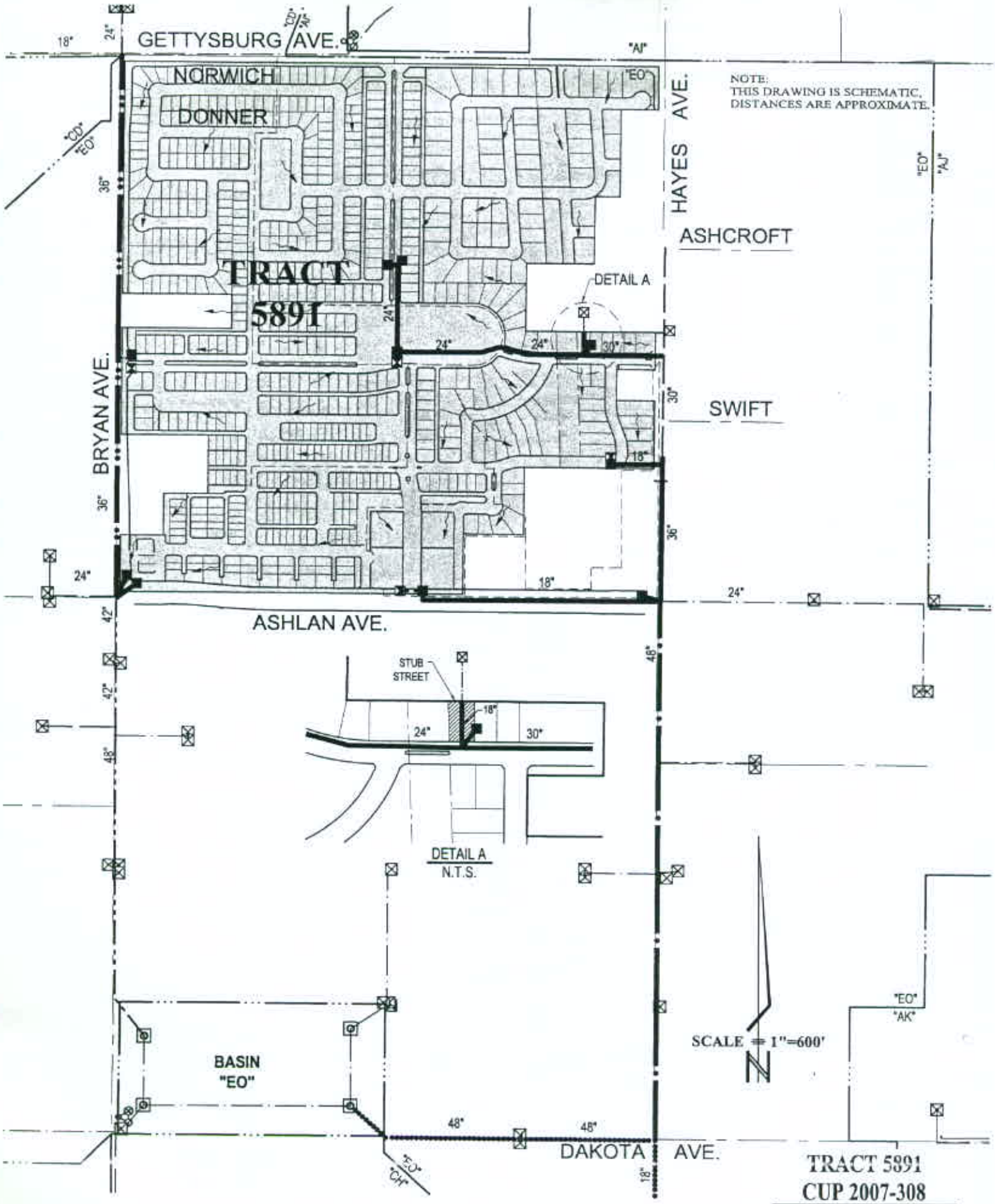


TRACT 5891
CUP 2007-308
DRAINAGE AREA: "EO"

EXHIBIT NO. 1
SHEET 1 OF 2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

DRAWN BY: MG DATE: 5/25/06
REVISED BY: MDH DATE: 5/26/06

LEGEND

Master Plan Facilities To Be Constructed By Developer
- Pipeline (Size Shown) & Inlet (Eligible For Fee Credit).

Optional Master Plan Facilities To Be Constructed By Developer
- Pipeline (Size Shown) Eligible For Fee Credit.

Master Plan Facilities To Be Constructed
By Central Unified School District.

Master Plan Facilities To Be Constructed
By Developer of Tract 5728.

Existing Master Plan Facilities

Future Master Plan Facilities

Non-master Plan Facilities To Be Constructed By Developer
(Not Eligible For Fee Credit)

Direction Of Drainage

Inlet Boundary

Drainage Area Boundary

TRACT 5652

DRAINAGE AREA: "EO"

EXHIBIT NO. 1
SHEET 2 OF 2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

K:\Muwaid\DWGS\EXHIBIT\TRACT5652\1-REV2.dwg

DRAWN BY: MQ DATE: 9/2/09
REVISED BY: — DATE: —

OTHER REQUIREMENTS
EXHIBIT NO. 2

The drainage fee identified on this revised Notice of Requirements for Tract 5891 has been computed at a rate commensurate to the calculated composite land use for this development. The District's Master Plan has been revised to accommodate the densities proposed for this project.

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

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

The easement may be slightly realigned to accommodate future development, provided the property owner accepts the responsibility to grade the property such that the drainage from the property will reach inlets on the alternate pipeline alignment, and accepts any additional costs for the construction of additional storm drain facilities that may be required. Any proposed storm drain alignments must be reviewed and approved by the District.

The District requires that the developer of Tract 5891 provide a stub street at Lot 542 to provide a means of drainage for major storm events. If the stub street is not provided, the developer will be required to provide a storm drainage channel to provide a method of conveyance for parcels north of this project during a major storm event.

No surface run-off shall be directed towards the alleys.

The construction of the Master Plan facilities labeled "Optional Master Plan Facilities" shown on Exhibit No. 1 will provide permanent drainage service to the easterly portion of Tract 5891. However, if the "Optional Master Plan Facilities" are not constructed, the District recommends temporary facilities until permanent service is available. The Central Unified School District will install the Master Plan facilities in Bryan Avenue that will provide permanent service to the westerly portion of the tract. Should these facilities not be constructed prior to development the District recommends temporary service until permanent service is available.

Development No. Tract 5891 Rev.2

OTHER REQUIREMENTS
EXHIBIT NO. 2

Some of the areas of Tract 5891 are shown with proposed alleys. The proposed alleys must have capacity to carry the necessary flows, particularly if part or all of the lots drainage will be directed toward the alley. Also, the major storm flows must be directed toward major streets and the major streets must be designed to accept the larger capacities of the major storm flows. The smaller streets with wedge curbing are of insufficient design to carry the capacities of the major storm flows.

The developer is required to provide storage in Basin "EO" by excavating 41,000 cubic yards as directed by the District in an excavation permit obtained from the District. If stockpiled within Basin "EO", the developer will be eligible for $1.40 per cubic yard credit. The District reserves the right to delete this work prior to the developer initiating work.

Prior to any work being initiated in the basin, the developer or his Contractor shall obtain an excavation permit from the District. If the work consists solely of stockpiling material excavated from the basin within the basin, there is not a permit fee. However, if any material is removed from the basin (off-site), a permit fee shall be paid prior to receiving the permit. No importing of material is permitted.

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

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

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are available. Contract the District's Environmental Department for further information regarding these policies related to industrial site requirements.

Development No. Tract 5891 Rev.2

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

Providing Life's Essential Services

DATE: October 13, 2008

TO: WILL TACKETT, Planner III
Department of Planning and Development, Planning Division

FROM: MICHAEL CARBAJAL, Supervising Engineering Technician
Department of Public Utilities, Water Division

SUBJECT: REVISED-WATER REQUIREMENTS FOR TENTATIVE TRACT NO. 5891/UGM

The following conditions are required to provide water service to the tract.

1. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in West Gettysburg Avenue from North Hayes Avenue west to North Bryan Avenue.

2. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a total of 2,000 gallons per minute. Well sites shall be of a size and at a location acceptable to the Water Systems Manager. The cost of acquiring the well site(s) and construction of the well(s) shall be reimbursed from the UGM Water Supply Well Service Area Fund 301s, in accordance with established UGM policies.

3. Water well construction shall include wellhead treatment facilities, if required. The cost for constructing wellhead treatment facilities shall be reimbursed from UGM Wellhead Treatment Service Area Fund 301s, in accordance with established UGM policies.

4. No occupancies will be permitted prior to the satisfaction of the water supply requirement.

5. Develop and implement mitigation measures to offset groundwater pumping equivalent to the tract's annual water demand at buildout plus 15%. These mitigation measures include the use of FID surface water for irrigation, installation of low flow fixtures, the use of artificial lawns for landscape, and the use of evapotranspiration controllers. The mitigation measures shall be subject to prior approval by the Water Systems Manager.

6. The development shall design appropriate infrastructure to facilitate water consumption at a rate of 243 gallons/person/day.

7. Separate water services with meters shall be provided to each lot created.

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

approved by the Water Systems Manager.

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

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

11. All proposed water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan for any proposed landscape within the easement shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the water main. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.

12. Construct a reclaimed water system in public rights-of-way to utilize future tertiary treated waste water for landscape irrigation purposes. Design of the reclaimed water mains will be subject to approval by the Assistant Director of Public Utilities.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Date: January 2, 2008

To: ROBERT LEWIS, Supervising Planner
Planning Division

From: DOUG HECKER, Supervising Engineering Technician
Public Utilities Department, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5891/UGM, REZONING APP. NO. R-07-29, PLAN AMENDMENT APP. NO. A-07-08 AND CONDITIONAL USE PERMIT C-07-308.

General

T-5891, A-07-008, R-07-029, C-07-308, for approximately 130 acres of land located between West Gettysburg and West Ashlan Avenues and North Bryan and North Hayes Avenues, proposing a 647-lot planned development subdivision. A-07-008 is a request to amend 2025 Fresno General Plan and West Area Community Plan from Neighborhood Commercial plu designation to Medium Density Residential plu designation for 10 acres (APN 311-070-29, 32 and 39) and Medium Density and High Density Residential plu designations to Neighborhood Commercial plu for 5 acres (por APN 311-070-50). R-07-029 requests to change the zoning from RR County, R-1-UGM, R-2-UGM and C-1-UGM to C-1-UGM Neighborhood Shopping Center-Urban Growth Management zone district (por of APN 311-070-50), R-1-UGM and R-2 Low Density Multiple Family Residential zone districts (APN 311-070-01, 07, 17, 19, 39, 48, 50 and 54). C-07-308 is a request to allow for reduced lot width, depth and setbacks and including public alley vehicle and pedestrian access.

Sanitary Sewer Service

The nearest sanitary sewer mains to serve the proposed project are a 15-inch main located in West Gettysburg Avenue and an 8-inch main located in North Bryan Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. Construct 18-inch and 15-inch sanitary sewer mains in West Ashlan Avenue between North Bryan and North Hayes Avenues.
2. Construct an 8-inch sanitary sewer main in North Hayes Avenue from West Ashlan Avenue north approximately 1,000 lf.
3. Sanitary sewer mains shall be extended within the proposed tract to provide sewer service to each lot created.
4. Separate sewer house branches shall be required for each lot created.
5. Abandon all existing on-site private sewer septic systems in accordance with City standards, specifications, and policies.
6. All public sewer facilities shall be constructed in accordance with Department of Public Works standards, specifications, and policies.
7. All underground street utilities shall be installed prior to permanent street paving.
8. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
9. Engineered improvement plans prepared to City Standards by a Registered Civil Engineer are required for proposed additions to the sanitary sewer system.
10. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.

Sanitary Sewer Fees

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

1. Lateral Sewer Charge.
2. Oversize Sewer Charge.
3. Oversize Sewer Area: #39
4. Trunk Sewer Area: Grantland
5. Sewer Facility Charge (Residential Only).

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4347
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

April 4, 2008

2131-IGR/CEQA
6-FRE-99-26.5+/-
A-07-008, R-07-029, C-07-308, T-5891, &TIS
MCCAFFREY MIXED-USE
SCH #2007121045

Mr. Will Tackett
City of Fresno Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Dear Mr. Tackett:

Caltrans has received the plan amendment, rezone, use permit, tract map, and Traffic Impact Study (TIS) for the mixed-use project located between West Gettysburg and West Ashlan Avenues, North Bryan and North Hayes Avenues. Caltrans has the following comments:

The project is expected to generate 546 AM and 854 PM Peak Hour trips. The project's TIS indicates that project trips would impact the State Route (SR) 99 interchanges at Shaw and Ashlan Avenues. Table VII of the project's TIS includes the traffic consultant's calculations for mitigation to the State Highway System. There are several discrepancies in Figure 10's peak hour numbers when comparing those shown in the 2025 Select Zone drawings of the SR 99 and Shaw Avenue intersection. Caltrans therefore recalculated the fair share, using the Council of Fresno County Governments' values over those in the project's TIS. Using the City's Formula, we have determined that this project's proportional share to mitigate for impacts to the identified interchanges is **$111,040**, as presented in the attached table (Attachment Number 1).

The City should consider a transit alternative for this project. There is sufficient development in this general area to support transit, and early planning could make such an alternative feasible. Caltrans recommends that this project be routed to Fresno Area Express (FAX) staff for their review and comment. Please see Attachment Number 2 for other recommended transportation alternatives.

If you have any questions, please call me at (559) 488-4347.

Sincerely,

Joanne Striebich

JOANNE STRIEBICH
Office of Transportation Planning
District 6

Attachments

C: State Clearinghouse
Mr. Scott Mozier, City of Fresno Public Works Department
Mr. Bryan Jones, City of Fresno Public Works Department
Ms Barbara Goodwin, Council of Fresno County Governments

ATTACHMENT NUMBER 1

Pro Rata Share Contributions Table
Tentative Tract No 5891
Ashlan and Bryan Avenues

PM	DESCRIPTION	PROPOSED IMPROVEMENT	ESTIMATED COST	COST/ TRIP	Project Trips	Project Contribution	NOTES
SR 99							
26.334	NB Off to Ashlan	Add turn lane	$1,537,000	$1,163	56	65,130	100 Unit Apartments TIS
26.554	Ashlan	Widen OC to add EB LT to Golden State Blvd	$1,307,900	$1,354	1	1,350	100 Unit Apartments TIS
28.102	Shaw OC	Widen OC (EB direction)	$1,130,252	$685	59	40,420	Fresport TIS
28.165	NB Off to Shaw	Add turn lane	$339,100	$345	12	4,140	Fresport TIS & Caltrans
	Total Pro Rata Share					$111,040	

ATTACHMENT NUMBER 2

CALTRANS RECOMMENDATIONS FOR TRANSPORTATION ALTERNATIVES:

Ongoing development throughout the City of Fresno, including this project, will make traffic operations significantly worse by adding considerably to delay and congestion. Transit alternatives can help reduce congestion and delay and reduce overall degradation of air quality and gridlocked intersections. The City of Fresno should focus on ways to eliminate trips in addition to enhancing capacity. Transportation alternatives the City should consider include standard highway solutions along with the following:

1. Park and ride facilities on site or within the proximity of this project.

2. A study of the general accommodation and provision of mass transit in this area to provide insight on ways of increasing transit usage.

3. Exploring the potential of commuter shuttles. The shuttle could be financed through an assessment district and provide a way for individuals to utilize a park-and-ride facility or commercial area parking lot and be shuttled to various commercial/office centers within the area. Commuters who need to go further could use City of Fresno transit if the City planned for convenient connections. This may help to reduce the Single Occupancy Vehicle (SOV) demand seeking to use the State Highway System.

4. Providing for continuity of non-motorized transportation.

5. Exploring the potential for employer-sponsored carpools/vanpools or monthly transit passes for employees as well as including as a condition of project approval a covered transit stop as mitigation for project-related impacts to the transportation/circulation system.

6. Exploring the potential for linking the purchase of a monthly transit pass with new residential development as partial mitigation for congestion and air quality impacts, and to ensure the long term viability of public transportation.

Pacific Gas and Electric Company

Kyle Patten
Land Agent
650 O Street Bag 23
Fresno, CA. 93760
Land Services

Phone: 559-263-5167
E Mail kap6&pge.com

*7373 Walker

December 12, 2007

RECEIVED
DEC 19 2007
Planning Division
Planning & Development Dept
CITY OF FRESNO

Development Department
Engineering Services Division
Land Division Section
2600 Fresno Street, Room 3043
Fresno, CA. 93721-3604
Attn: Dave Braun

Dear ~~Dave Braun~~, WILL TACKETT

We have received your request for comments notice for the TentativeTract Map No. 5891.

OUR FILE: Herndon- Kearney 230KV Tower line

Thank you for the opportunity to review and comment on the Tentative Tract Map No. 5891. Pacific Gas and Electric Company (PG&E) owns and operates an electric transmission tower line located within the proposed project's boundaries. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

PG&E hereby requests that the locations of each steel tower facility be deliniated upon the map. PG&E maintains that the location of the easement is monumented by the existing steel towers and their projected centerlines on the property.

It is imperative that PG&E review all improvement plans prior to any construction activity proposed within our easement area.

Some examples of activities that could have an impact upon our facilities include permanent/temporary changes in grade under or over our facilities, construction of structures within or adjacent to PG&E's easements and planting of certain types of vegetation under our electric facilities.

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facility relocation's require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Expansion of distribution and transmission lines and related facilities are a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

PG&E remains committed to working with the City of Fresno to provide timely, reliable and cost effective gas and electric service. Please contact me at 263-5167 if you have any questions regarding our comments. We would also appreciate being copied on future correspondence regarding this development.

Sincerely,

Kyle Patten
Land Agent

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

TO: Consultants, Developers & Engineers

FROM: Road Maintenance & Operations / Development Engineering Plans Review & Approval

SUBJECT: Developments Proposed In County Areas & Proposed For Annexation

The following conditions are required of development project plans for connection or adjacent to County areas where slated for annexation into incorporated cities:

1. Road Improvement Plans

- Any work required within OR connecting to the County right–of-way will require review, approval and encroachment permit issuance from County Road Maintenance & Operations.
- Striping plans as part of road improvement plans shall be submitted. See attached checklist.
- NOTE: Traffic control devices proposed requires approval. STOP signs, NO PARKING and traffic signals require Board of Supervisors review prior to plan approval/permit issuance. Allow 60 days for the approval.
- Traffic studies will be required where more than 10 trips/peak hour at intersections or 100 trips/days are generated on a road segment.
- **A plan check review fee of $1,300 is required with the 1st submittal for the improvement plans.**

2. Utility Plans

- Proposed or required relocations and undergrounding are to be submitted with the 1st submittal of the plans.
- Submittal of plans from the affected utility company with the 2nd submittal is required prior to plan review.
- **A plan check review fee of $640 is required with the 1st submittal for the Encroachment.**

3. Grading Plans

- Where adjacent to County areas, plans shall be submitted and reviewed by the Development Engineering Section of County Public Works.
- Annexation documents are required for verification of the limits of work to be reviewed, approved and permitted.
- A grading voucher will issued upon submittal of adequate information [per the attached list] and approval prior to grading in areas proposed for annexation.
- Lotting patterns for adjacent tracts proposed shall be provided where affected by proposed developments.

4. Traffic Control Plans / Road Closures

- Staff requires 48 hours review time from submittal to response for TCP (Traffic Control Plan) reviews.
- Lane closures are typically limited to between the hours of 9:00 am and 4:00 pm.
- No detours are permitted onto County of Fresno roadways that are not striped.
- Signs in the County's jurisdiction must be on posts where remaining in place longer than three days.
- No adjacent roadway is to be closed concurrently with an existing or proposed closure.
- Advanced notification by the developer/contractor is to be given to property owners, affected businesses and the motoring public affected by an upcoming/impending proposed closure.
- TCP's are required to reflect the most current edition of the California M.U.T.C.D.
- If any of the proposed closure or detour route is shown to be within a joint jurisdictional area, acceptance and agreement with that affected agency is required.
- Closures proposed to be long term must have a construction schedule submitted with the proposal to justify the duration requested. Liquidated damages at the rate of $1,200/day will be charged for closures exceeding the allotted period approved with the TCP.

Attachments: Road M&O Plan Check List, Dev Engr. Grading Voucher Checklist

11/19/2007

ROAD MAINTENANCE & OPERATIONS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4240 / FAX 262-4166
Equal Employment Opportunity • Affirmative Action • Disabled Employer

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS AND ENCROACHMENT PERMITS
MAINTENANCE & OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS AND PLANNING

Project:_____ Completed By:_____

Engineer:_____ Date:_____

The following checklist must be completed before plans can be accepted for review.
Date accepted for review: _____ By:_____

Screening for Plan Acceptance

Done (Init.)	N/A	
( )	( )	1) Pre – "Plan Preparation" mtg. with appropriate agency(ies) and engineering consultant staff held on _____.
( )	( )	2) Show existing and proposed right-of-way on plans.
( )	( )	3) Attach Conditions of Approval for land use entitlements to plans and mitigation measures if applicable.
( )	( )	4) Show "existing", "proposed", "to be relocated" and "to be removed" utilities and irrigation facilities on the plans. (The "Developer" is responsible for relocating any existing utility and irrigation facilities (within the County road right-of-way) to the correct alignment and grade.)
( )	( )	5) Provide written verification from all affected utility companies that required pole relocation design has commenced and all associated engineering fees paid.
( )	( )	6) Plans should be reviewed for existence of longitudinal irrigation facilities within R/W. If shown, special approval should be cleared before acceptance.
( )	( )	7) Plans should include a valid stamp and signature.
( )	( )	8) Provide Signing and Striping Plan showing existing pavement width, signs, and markings for a minimum of 300' (500' preferred) beyond project limits.
( )	( )	9) Provide note stating that a County encroachment permit is required.
( )	( )	10) Provide digital photos of the proposed project site.
( )	( )	11) Attach Traffic and Engineering Study for new intersection controls proposed (All way stops and Traffic Signals). Use Caltrans Traffic Manual warrants.
( )	( )	12) Show existing topographic information and show date in which data was collected on title sheet.
( )	( )	13) Provide structural section calculations to include 0.20 safety factor for County roads.
( )	( )	14) Provide documentation for proposed annexation.
( )	( )	15) Show jurisdictional lines (City & County) to include proposed annexation.
( )	( )	16) Allow a minimum of four weeks for Board of Supervisor's authorization for any proposed signal lights, stop signs, yield signs, speed zones or no parking zones.

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS & ENCROACHMENT PERMITS
MAINTENANCE & OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS & PLANNING

Project: _____ Completed by: _____

Engineer: _____ Date: _____

The following checklist will be completed before improvement plans can be approved.

Done (Init.) N/A

A. Plan Review Elements

1. Cross slope:

( ) ( ) a) 2% for new road (rural & urban areas)
( ) ( ) b) 2% to 3% for new road (mountainous area)
( ) ( ) c) 1% to 4% for existing road (50'-60' right-of-way)
( ) ( ) d) 1% to 3% for existing road (80'-110' right-of-way)

2. Side slope:

( ) ( ) a) Rural area: 2:1 maximum for fill slope; 1.5:1 maximum for cut slope; AC dike for fill> 3' and shoulder slope > 4:1
( ) ( ) b) Mountainous area; 2:1 maximum for fill slope > 5', 1 ½ ; 1 maximum for fill slope <5'; 1 ½: 1 maximum for cut slope
( ) ( ) c) Setback from property lines

3. Minimum culvert size:

( ) ( ) a) 18" outside FMFCD boundary
( ) ( ) b) 15" within FMFCD boundary

4. Curb return radius:

( ) ( ) a) 20' for local to local connection
( ) ( ) b) 25' for local to collector or arterial connection
( ) ( ) c) 25' for collector to collector connection
( ) ( ) d) 30' for arterial to collector connection
( ) ( ) e) 30' for arterial to arterial connection
( ) ( ) f) 30' for industrial road
( ) ( ) g) 40' for AC road approach

5. Vertical curve:

( ) ( ) a) Major road – Algebraic difference in profile grade > 0.5%
( ) ( ) b) Local road – Algebraic difference in profile grade $\geq$ 1.0%

6. Horizontal curve:

( ) ( ) a) Major road – deflection angle > 0.5°
( ) ( ) b) Local road – deflection angle $\geq$ 1.0°

7. Curb and gutter plan:

( ) ( ) a) Show proposed top of curb profile along site frontage.
( ) ( ) b) Show existing centerline profile along site frontage. Include at least 300' beyond each end of property or to existing cur, whichever is feasible.
( ) ( ) c) Show existing edge of pavement profile along site frontage. Include at least 300' beyond each end of property or to existing curb, whichever is feasible.

( ) ( ) d) Provide a minimum of 50' pavement transition at each end of proposed curb.
( ) ( ) e) Install wheelchair ramp at all curb returns.
( ) ( ) f) Provide a minimum of 0.2' fall around curb return and along valley gutter.
( ) ( ) g) Delineate existing and proposed curb/gutter, sidewalks, driveway approaches and pavement limits on the plan.
( ) ( ) h) Curb & gutter grades shall conform to FMFCD Master Drainage Plan.
( ) ( ) i) Curb & gutter plans must be submitted to and approved by FMFCD.
( ) ( ) j) Breakover angles.

8. Flood hazard:

( ) ( ) a) Submit drainage study.
( ) ( ) b) The hinge point of proposed road shall be a minimum of 12" above the 100-year high water level (site within FMFCD boundary excepted)
( ) ( ) c) Runoff from the development should be kept out of natural swales which drain to downstream areas as much as practical. In any case, this runoff should not exceed pre-development conditions.

9. Drainage:

( ) ( ) a) Provide AC gutter, dike or erosion controls at profile grade steeper than 1%.
( ) ( ) b) The hinge point of proposed road shall be a minimum of 12" above the gutter flowline.
( ) ( ) c) Spillway of drainage basin shall be a minimum of 6' wide and 2:1 maximum side slope.
( ) ( ) d) Submit drainage and grading plan showing how runoff will be taken care of without causing problems to roads or other properties if draining to natural channels.
( ) ( ) e) Show contour lines or adequate elevations on the plan.

10. Minimum gutter slope:

( ) ( ) a) 0.15% for dirt gutter, prefer 0.20%.
( ) ( ) b) 0.10% for concrete gutter, prefer 0.15%

11. Minimum structural section:

( ) ( ) a) 0.17' AC/0.35'AB/0.50' compacted native soil (95% compaction) on interior road.
( ) ( ) b) 0.17' AC/0.35'AB/0.50' compacted native soil (95% compaction) on existing County maintained road. Provide structural section calculations.

12. PM-10 Standards:

( ) ( ) a) Show pavement width to be a minimum of a 12' travel lane plus a 4' paved shoulder for ADT less than 3000.
( ) ( ) b) Show pavement width to be a minimum of a 12' travel lane plus an 8' paved shoulder for roadways with ADT greater than 3000.

NOTE: a 17' travel way with an AC dike may be used in lieu of the 12' + 8' listed above. The dike must be mountable with a 4:1 max slope for parking or if a Type 'A' Dike is proposed, Board of Supervisors approval is required for prohibition of parking.

13. Traffic Engineering Design:

( ) ( ) a) Provide all supporting information (auxiliary lane justification, intersection control warrants, Speed zones and parking prohibition) **NOTE**: BOS approval is required for prohibition of parking in excess of 200 feet in length.
( ) ( ) b) Show stop signs for cross streets that intersect through roads. NOTE: Stop signs for cross Streets other than through roads must be approved by the BOS.
( ) ( ) c) Reference plans to County of Fresno Improvement Standards, noting design speed used.
( ) ( ) d) Show transition lengths based on the formula L=WS per Caltrans Design Manual.
( ) ( ) e) Show all bay tapers to be 120'.
( ) ( ) f) Show and label all existing signing, striping and pavement markings within a minimum of 300 feet of the limits of construction (including street name signs) and not whether they are to remain, be relocated or removed.
( ) ( ) g) Show, label and dimension all types of striping.
( ) ( ) h) Show and identify proposed appropriate signing and striping.

( ) ( ) i) Show all signs to be located in the right-of-way and show that they are adequately visible.
( ) ( ) j) Show adequate intersection sight distance within right-of-way for all intersections and driveways.
( ) ( ) k) Show all obstructions to be removed or relocated to a minimum of 4' from the edge of pavement including utility poles.
( ) ( ) l) Provide 10' minimum clearance between edge of pavement and right-of-way unless otherwise approved by this office

14. Traffic Signal Design:

( ) ( ) a) Provide G7 street name signs mounted on mast arms.
( ) ( ) b) Show all signals to have 12" LED.
( ) ( ) c) Show pedestrian signals except a rural locations without pedestrian traffic.
( ) ( ) d) Show loop detectors to be installed in PVC conduit.
( ) ( ) e) Show appropriate loop detector spacing based on speed limit or maximum speed.
( ) ( ) f) Show all signal conductors to be contained in cable (vehicle-7, pedestrian-5, PPB-3).
( ) ( ) g) Show far and intermediate detectors for all approaches with speed in excess of 40 mph.
( ) ( ) h) Show signal poles to be 3.5' minimum (4'preferred) from edge of pavement or face of curb, whichever is greater.
( ) ( ) i) Verify that signal facilities will be compatible with future improvements.

15. Schools:

( ) ( ) a) Provide all pertinent support data.
1. School pedestrian study.
    a) Sidewalks.
    b) Suggested route to school.
2. Pedestrian volumes.
3. School attendance boundary.
4. On-site circulation for staff, buses, parents and students.

16. Utilities:

( ) ( ) a) General notes should require a USA check, and a statement that any obstructions in the roadway shall be relocated outside the paved area.
( ) ( ) b) Utility company pole relocation and required infrastructure installation plans corresponds with proposed road improvements.

17. Other:

( ) ( ) a) Record drawings or certification of compliance (from Engineer of record) may be required upon completion of the improvements within the road right-of-way.
( ) ( ) b) Review access points for compatibility with County road classification.
( ) ( ) c) Complete set of original plans should be submitted for County approval/signing.
( ) ( ) d) Confirm notification to property owners.

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS AND ENCROACHMENT PERMITS
MAINTENANCE AND OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS AND PLANNING

Project: _____ Completed by: _____

Engineer: _____ Date: _____

Done N/A
(Init.)

B. Permit Issuance Conditions:

( ) ( ) a) Board of Supervisor's consent for any City R/W acquisition.
( ) ( ) b) Copy of recorded deeds for all R/W acquisitions.
( ) ( ) c) Board approval needed for new stop sign or signal installation prior to plan approval.
( ) ( ) d) Section A.17.e should be accomplished.

Comments:

_____
_____
_____
_____
_____

( ) ( ) d) Construction Schedule to include time for utility relocation.

( ) ( ) e) Additional Requirements

_____

Note:

Contractor/Developer should be reminded that two (2) sets of the approved plans should be submitted to the County of Fresno Department of Public Works and Planning, Road Maintenance and Operations Division *before* any encroachment Permit will be processed.

County of Fresno
DEPARTMENT OF COMMUNITY HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

December 14, 2007

999999999
LU0014546
PE 2602

Will Tackett
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5891, R-07-029, C-07-308, A-07-008, The McCaffrey Group

PROJECT DESCRIPTION AND LOCATION: Proposes a 647-lot planned development subdivision on 130-acres and associated rezoning located between West Gettysburg and West Ashlan Avenues, and between North Bryan and North Hayes Avenues.

LIST THE SPECIFIC ADVERSE IMPACTS IN YOUR AREA OF EXPERTISE WHICH MAY RESULT FROM APPROVAL OF THE PROPOSED PROJECT.

PLEASE LIST SPECIFIC MITIGATION MEASURES THAT YOU WOULD RECOMMEND AS CONDITIONS OF PROJECT APPROVAL TO REDUCE ANY SIGNIFICANT ADVERSE IMPACTS.

[ ] **AN ENVIRONMENTAL IMPACT REPORT:** The project has the potential to result in significant adverse environmental impacts.

[X] **A NEGATIVE DECLARATION:** The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environmental Impact Report.

[ ] **NEITHER OF THE ABOVE, INSUFFICIENT INFORMATION TO DRAW ANY CONCLUSIONS:** The following additional information should be provided:

- Construction permits for the 647-lot planned development subdivision should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

- Construction permits for the 647-lot planned development subdivision should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

- The Fresno County Department of Community Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

  Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

  The Department of Community Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Ed Yamamoto, Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.

- The conditions as described in the "Conclusions and Recommendations" section on page nine (9) of the Acoustical Analysis prepared by Brown Buntin Associates, Inc., dated June 1, 2007 & revised on November 8, 2007 should be accepted as mitigation measures for the project. Without these measures the proposed noise sensitive receivers will be subjected to a level of noise in excess of the City of Fresno Noise Element standards.

Comments/Concerns Specific to the Proposed Rezone:

- Since specific tenants for this application have not been identified, the full range of C-1 uses will be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, storage of medical wastes, and potential noise nuisances.

Recommended Conditions of Approval Specific to the Proposed Rezone:

- Should a retail food establishment be proposed, prior to issuance of building permits, the tenant shall submit complete food facility plans and specifications to the Fresno County Department of Community Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3392 for more information.

- Prior to operation, prospective tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

- Prospective tenants should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.

- Certain uses allowed may utilize underground storage tanks. If such a use is proposed, then prior to the issuance of building permits, the applicant or future tenants shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency, at (559) 445-3271 for more information.

- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Hazardous Program Agency at (559) 445-3271 for more information.

- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

REVIEWED BY:

Glenn Allen, Environmental Health Specialist III

(559) 445-3357

ga

cc: Ed Yamamoto, Environmental Health Division

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Arnold Schwarzenegger
Governor

January 7, 2008

Mr. Will Tackett
City of Fresno
Planning and Development Department
2600 Fresno Street
Fresno, California 93721

EARLY CONSULTATION FOR THE A-07-008; R-07-029; C-07-308 & T-5891 PROJECT (SCH #2007121045)

Dear Mr. Tackett:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes building residential housing on agricultural land. DTSC recommends that research be conducted to determine whether pesticides were used on the proposed development site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.

In addition, although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

Please contact me by email at tmiles@dtsc.ca.gov or by telephone at (916) 255-3710, if you have any questions.

Sincerely,

Tim Miles

Tim Miles
Hazardous Substances Scientist

cc: Planning & Environmental Analysis Section (PEAS)
CEQA Tracking Center
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806

375

Printed on Recycled Paper

cc: State Clearinghouse
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613

Mr. Tim Casagrande, Deputy Director
Fresno County Community Health Department
1221 Fulton Mall, Third Floor
Fresno, California 93775

OFFICE OF

FRESNO IRRIGATION DISTRICT

YOUR MOST VALUABLE RESOURCE - WATER

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

December 11, 2007

RECEIVED

DEC 14 2007

Planning Division
Planning & Development Dept
CITY OF FRESNO

Mr. Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: VTTM 5891, A-07-008, R-07-029 and C-07-308 North of Ashlan to Gettysburg Avenue between Hayes and Bryan Avenues

Dear Mr. Tackett:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. 5891, Common Use Permit C-07-308, Rezone Application R-07-029 and Plan Amendment Application A-07-008 development located North of Ashlan to Gettysburg Avenue between Hayes and Bryan Avenues which has no impact on any of FID's facilities. FID approves the proposed development with the following conditions:

1. FID does not own, operate or maintain any facilities located on the applicant's property.
2. FID expects no adverse impacts from the approval of the subject proposal.
3. For informational purposes, a private pipeline known as the Wheaton No. 518 traverses the subject properties as shown on the enclosed map. FID suggests the developer and/or the developers engineer contact FID at their earliest convenience to determine if this private pipeline can be abandoned.
4. For informational purposes, a private pipeline known as the Gopher Hole No. 481 runs north to south on the eastside of Hayes Avenue as shown on the enclosed map.

Thank you for submitting this for our review. Please feel free to contact me with any questions or concerns at 233-7161 extension 321 or sbloem@fresnoirrigation.com.

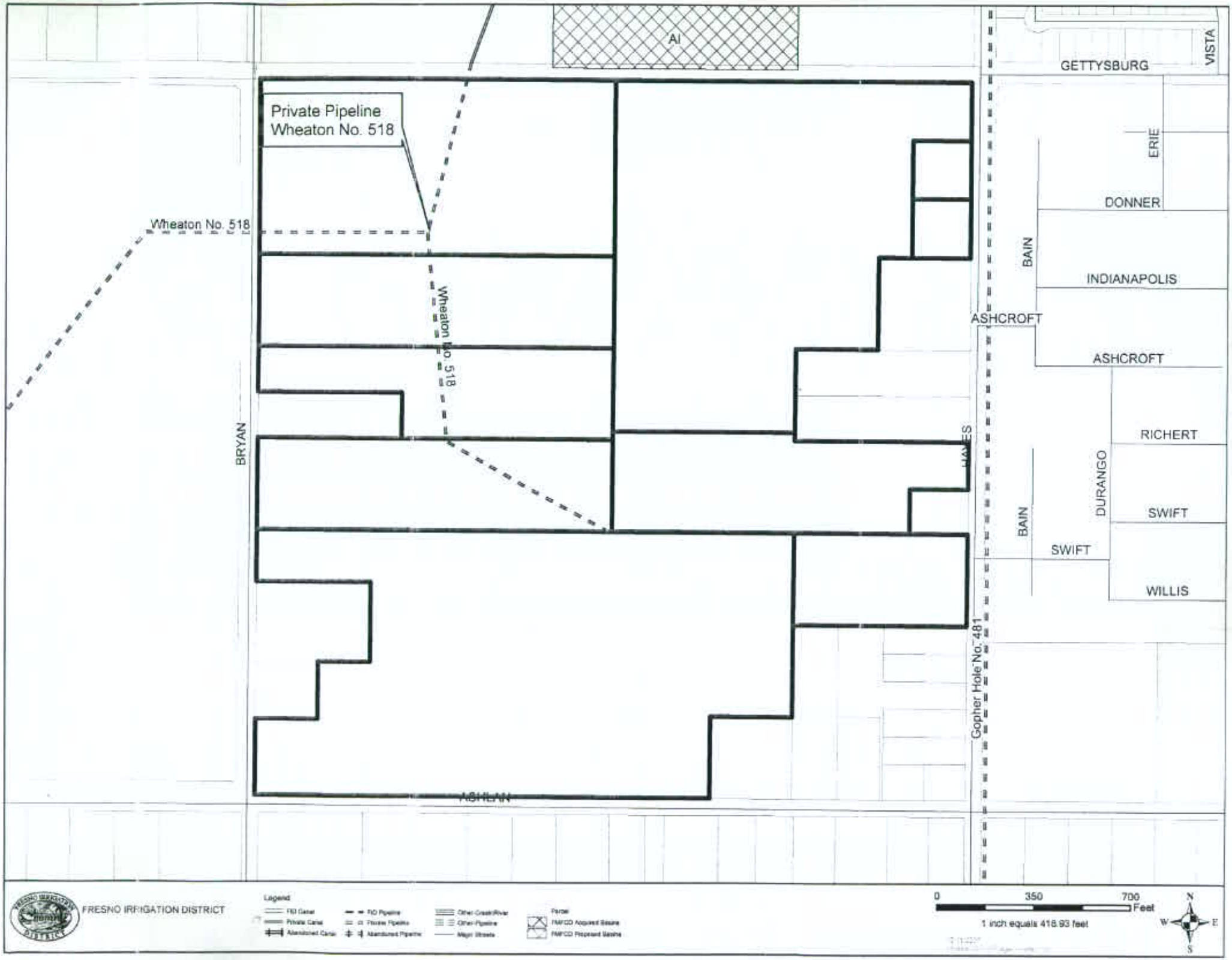
Sincerely,

Steve Bloem
Engineering Technician

Enclosure

G:\Agencies\City\TM5891,R-07-29,C-07-308,A-07-008.doc

BOARD OF DIRECTORS President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
EDDIE NIEDERFRANK, STEVE BALLS, TOM E. STEFFEN, General Manager GARY R. SERRATO


AI
GETTYSBURG
VISTA
Private Pipeline
Wheaton No. 518
Wheaton No. 518
Wheaton No. 518
ERIE
DONNER
BAIN
INDIANAPOLIS
ASHCROFT
ASHCROFT
BRYAN
HAMES
RICHERT
DURANGO
SWIFT
BAIN
SWIFT
WILLIS
Gopher Hole No. 481
ASHLAN
FRESNO IRRIGATION DISTRICT
Legend
0
350
700
Feet
1 inch equals 416.93 feet
N
W
E
S

CENTRAL UNIFIED SCHOOL DISTRICT

OPERATIONAL SERVICES
4605 North Polk Avenue • Fresno California 93722
Phone: (559) 274-4700 ext. 105 • FAX: (559) 276-5515

Bert Contreras, Director - Operational Services

Facilities Project Manager
Eddie Davidson, Work Control Manager
Diane Komoto, Transportation Director
David Deel, Facilities Planning Manager

January 23, 2008

City of Fresno
Development Department – Planning Division
2600 Fresno Street
Fresno, CA 93721
Fax: 488-1020

RECEIVED
JAN 28 2008
Planning Division
Planning & Development Dept
CITY OF FRESNO

Attn: Will Tackett

Subject: **TT 5891** (R-07-29 & C-07-308)

Central Unified School District has the following conditions/comments for the above project(s):

Condition of approval:

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

2. Install concrete sidewalks/curbs/gutters on both sides of the interior streets for the proposed project in a manner consistent with the existing subdivisions in the area and to City standards.

3. A school bus stop shall be constructed on the west side of Hayes Avenue within the subdivision frontage per attached specifications.

Comments:

The proposed project will add approximately **373** K thru 12th grade students to the District's average daily attendance. The following chart identifies the breakdown per grade level.

Number of lots / units =	647
Grade Level:	# of Students Generated
K-6 grade students	232
7-8 grade students	61
9-12 grade students	79
TOTAL K-12 grade	**373**

The District will be caused to accommodate these new students short term at the schools of attendance indicated below. To offset the cost to house these students, the District currently levies development fees of **$4.15** per square foot for residential development and **$0.42** per square foot for commercial / industrial development.

Bus transportation may be provided to students in accordance with District policies in effect at the time of enrollment. Currently, bus transportation is provided for:

- K-8th grade students residing at least *one mile or more* from their school of attendance;
- 9th-12th grade students residing at least *two miles or more* from their school of attendance.

The District is an advocate for safe walking routes. Sidewalks will be required along interior neighborhood streets and major exterior streets to provide the necessary identifiable boundary between students and traffic, and provide a safe place for students walking to and from existing school sites and bus stops.

The District acknowledges that per the above transportation policies students from this tract will most likely walk to their respective schools of attendance located at the Educational Center which is adjacent to this proposal at the southwest corner of Gettysburg and Bryan Avenue. Construction of the Educational Center has started with the completion of the elementary school phase. Depending on the timeline for construction of the proposed tract 5891, subsequent phases of the educational center will be completed and are described in more detail below.

However, until all phases of the educational center are completed, the current school of attendance information is provided:

- Elementary School Information:

  School Name: Harvest Elementary
  Address: 6514 W. Gettysburg Avenue

- Middle School Information:

  School Name: El Capitan Middle School
  Address: 4443 W. Weldon Ave.

- High School Information:

  (a) School Name: Central High School – East Campus
  Address: 3535 N. Cornelia Ave

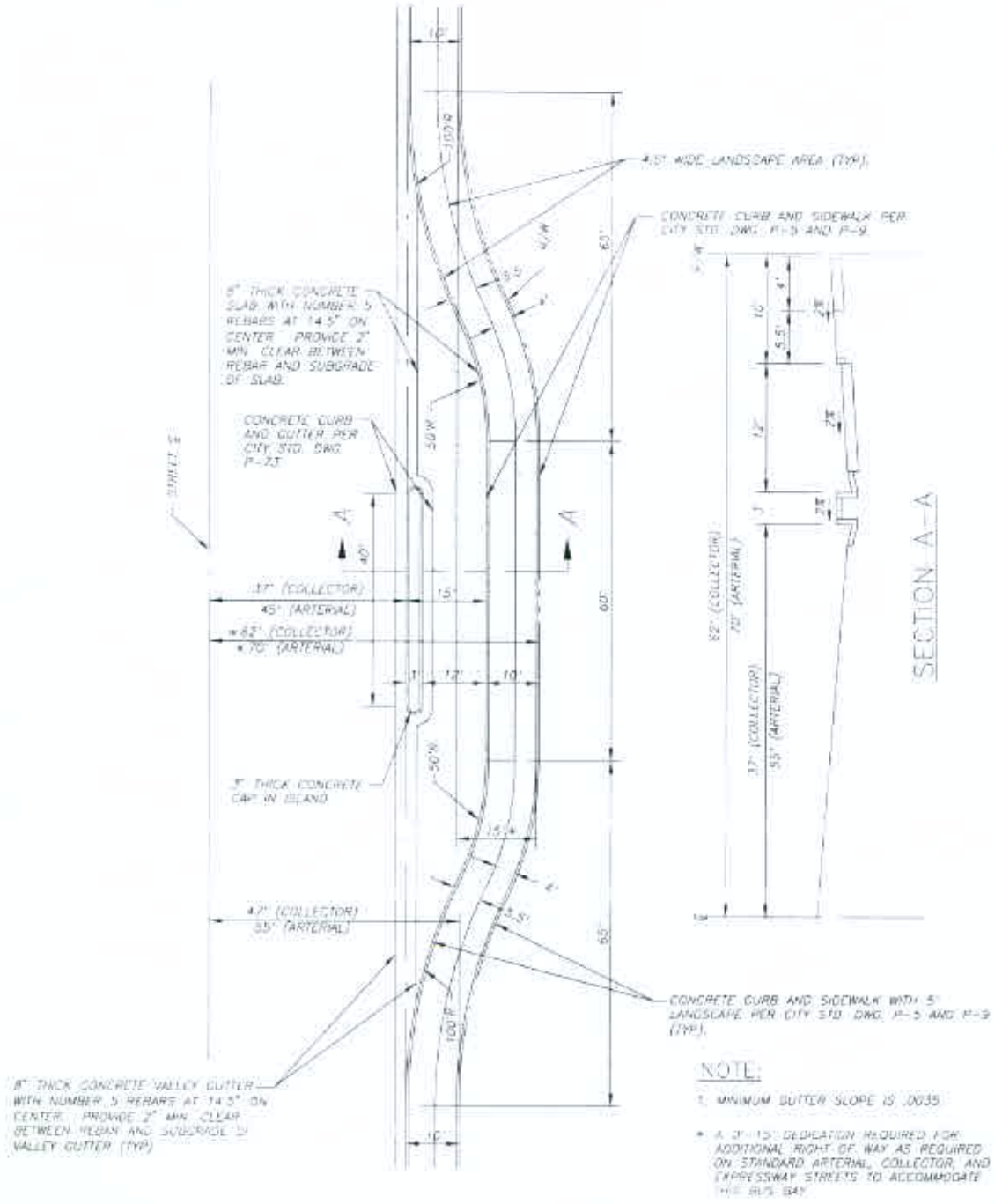
  (b) Currently, Central High School - *West* Campus is a mandatory attendance 9th grade school with optional programs for grades 10th -12th.

The District appreciates the opportunity to comment on above project. Should you have questions or need additional information, please contact me at 559-274-4700 x154 or hcontreras@centralusd.k12.ca.us.

Sincerely,

Bert Contreras
Director, Operational Services

cc: David Deel
FILE



NOTE:

1. MINIMUM GUTTER SLOPE IS .0035

* A 3'-15' DEDICATION REQUIRED FOR ADDITIONAL RIGHT OF WAY AS REQUIRED ON STANDARD ARTERIAL, COLLECTOR, AND EXPRESSWAY STREETS TO ACCOMMODATE THE BUS BAY

SCHOOL BUS TURNOUT
FOR
COLLECTOR AND LOCAL STREET

BLAIR, CHURCH & FLYNN
CONSULTING ENGINEERS

TEL (559) 291-5507 FAX (559) 291-2945

DR. BY:	DATE	SCALE	SHEET
P.C.	9-10-04	NO SCALE	1 of 1

Drawing: P:\204-0366\Dwg-Site\Dwg\Turnout.dwg, Layout1
Plot by: paul Dec 13, 2005 - 9:27am

EXHIBIT L

EXHIBIT L

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

NOVEMBER 05, 2008

VESTING TENTATIVE TRACT MAP NO. 5891/UGM

BETWEEN WEST ASHLAN AVENUE AND THE WEST GETTYSBURG AVENUE ALIGNMENT; AND, BETWEEN NORTH BRYAN AND NORTH HAYES AVENUES

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

NOTICE TO PROJECT APPLICANT

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

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008, the subdivider may prepare a Final Map in accordance with the approved tentative map, and related Rezone Application No. R-07-29.

2. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.

3. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

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

5. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and

shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.

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

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

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

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

10. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the City and County of Fresno and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of the Final Map of Vesting Tentative Tract No. 5891/UGM.

11. No portion of any lot within this proposed subdivision shall encroach into, or be located within, the Pacific Gas and Electric Company (PG&E) transmission line easement on the subject property.

GENERAL INFORMATION

12. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.

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

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

    a) Pursuant to the California Environmental Quality Act it is the lead agency's responsibility to evaluate all resources within a project area for possible eligibility to the California Register of Historical Resources (PRC 21084.1). The City of Fresno's 2025 General Plan also directs staff to review all demolition permits (within the City) for resources over 50 years of age for their potential listing on the Local Register of Historical Resources (G-11-c).

        - NOTE: A historic survey was prepared for the subject property as part of the processing and evaluation of Plan Amendment Application No. A-07-008. Based upon the information submitted within the consultants survey report, staff concurs with the consultant's findings; there are no historic resources for the purposes of the California Environmental Quality Act.

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

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

17. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation measures.

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

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

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

a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;

b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and

c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.

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

LANDSCAPING AND OPEN SPACE

20. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-b of the West Area Community Plan, the subdivider shall provide a minimum 20-foot wide landscaped area (and irrigation system) along the south property line of all lots with frontage along West Ashlan Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

21. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-C of the West Area Community Plan, the subdivider shall provide a minimum 15-foot wide landscaped area (and irrigation system) along the north property line of all lots with frontage along West Gettysburg Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

22. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-C of the West Area Community Plan, the subdivider shall provide a minimum 15-foot wide landscaped area (and irrigation system) along the east property line of all lots with frontage along North Hayes Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

23. Pursuant to Section 12-1011-f-3 of the Fresno Municipal Code and in accordance with Policy W-3-C of the West Area Community Plan, the subdivider shall provide a minimum 15-foot wide landscaped area (and irrigation system) along the west property line of all lots with frontage along North Bryan Avenue (excepting Outlot "CK" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which is to be dedicated for private street purposes).

24. A minimum two to five percent (2%-5%) of the site (less major street dedications) should consist of common passive/active open spaces comprised of pocket parks, tot lots, trails, pedestrian ways, and landscaped areas beyond minimum major street setbacks. Paseo corridors are strongly encouraged through subdivisions that connect to streets, destination, and other subdivisions.

a) Major street entryways should contain enhanced landscaping (and irrigation systems), surface materials, and fencing/wall treatments that respectively improve and better define a project's visual image and character.

i) The subdivider shall provide a minimum 10-foot wide landscaped strip on the west property line (local street side property line) of Lot 5 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

- NOTE: The landscaped strip shall extend to the front yard setback of said lot.

ii) Outlots "A," "T," "AI," "AT" & "CJ" of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which are proposed to be located adjacent to the major street entryways into the subdivision shall be dedicated for Open Space purposes and shall be landscaped and maintained in accordance with the conditions below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

b) The proposed subdivision shall incorporate aggregated open spaces which are centrally located, linked with landscaped pedestrian connections/walkways, and provided for active recreational purposes.

- NOTE: Generally, the aggregated open spaces shall have a minimum area of 10,000 square feet, with minimum dimensions of 70 feet by 100 feet.

i) The developer/owner shall landscape Outlots "F," "V," "W," "AA," "AO," "AP," "AQ," "AR," "AY," "BN" & "BS" of Vesting Tentative Tract Map No. T-5901/UGM dated October 30, 2008 and maintain said lots in accordance with the conditions listed below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

c) Landscaped pedestrian connections/walkways shall be provided for all subdivisions in order to link neighborhoods and to provide residents the opportunity to reach destinations, including (but not limited to) residences, bus stops, trails, parks (including mini, neighborhood, community, regional parks, etc.), schools, shopping centers, other subdivisions, etc.

i) The developer/owner shall landscape Outlots "A," "B," "K," "BM," "BP," "BS," "BW," "BY," "BZ," "CC," "CD" & "CJ" of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008, and maintain said lots in accordance with the conditions listed below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

ii) All proposed landscaped pedestrian connections or paseos, entryways and pathways, shall be improved in accordance with the approved landscape improvement plans, which are to be submitted to the Planning and Development Department for review and approval prior to Final Map approval.

- NOTE: Lighting details shall be provided with the submittal of the landscape improvement plans.

iii) Outlots ""BP," "BS" & "CD" of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 are also proposed to be dedicated for parking purposes.

- NOTE: Visitor parking areas and off-street parking geometrics shall be provided in accordance with Public Works Department standards, specifications, and policies.

d) Provide a minimum eight-foot wide landscaped strip at the end of all interior blocks. All "end-block" landscape treatments shall be maintained in accordance with the conditions listed below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

e) Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the conditions listed below.

- NOTE: Compliance with the City of Fresno "Anti-Graffiti Landscape Buffer Development and Planting Standards" shall be demonstrated and determined through submittal of the improvement plans for all required landscaping and irrigation systems to the Planning and Development Department for review prior to Final Map approval as indicated below.

f) Improvement plans for all required landscaping and irrigation systems shall be submitted to the Planning and Development Department for review and approval prior to recordation of the Final Map.

Street Tree Requirements

25. Comply with all of the requirements of the Department of Public Works memorandums dated December 18, 2007.

26. 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 landscape easements. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage by the developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards.

Maintenance

27. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer. If the Council or property owner/developer chooses not to include all of the items or certain items listed in a Community Facilities District (CFD), the property owner/developer shall be responsible for providing a mechanism approved by the City of Fresno for maintenance of such items.

a) Maintenance of all landscaping and irrigation systems as approved by the Public Works Department within the street right-of-ways (includes parkways and one-half of median islands in major streets), landscape easements, trails and outlots associated

with the subdivision. All outlots shall be dedicated to the City of Fresno for maintenance purposes and any related work required.

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

b) Maintenance of sidewalks and street furniture as approved by the Public Works Department within the street right-of-way and the landscape easements associated with the subdivision.

c) Maintenance of all landscape and irrigation systems on sides and in medians, decorative concrete and pilasters included as entry treatments to the tract.

d) Maintenance of all local street curbs, gutters and sidewalks, and median islands as approved by the Public Works Department within the boundary of the tentative map.

e) Maintenance and operating costs of all local street lights as approved by the Public Works Department within the boundary of the tentative map.

f) Maintenance of all street trees as approved by the Public Works Department within the boundary of the tentative map.

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

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

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

30. Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

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

32. Should the City Council or owner/developer choose not to include the maintenance items listed above in a CFD, then the property owner/developer shall create a homeowners' association for the maintenance of these items and proposed private streets, utilities, and walls/gates.

    a) The subdivider shall establish a Home Owners' Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

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

    b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs dated January 11, 1985.

PROPERTY DEVELOPMENT STANDARDS & ZONING

Lot Area and Dimensions

33. Pursuant to Section 12-306-N-21 of the FMC the Director of the Planning and Development Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:

    a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

Building Setbacks

34. Building setbacks shall be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-07-308 dated November 05, 2008 and Exhibit(s) "A" dated October 30, 2008.

Fences, Hedges & Walls

35. Construct a six-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code at the rear of the required landscaped areas along West Ashlan and West Gettysburg

Avenues; and, at the rear of the required landscaped areas along North Bryan and North Hayes Avenues.

a) The six-foot high solid masonry wall (at finished grade of proposed site) shall be continued at the rear of the required landscaped strips on the local street side of the proposed lots abutting the entry street to the subdivision (west property line of Lot 5 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008).

36. Construct a six-foot high solid masonry wall; or, City of Fresno approved equivalent two-ply or double-sided wood fence, (at finished grade of proposed site) along all property lines of Outlots, that are proposed to be dedicated for Park/Open Space purposes within Vesting Tentative Tract Map No. T-5891/UGM dated October 30, 2008, and which abut adjacent property planned or zoned for residential use.

- NOTE: Exceptions to this condition are permitted in those circumstances where the main entryway into a proposed dwelling unit faces the abutting property line, and pedestrian access is afforded through the Outlot.

a) Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and Development Department for review prior to Final Map approval. City of Fresno approved equivalent wood fences shall be constructed in accordance with the City of Fresno, Planning and Development Department Fence Detail "F-1."

- NOTE: The height of the required walls (or approved equivalent wood fences) may be increased to a maximum seven feet along all property lines of Outlots which abut adjacent property planned or zoned for residential use.

b) The required six-foot high solid masonry wall (or approved equivalent wood fence) shall be increased to seven feet in height along the following property lines, which abut adjacent property planned or zoned for residential use:

Lot(s):	Property Lines:
Outlot "T"	West (adjacent to Lot 6)
Outlot "V"	East
Outlot "W"	East & West
Outlot "AA"	West
Outlot "AP"	North & South
Outlot "AQ"	East & West
Outlot "AR"	East & West
Outlot "BS"	West
Outlot "CC"	North & West (adjacent to outlying property)
Outlot "CJ"	West (adjacent to Lots 351-353)

- NOTE: The height of said walls or fences to be constructed along the property lines of the Outlots as referenced above, shall be reduced to a maximum three feet in height within the front yard setback area of abutting residential lots.

37. Construct a six-foot high solid masonry wall; or, City of Fresno approved equivalent two-ply or double-sided wood fence, (at finished grade of proposed site) along the following property lines, which are between proposed residential lots and rural residential parcels

that are between one-half and two acres in size and developed with at least one dwelling unit:

Lot(s):	Property Lines:
109-116	South, rear
245-248	West, rear
474-477	South, rear
481	South, side
485	North, side
633 & 634	East, rear

38. Construct a seven-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code at the rear of the required landscaped areas along the west property line of Lot 474 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

39. Construct a six-foot high solid masonry wall; or, City of Fresno approved equivalent two-ply or double-sided wood fence, (at finished grade of proposed site) along those portions of the Outlot "CK" (Private Street/Alley) alley segments which abut the adjacent rural residential parcel, Assessor's Parcel Number 512-070-16.

40. Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and Development Department for review prior to Final Map approval.

41. All landscaping adjacent to walls or fences shall comply with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

    - NOTE: Compliance with the City of Fresno "Anti-Graffiti Landscape Buffer Development and Planting Standards" shall be demonstrated and determined through submittal of the improvement plans for all required landscaping and irrigation systems to the Planning and Development Department for review prior to Final Map approval as indicated above.

42. Provide a corner cut-off area at all entryway intersections, where walls or fences are required, in accordance with Section 12-306-H-3-d of the FMC. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection. At the intersections of streets, this distance is 30 feet. The corner cut-off area shall be landscaped (including an irrigation system), and may be included within the City's Community Facilities District.

Zoning

43. Vesting Tentative Tract Map No. T-5891/UGM is subject to City Council approval of Rezone Application No. R-07-029.

SOLID WASTE SERVICE

44. Solid waste disposal for the subdivision shall be provided by the City of Fresno. The subdivision will be serviced as single family residential properties with Basic Container Service.

45. Comply with all of the requirements of the attached Department of Public Utilities, Solid Waste Division memorandum dated September 10, 2008.

PARK FEES

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

47. Outlots "F," "T," "V," "W," "AA," "AO," "AO," "AQ," "AR" & "BS" of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 shall be dedicated and maintained for open space purposes and may not be developed with other uses. **Pursuant to proposed City policy, these open space areas may be applied as a fee credit against the City's Parkland Dedication/In-Lieu Fee (Quimby Act) and/or Park Facilities Fee, as appropriate.**

FIRE SERVICE

This project is within three miles of temporary Fire Station No. 16 and permanent Fire Station 16.

48. The project is subject to city wide fire service fees.

49. Access is not acceptable: Dead end streets shall not exceed 450 feet without providing a second point of access.

    a) Lots 96-101, 108-123, 331, 334 of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, are all over 450 feet from a single point of access. These lots will need a second point of access or shall be provided with fire sprinkler systems.

        i) Lots requiring fire sprinklers shall have a covenant agreement filed per lot stating the fire sprinklers are a condition of the tract; or,

        ii) Provide details for emergency access in lieu of fire sprinklers.

            - NOTE: Gates, posts, or other barriers suitable to the Fire Department are required to be installed at the entrance to an emergency access only roadway.

            - NOTE: The entrance to all emergency accesses shall be posted with permanent signs: "FIRE ACCESS" (in six-inch letters), "VEHICLES REMOVED AT OWNER'S EXPENSE" (in two-inch letters), "FRESNO POLICE DEPARTMENT 621-2300 (in one-inch letters.

            - NOTE: Emergency accesses are required to be dedicated fire protection easements.

50. All private streets and driveways that are provided for emergency access for Fire Department use shall be constructed to a minimum unobstructed width of 20 feet.

a) No parking is allowed in the alleys. Alleys Shall meet Public Works Standard API-17 with a reduced turn radius as shown in the standard.

b) The 32-foot wide streets proposed for utilization in the tract are subject to further review and comment per Standard API-2A.

- NOTE: Upon further review the streets may be approved as shown or some areas may need to be identified as fire lanes.

51. Phasing of the project will required additional review for access and hydrants.

52. Provide residential hydrants and fire flows per Public Works Standards with two sources of water.

    a) Coordinate street hydrant locations with the Department of Public Works.

53. Comply with all of the requirements of the attached Fresno Fire Department memorandum dated September 16, 2008.

STREETS AND RIGHTS-OF-WAY

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

55. Provide curb ramps at all corners within the limits of this subdivision.

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

57. Local street lengths exceeding 800 feet and four way intersections require traffic calming measures.

58. Local streets shall be designed with a minimum 250-foot turning radius.

59. Underground all existing off-site overhead utilities and proposed utility systems within the limits of this map in accordance with FMC Sections 12-1011 and Resolution No. 78-522/88-229.

60. The following shall be submitted, as applicable, in a single package to the Planning and Development Department for review and approval:

    a) Signing and striping plans (per current California Department of Transportation standards);

    b) Street Construction Plans;

    c) Traffic Signal, Streetlight, and Trail Lighting plans; and,

    d) Landscape and irrigation plans (median island and street trees within all parkways).

- NOTE: The Developer is responsible to relocate all obstructions (e.g., poles, fencing, mailboxes, etc.) and make adjustments as necessary, within the area of construction.

61. If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, the subdivider shall pay all costs and fees associated with the City environmentally assessing the outlot to insure that it 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 environmental assessment. The environmental assessment shall be completed and all fees and costs for said environmental assessment shall be paid to the City prior to subdivider's submittal of the Final Map for City approval.

62. If not abandoned, the developer shall enter into an agreement with the owner of the private irrigation canal providing for piping the canal and submit an executed copy of the agreement or commitment letter from the owner of the private canal to the Planning and Development Department.

    - NOTE: The proposed easement shall be identified and a final cross-sectional detail provided on the map.

    a) All piping shall be located outside of the proposed street right-of-way.

    b) Any piping across City streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street.

    c) Submit engineered plans to the Public Works Department, Engineering Division for review and approval.

63. Comply with all of the requirements of the Public Works Department, Engineering Division memorandum dated September 17, 2008 (except as may be modified herein with respect to street names, outlots, and technical information revised on the map subsequent to the date of said memorandum).

    - NOTE: The timing of improvements may be based upon phasing of the proposed project pursuant to a determination by the Traffic Engineering Manager. Attached is a copy of an approved exhibit, dated August 15, 2008, which identifies the potential phasing of improvements. The phasing of improvements may be subject to change by the Traffic Engineering Manager if determined appropriate or necessary for public health and safety purposes.

MAJOR STREETS

North Bryan Avenue (Collector):

64. Dedicate 47-55 feet of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards.

    a) Match up with approved plans from Blair, Church and Flynn. (A 17-foot offset from section line was used.)

65. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct a six-foot residential

sidewalk per Exhibit "D." A two-foot pedestrian easement is required. Identify on the map.

66. Dedicate a 15-foot (minimum) easement for landscape and pedestrian purposes only to accommodate the planned bicycle and pedestrian trail for this portion of North Bryan Avenue. The dedicated easement and right-of-way shall provide for an eight-foot planter, eight-foot sidewalk, and 9 feet of landscaping.

    a) The bicycle portion of the trail shall be accommodated within the street. Stripe and sign to City standards.

67. Construct an 80-foot bus bay curb and gutter at the northeast corner of the intersection of North Bryan and West Ashlan Avenues to Public Works Standard P-73, complete with a 10-foot monolithic sidewalk.

68. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.

69. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for Collector Streets.

70. Relinquish direct vehicular access rights to North Bryan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

<u>West Gettysburg Avenue (Collector):</u>

71. Obtain and dedicate 47-55 feet of property on the south side and 17 feet of property on the north side, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards.

    - NOTE: Official Plan Line (OPL) No. 111 is not applicable per the City Engineer.

72. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct an 8-foot residential sidewalk per Condition No. 66 below to meet the West Gettysburg Avenue trail requirement. A 15-foot Landscape and Pedestrian Easement is required. Identify on the map.

73. Dedicate a 15-foot (minimum) easement for landscape and pedestrian purposes only to accommodate the planned bicycle and pedestrian trail for this portion of North Bryan Avenue. The dedicated easement and right-of-way shall provide for an eight-foot planter, eight-foot sidewalk, and 9 feet of landscaping.

    a) The bicycle portion of the trail shall be accommodated within the street. Stripe and sign to City standards.

74. Construct an 80-foot bus bay curb and gutter at the southeast corner of the intersection of West Gettysburg and North Bryan Avenues to Public Works Standard P-73, complete with a 10-foot monolithic sidewalk.

75. Construct 20 feet of permanent pavement on the south side (measured from face of curb) and 17 feet of permanent paving on the north side, within the limits of this subdivision.

76. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for Collector Streets.

77. Relinquish direct vehicular access rights to West Gettysburg Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

78. Dedicate a pedestrian easement over that portion of Outlot "T" of Vesting Tentative Tract Map 5891/UGM, dated October 30, 2008, which is located within the PG&E Transmission Line Easement, and construct a sidewalk around the existing electrical tower located within the West Gettysburg Avenue alignment.

North Hayes Avenue (Collector):

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

80. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct a six-foot residential sidewalk per Exhibit "D." A two-foot pedestrian easement is required. Identify on the map.

81. Construct an 80-foot bus bay curb and gutter at the southwest corner of the intersection of North Hayes and West Gettysburg Avenues to Public Works Standard P-73, complete with a 10-foot monolithic sidewalk.

82. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.

83. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for Collector Streets.

84. Relinquish direct vehicular access rights to North Hayes Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

West Ashlan Avenue (Arterial):

85. Dedicate 55-57 feet of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Arterial Standards.

    a) Match up with approved plans from Blair, Church and Flynn.

86. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10-foot residential pattern. Construct a six-foot residential sidewalk per Exhibit "D." A two-foot pedestrian easement is required. Identify on the map.

87. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.

88. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-7 for Arterial Streets.

89. Relinquish direct vehicular access rights to West Ashlan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

INTERIOR LOCAL STREETS (PRIVATE)

90. In accordance with Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008, relinquish vehicular access rights to Outlot "CK" (Private Street) from the street side property line of the following residential lots within this subdivision, which abut said private street:

Lot(s):	Property Line:	Street Name:
260-269, 453-466	North	Park Boulevard
28-37, 405, 406, 439, 466, 587-596	East	Artisan Parkway
249-259, 555-564	South	Park Boulevard
18-27, 467, 521-529, 597-607	West	Artisan Parkway

91. Design and construct the following proposed streets to local collector standards: Greenfield Drive, Park Boulevard, Live Oak Avenue, Artisan Parkway, and the alley adjacent to Lot 409 of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008.

    a) The proposed street design shall be approved by the Public Works Department.

92. Construct sidewalks on both sides of the proposed private streets in accordance with the 2025 Fresno General Plan. Sidewalks are to meet current ADA standards. Contact the Building and Safety Services Division for further information.

93. Maintain minimum clearances as directed by the Fire and Solid Waste Departments.

INTERIOR ALLEYS (PRIVATE)

94. Alleys shall be constructed per Public Works Standard API-17.

SPECIFIC MITIGATION REQUIREMENTS

95. Comply with all of the mitigation measure requirements of the Traffic Engineering Manager as outlined within the attached memorandum dated March 11, 2008.

    - NOTE: The timing of improvements may be based upon phasing of the proposed project pursuant to a determination by the Traffic Engineering Manager. Attached is a copy of an approved exhibit, dated August 15, 2008, which identifies the potential phasing of improvements. The phasing of improvements may be subject to change by the Traffic Engineering Manager if determined appropriate or necessary for public health and safety purposes.

96. The intersection of West Ashlan Avenue and the one-eighth mile point east of North Bryan Avenue shall be designed such that the median island will allow for westbound to eastbound u-turns.

97. The intersection of West Ashlan and the proposed Artisan Parkway shall be designed with a full median opening to allow for left turns in and left turns out. The intersection may need to be signalized upon further review of the future entitlement for the commercial planned portion of the subject property.

98. The first order of work shall include a minimum two points of vehicular access to the major streets for any phase of this development.

99. Backing onto a major street is prohibited.

    a) Identify the proposed ingress/egress locations for all buildings to remain on the following APN(s):

        i) North Bryan Avenue: 512-070-16, 35, 47
        ii) North Hayes Avenue:311-050-06, 311-070-10, 11, 20, 21, 25, 29, 32, 44, 45 & 53
        iii) West Ashlan Avenue: 311-070-27, 40, 43 & 49

    b) Construct circular or hammerhead driveways, where not existing and construct concrete driveway approaches to Public Works Standards P-1 and P-4.

100. Relinquish vehicular access rights to the proposed outlot adjacent to Lot 1 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

101. Remove the structural section from the tentative map and provide on the street construction plans for review and approval.

102. The commercial planned portion of this map (i.e., Lots 649-652 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008) shall require a site plan / conditional use permit, with detailed plans and potentially a TIS or site access evaluation to determine additional traffic mitigation measures and conditions of approval.

103. The 45-degree two-way parking which is shown along Artisan Parkway would require a minimum of 62 feet from tip of car to tip of car. Widths vary based upon the angle.

104. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on West Ashlan and Gettysburg Avenues; and, North Bryan and North Hayes Avenues.

105. The proposed project shall provide a pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on North Bryan and North Hayes Avenues; and West Gettysburg and West Ashlan Avenues.

    a) The roadways shall also be built to accommodate bike lanes even though they may not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

TRAFFIC SIGNAL MITIGATION IMPACT (TSMI) FEE

106. This project shall pay the current TSMI Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule).

107. The project shall install all-way stop signs at the intersection of North Bryan and West Ashlan Avenues. The project shall provide safety lighting on the northeast and northwest corners for a future signal.

108. The following intersections shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation, and signal pre-emption. This works is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees:

    a) North Hayes and West Ashlan Avenues.
    b) North Hayes and West Gettysburg Avenues.
    c) North Bryan and West Gettysburg Avenues.
    d) West Ashlan and North Polk Avenues.
    e) North Bryan and Park Boulevard (not reimbursable)
    f) West Ashlan and proposed Artisan Parkway (pending further review and approval of a detailed commercial CUP/SPR, not reimbursable).

FRESNO MAJOR STREET IMPACT (FMSI) FEE

109. This map is in the New Growth Area, therefore pay all applicable growth area fees and City-Wide Regional Street Impact Fees.

FRESNO MAJOR STREET IMPACT (FMSI) REQUIREMENTS

When construction occurs adjacent to the County of Fresno, comply with the Standard County Conditions of Approval (Attachment "A"). Additional right-of-way may be required for driving sight distances, bike lanes, etc.

North Bryan Avenue (Collector):

110. Dedicate and construct (four) 12-foot travel lanes with 5-foot shoulders and a 12-foot center two0way left turn lane within the limits of this subdivision and continue north to West Shaw Avenue. Stripe 250-foot left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

West Gettysburg Avenue (Collector):

111. Dedicate and construct (two) 12-foot eastbound travel lanes with a 5-foot shoulder, (one) 12-foot westbound travel lane with a 5-foot shoulder and a 12-foot center two-way left turn lane within the limits of this subdivision. Stripe 250-foot left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

North Hayes Avenue (Collector):

112. Dedicate and construct (four) 12-foot travel lanes with 5-foot shoulders and a 12-foot center two-way left turn lane within the limits of this subdivision. Stripe 250-foot left turn

pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

113. Dedicate and construct (two) 12-foot northbound travel lanes with a 5-foot shoulder and (one) 12-foot southbound travel lane with a 5-foot shoulder from West Shaw Avenue to West Gettysburg Avenue. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.

West Ashlan Avenue (Arterial):

114. Dedicate and construct (two) 12-foot eastbound travel lanes with a 5-foot shoulder, (two) 12-foot westbound travel lanes with a 5-foot shoulder and a raised concrete median island within the limits of this subdivision. Construct a raised concrete median with 250-foot left turn pockets at all major intersections. Details of said street shall be depicted on the approved tentative tract tract map. Dedication shall be sufficient to accommodate arterial standards and any other grading or transitions as necessary based on a 55 MPH design speed.

115. At a minimum the project shall construct West Ashlan Avenue with a 16-foot raised concrete median and a straight 12-foot travel lane with 5-foot shoulders in each direction to connect Veterans Boulevard-Grantland Avenue to Cornelia Avenue.

    a) This condition shall be implemented from Veteran's Boulevard to North Bryan Avenue and from North Hayes Avenue to North Cornelia Avenue.

        - NOTE: While there will be additional conditions on West Ashlan Avenue , this condition is intended to provide one City standard arterial lane on West Ashlan Avenue without utility poles in the way.

116. Where not existing, dedicate sufficient right-of-way and construct additional paving for eastbound to westbound and westbound to eastbound U-turns at all major intersections from North Bryan Avenue to State Route 99 in accordance with Public Works Standard P-93.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FEES:

117. Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department, Traffic Engineering Section prior to a Final Map.

    - NOTE: The Caltrans letter is included and fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6, Joanne Streibach at (559) 488-4347 regarding the fair share calculations. Verify the exact amount due to map revisions.

SANITARY SEWER SERVICE

The nearest sanitary sewer main to serve the proposed project are a 15-inch main located in West Gettysburg Avenue and an 8-inch main located in North Bryan Avenue.. The following sewer improvements shall be required prior to providing City sewer service to the project:

118. Construct 18-inch and 15-inch sanitary sewer mains in West Ashlan Avenue between North Bryan and North Hayes Avenues.

119. Construct an 8-inch sanitary sewer main in North Hayes Avenue from West Ashlan Avenue north approximately 1,000 linear feet.

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

121. Separate sewer house branches shall be required for each lot created.

122. Abandon all existing on-site private sewer septic systems in accordance with Department of Public Works standards specifications, and policies.

123. All public sewer facilities shall be constructed in accordance with Department of Public Works standards, specifications, and policies.

124. All underground street utilities shall be installed prior to permanent street paving.

125. Street easements and/or deeds shall be recorded prior to approval of improvement plans.

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

127. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developer's final map and engineered plan & profile improvement drawing for City review.

128. Comply with all of the requirements of the attached Public Utilities Department, Planning and Engineering Division memorandum dated January 02, 2008.

SANITARY SEWER FEES

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

    a) Lateral Sewer Charge

    b) Oversize Sewer Charge

    c) Oversize Sewer Area: #39

    d) Trunk Sewer Area: Grantland

    e) Sewer Facilities Charge (Residential Only)

WATER SERVICE

The following conditions are required to provide water service to the tract:

130. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in West Gettysburg Avenue from North Hayes Avenue west to North Bryan Avenue.

131. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a total of 2,000 gallons per minute. Well sites shall be of a size and at a location acceptable to the Water Systems Manager. The cost of acquiring the well site(s) and construction of the well(s) shall be reimbursed from the UGM Water Supply Well Service Area Fund 301s, in accordance with established UGM policies.

132. Water well construction shall include wellhead treatment facilities, if required. The cost for constructing wellhead treatment facilities shall be reimbursed from UGM Wellhead Treatment Service Area Fund 301s, in accordance with established UGM policies.

133. No occupancies will be permitted prior to the satisfaction of the water supply requirement.

134. Develop and implement mitigation measures to offset groundwater pumping equivalent to the tract's annual water demand at buildout plus 15%. These mitigation measures include the use of FID surface water for irrigation, installation of low flow fixtures, the use of artificial lawns for landscape, and the use of evapotranspiration controllers. The mitigation measures shall be subject to prior approval by the Water Systems Manager.

135. The development shall design appropriate infrastructure to facilitate water consumption at a rate of 243 gallons/person/day.

136. Separate water services with meter boxes shall be provided for each lot created.

137. 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 a combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.

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

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

140. All proposed water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan for any proposed landscape within the easements shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the water main. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.

141. Construct a reclaimed water system in public rights-of-way to utilize future tertiary treated waste water for landscape irrigation purposes. Design of the reclaimed water mains will be subject to approval by the Assistant Director of Public Utilities.

142. Comply with all of the requirements of the Department of Public Utilities, Water Division memorandum dated October 13, 2008, except as may be modified above or in agreement with the Water Systems Manager.

URBAN GROWTH MANAGEMENT REQUIRMENTS (GENERAL)

143. The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Las as related to tentative tract maps.

RIGHT-OF-WAY ACQUISITION

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

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

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

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

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

FLOOD CONTROL AND DRAINAGE

149. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Planning and Development Department dated May 29, 2008.

150. Any temporary basin constructed for or used by this subdivision requires approval of FMFCD and the City of Fresno, and may only be implemented through a covenant between the City and the Developer prior to final map approval. Temporary basins shall be fenced within seven days of the time a basin becomes operational, and fencing shall conform to City of Fresno Public Works Standard No. P-45. The Fresno Mosquito and Abatement District shall be provided access rights and a means of entry for inspection and mosquito abatement activities for all on-site basins (refer to attached map of mosquito abatement districts in the Fresno-Clovis Metropolitan Area). Attached hereto, and incorporated by reference, is a copy of the updated Public Works Standard No. P-62 for temporary on-site ponding basins, and a copy of the City of Fresno's Guidelines for Ponding Basin / Pond Construction and Management, dated October 29, 2004. Maintenance of temporary ponding basins shall be by the Subdivider until permanent service for the entire subdivision is provided.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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

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

153. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

154. Attached for the developer/subdivider's records and consideration is the State Department of Transportation (Caltrans) memorandum dated April 04, 2008.

- NOTE: The Caltrans letter is included and fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6, Joanne Streibach at (559) 488-4347 regarding the fair share calculations. Verify the exact amount due to map revisions.

COUNTY OF FRESNO ROAD MAINTENANCE AND OPERATIONS

The following conditions are required of development project plans for connection or adjacent to County areas where slated for annexation into incorporated cities:

155. The developer/subdivider shall comply with all of the requirements of the attached memorandum to consultants, developers and engineers from the County of Fresno Department of Public Works and Planning, Road Maintenance & Operations Division pertaining to Developments Proposed in County Areas & Proposed for Annexation and dated November 19, 2007.

COUNTY OF FRESNO DEPARTMENT OF COMMUNITY HEALTH

156. Attached for the developer/subdivder's records and consideration is the County of Fresno Department of Community Health memorandum dated December 14, 2007.

PACIFIC GAS AND ELECTRIC COMPANY

157. The developer/subdivider shall comply with all of the requirements of the attached Pacific Gas and Electric Company memorandum dated December 12, 2007.

FRESNO IRRIGATION DISTRICT

158. Attached for the developer/subdivder's records and consideration is the Fresno Irrigation District (FID) memorandum dated December 11, 2007.

CENTRAL UNIFIED SCHOOL DISTRICT

159. The developer/subdivider shall comply with all of the requirements of the attached Central Unified School District memorandum dated January 23, 2008.

- NOTE: Central Unified School District has required that a school bus stop shall be constructed on the west side of North Hayes Avenue within the subdivision frontage per the specifications attached to its memorandum as referenced above.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

SEWER CONNECTION CHARGES	*FEE RATE*
1. Lateral Sewer Charge♠	$0.10/sq. ft. (to 100' depth)
2. Oversize Charge♠	$0.05/sq. ft. (to 100' depth)
3. Trunk Sewer Charge♥ Service Area: Grantland	
Residential	$419/living unit
Commercial	S.T.E.P.♦
4. Wastewater Facilities Charge♣	
Residential	$2,119/living unit
Commercial	S.T.E.P♦
5. House Branch Sewer Charge♥	N/A
WATER CONNECTION CHARGES	*FEE RATE*
6. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s)

		established by the Master Fee Schedule
7.	Frontage Charge♠	$6.50/lineal foot
8.	Transmission Grid Main Charge♠	$643/gross acre (parcels 5 gross Acres or more)
9.	Transmission Grid Main Bond Debt Service Charge♠	$243/gross acre (parcels 5 gross acres or more)
10.	UGM Water Supply Fee♥ Service Area: 301s	
	Residential Commercial	$508/living unit $508/living unit equivalent*
11.	Well Head Treatment Fee♥ Service Area: 301	
	Residential Commercial	$221/living unit $221/living unit equivalent*
12.	Recharge Fee♥ Service Area: 301	
	Residential Commercial	$0.00/living unit $0.00/living unit equivalent*
13.	1994 Bond Debt Service♠ Service Area: 301	
	Residential Commercial	$60/living unit $60/living unit equivalent*

CITYWIDE DEVELOPMENT IMPACT FEES

14.	Fire Facilities Impact Fee – Citywide‡	
	Residential Low/Medium Residential Medium-High/High Commercial Retail	$539/living unit $439/living unit $236/1,000 sq. ft. †
15.	Park Facility Impact Fee – Citywide‡	
	Residential Low/Medium Residential Medium-High/High	$2,278/living unit $1,853/living unit
16.	Quimby Parkland Dedication Fee♥	
	Residential Low/Medium Residential Medium-High/High	$1,120/living unit $911/living unit

17. Citywide Regional Street Fee♣

Residential Low/Medium	$8,361/adj. acre
Residential Medium-High/High	$12,030/adj. acre
Commercial Retail	$12,030/adj. acre

18. New Growth Area Major Street Fee♣ $18,790/adj. acre

Residential Low/Medium	$18,790/adj. acre
Residential Medium-High/High	$24,870/adj. acre
Commercial Retail	$24,870/adj. acre

19. Police Facilities Impact Fee – Citywide♦

Residential Low/Medium	$624/living unit
Residential Medium-High/High	$508/living unit
Commercial Retail	$665/1,000 sq. ft. †

20. Traffic Signal Charge♠ $440.03/living unit

Residential Low/Medium	$440.03/living unit
Residential Medium-High/High	$308.99/living unit
Commercial Retail	$45.98/ADT †

Notes:

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

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

♣ Due at Building Permit.

♠ Deferrable through Fee Deferral Covenant.

♥ Due at time of Final Map.

‡ Due at Certificate of Occupancy.

† Building areas to be calculated to the nearest square foot. Traffic Signal Fee is subject to review and conditions of approval from Transportation Planning through the entitlement review process based on Average Daily Trips of the proposed project.

City of
FRESNO

DATE: **September 17, 2008 (5th Submittal)**

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Bryan D. Jones, T.E., Traffic Engineering Manager
Public Works Department, Engineering Division

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

SUBJECT: Public Works Conditions of Approval
TT 5891 / C-07-308, (Bryan, Hayes, Gettysburg and Ashlan)
McCaffrey Group / Provost & Prichard Engineering Group

The Public Works Department, Traffic Planning Section, 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.

General Conditions:

1. **Curb Ramps**: Provide curb ramps at all corners within the limits of this subdivision.
2. **Pedestrian Easements**: **Identify** all pedestrian easements on the map.
   a. Major Streets: A 2' dedication for a pedestrian easement is required. **(See Exhibit "D")**
   b. Local Streets: Private
3. **Overhead Utilities**: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. Design local streets with a minimum of **250'** radius.
5. Local street lengths exceeding 800' and four way intersections require traffic calming measures. Bulb-outs approved by Traffic Engineer 9-11-08.
6. **Garage setback**: Provide 20' from the garage to the back of walk. A minimum of 18' is allowed with a roll-up door.
7. **Dead-end Streets**: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-44**.
8. **Outlots**: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall pay all costs and fees associated with the City environmentally assessing the outlot to insure that it 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 environmental assessment. The environmental assessment shall be completed and all fees and costs for said environmental assessment shall be paid to the City prior to subdivider's submittal of the Final Map for City approval.
9. **Plan Submittal**: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping. The Developer is responsible to relocate all obstructions, e.g. poles, fencing, mailboxes, etc. and make adjustments as necessary, within the area of construction.

10. **Private Irrigation Pipe**: If not abandoned, the developer shall enter into an agreement with owner of the private canal providing for piping the canal and submit an executed copy of the agreement or commitment letter from the owner of the private canal to the Planning and Development Department. All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street. Submit engineered plans to Public Works Department, Engineering Division for review and approval. **Identify the proposed easement and provide a final cross sectional detail on the map.**
11. Identify City and County limits.

Frontage Improvement Requirements:

Major Streets:

Bryan Avenue: Collector

1. Dedicate **47'-55'** of property, from **center line**, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. Match up with approved plans from Blair Church and Flynn. A 17' offset from section line was used.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Bike, Pedestrian Equestrian Trail/Path : The Planning Department has determined that the bike portion of the trail is to remain in the street. Stripe and sign to City Standards. **Dedicate a 15' (minimum) easement for Landscape and Pedestrian purposes only to provide for an 8' planter, 8' sidewalk and 9' landscape.**
4. Construct an 80' bus bay curb and gutter at the northeast corner of Bryan and Ashlan to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
5. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
7. Relinquish direct vehicular access rights to Bryan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Gettysburg Avenue: Collector

1. Obtain and dedicate **47'-55'** of property on the south side and **17'** of property on the north side, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. ~~OPL #111.~~ n/a per City Engineer
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct an 8' residential sidewalk per item number 3 below to meet the Gettysburg trail requirement. A 15' Landscape and Pedestrian Easement is required. Identify on the map.
3. Bike, Pedestrian Equestrian Trail/Path (Alternate): This Department **does not** support the equestrian component of the trail due to health and safety issues. The Planning Department has determined that the bike portion of the trail is to remain in the street. Stripe and sign to City Standards. **Dedicate a 15' (minimum) easement for Landscape and Pedestrian purposes**

only to provide for an 8' planter, 8' sidewalk and 9' landscape. An additional 12' dedication is required for the equestrian portion, if required. Contact Planning and Development.

4. Construct an 80' bus bay curb and gutter at the southeast corner of Gettysburg and Bryan to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
5. Construct 20' of permanent paving on the south side (measured from face of curb) and 17' of permanent paving on the north side, within the limits of this subdivision.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
7. Relinquish direct vehicular access rights to Gettysburg Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.
8. Outlot 6: Dedicate a pedestrian easement to and construct a sidewalk around the existing electrical tower.

Hayes Avenue: Collector

1. Dedicate **47'-55'** of property, from section line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct an 80' bus bay curb and gutter at the southwest corner of Hayes and Gettysburg to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
4. Construct 20' of permanent paving (measured from face of curb) within the limits of this subdivision.
5. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-8** for Collector Streets.
6. Relinquish direct vehicular access rights to Hayes Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Ashlan Avenue: Arterial

1. Dedicate **55'-57'** of property, from center line, for public street purposes within the limits of this subdivision to meet the City of Fresno's Arterial Standards. Match up with approved plans from Blair Church and Flynn.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern. Construct a 6' residential sidewalk per **Exhibit "D". A 2' Pedestrian Easement is required. Identify on the map.**
3. Construct 20' of permanent paving within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-7** for Arterial Streets.
5. Relinquish direct vehicular access rights to Ashlan Avenue from all lots; excluding outlots to be used for ingress/egress purposes, within this subdivision.

Interior Local Collector Streets: Private

Design and construct the following streets to local collector standards: Masera, Swift, Willis, Cresta and the alley adjacent to lot 409. (Locations may change due to the many revisions.) The proposed street design shall be approved by the Public Works Department.

Interior Streets: Private

1. Construct sidewalks on both sides of the private streets in accordance with the 2025 General Plan, page 69; section E-1-j. Sidewalks to meet current ADA standards. Contact Building and Safety.
2. Maintain the minimum clearances, as directed by Fire and Solid Waste Departments.

Interior Alleys: Private

Alleys shall be constructed per Public Works Standard **API-17**.

Specific Mitigation Requirements: This tract will generate **486 a.m. / 655 p.m.** peak hour residential trips; therefore, a Traffic Impact Study (TIS) is required and has been submitted. Comply with the mitigation measure requirements of the Traffic Engineering Manager in the attached letter dated 03-11-08.

1. The intersection of :
   a. Ashlan and the 1/8 mile point east of Bryan Avenue shall be designed such that the median island will allow for westbound to eastbound u-turns.
   b. Ashlan and Cresta / Artisan Parkway shall be designed with a full median opening to allow for left turns-in and left turns-out. The intersection may need to be signalized upon further review of the CUP/SPR for the commercial portion.
2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
3. Backing onto a major street is prohibited. **Identify** the proposed ingress / egress locations for all buildings to remain on the following APN(s):
   Bryan Avenue: 512-070-16, 35, 47
   Hayes Avenue: 311-070-29, 32, 25, 45, 53, 20, 21, 51, 10, 11, 44 and 311-050-06
   Ashlan Avenue:311-070-49, 40, 43, 27
   Construct circular or hammerhead driveways, where not existing and construct concrete driveway approaches to Public Works Standards **P-1 and P-4.**
4. Relinquish vehicular access rights to the proposed outlot adjacent to lot 1.
5. Remove the structural section from the tentative map and provide on the street construction plans for review and approval.
6. The commercial portion of this map, lots 649-652, shall require a site plan / conditional use permit, with detailed plans and potentially a TIS or site access evaluation to determine additional traffic mitigation measures and conditions of approval.
7. Cresta / Artisan Parkway: 45 degree two-way parking is shown which would require a minimum of 62' from tip of car to tip of car. Widths vary based upon the angle.
8. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on **Ashlan Avenue, Hayes Avenue, Gettysburg Avenue, and Bryan Avenue.**
9. The proposed project shall provide pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on Bryan Avenue, Gettysburg Avenue, Ashlan Avenue, and

Hayes Avenue. The roadways shall also be built to accommodate bike lanes even though they may not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for single family units (fee rate as shown in the Master Fee Schedule).

1. At the intersection **Bryan Avenue/Ashlan Avenue** the project shall install all-way stop signs at this intersection. The project shall provide safety lighting on the northeast and northwest corners for a future signal.
2. The following intersections shall be signalized to the City of Fresno Standards, complete with left turn phasing, actuation and signal pre-emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees:
    a. Hayes / Ashlan
    b. Hayes / Gettysburg
    c. Bryan / Gettysburg
    d. Ashlan / Polk
    e. Bryan / Swift **(not reimbursable)**
    f. Ashlan / Cresta / Artisan Parkway **(**pending further review and approval of a detailed commercial CUP/SPR, **not reimbursable**.)

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

Fresno Major Street Impact (FMSI) Requirements:

When construction occurs adjacent to the County of Fresno, comply with the Standard County Conditions of Approval Attachment "A". Additional right of way may be required for driving sight distances, bike lanes, etc.

Bryan Avenue: Collector

1. Dedicate and construct (4) 12' travel lanes with 5' shoulders and a 12' center two-way left turn lane **within the limits of this subdivision and continue north to Shaw**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Gettysburg Avenue: Collector

1. Dedicate and construct (2) 12' eastbound travel lanes with a 5' shoulder, (1) 12' westbound travel lane with a 5' shoulder and a 12' center two-way left turn lane **within the limits of this subdivision**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Hayes Avenue: Collector

1. Dedicate and construct (4) 12' travel lanes with 5' shoulders and a 12' center two-way left turn lane **within the limits of this subdivision**. Stripe 250' left turn pockets at all major intersections. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.
2. Dedicate and construct (2) 12' northbound travel lanes with a 5' shoulder and (1) 12' southbound travel lane with a 5' shoulder **from Shaw to Gettysburg Avenue**. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45** MPH design speed.

Ashlan Avenue: Arterial

1. Dedicate and construct (2) 12' eastbound travel lanes with a 5' shoulder, (2) 12' westbound travel lanes with a 5' shoulder and a raised concrete median island **within the limits of this subdivision.** Construct a raised concrete median with 250' left turn pockets at all major intersections. Details of said street shall be depicted on the approved tentative tract map. Dedication shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a **55** MPH design speed.
2. **From:** Veteran's Boulevard **To:** Bryan
   and
   From: Hayes **To:** Cornelia
   At a minimum the project shall construct **Ashlan Avenue** with a 16' raised concrete median and a straight 12' travel lane with 5' shoulders in each direction to connect **Veterans Boulevard-Grantland Avenue to Cornelia Avenue.** There will be additional conditions on Ashlan Avenue but this is intended to make sure we have one City standard arterial lane on Ashlan Avenue without utility poles in the way.
3. Where not existing, dedicate sufficient right-of-way and construct additional paving for eastbound to westbound and westbound to eastbound U-turns at all major intersections **from Bryan to SR-99** in accordance with Public Works Standard **P-93**.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map. The Caltrans letter is included and the following fees are required to be paid to mitigate fair share impacts to the identified state transportation facilities. Please contact Caltrans District 6, **Joanne Streibich at (559) 488-4347** regarding the fair share calculations. **Verify the exact amount due to map revisions.**

Fresno
All-America City
2000

City of
FRESNO

City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov

Public Works Department
Patrick Wiemiller, Director

March 11, 2008

TJKM
Jose Luis Benavides, P.E.
516 W. Shaw Avenue, Suite 200
Fresno, CA 93704-2515

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED TRACT 5891
northeast corner of Bryan Avenue and Ashlan Avenue
TIS07-034 dated July 3, 2007 received in Planning and Development August 13,2007

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by TJKM for the proposed subject project which consists of 659 Single Family Residential Units on 112 acres and 50,000 SF of neighborhood commercial on 5.93 acres:

GENERAL COMMENTS and CONDITIONS

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project is projected to generate 8,454 daily trips, 546 trips during the AM peak hour and 854 trips during the PM peak hour.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $440.03 per single family dwelling unit at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $45.98 per Average Daily Trip for commercial at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual and the Master Fee Schedule. The TSMI fee based on 659 single family dwelling units is $289,979.77. The TSMI fee based on 50,000 SF of neighborhood commercial at 2,147 ADT is $98,719.06. The total TSMI fee for the entire project is $388,698.83.

3. At the intersection of Shaw Avenue/Hayes Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket shall also be constructed. This may require the acquisition of private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Hayes Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane.

4. At the intersection of Shaw Avenue/Bryan Avenue, the project shall construct Westbound Shaw Avenue shall have a 250 feet left-turn lane and eastbound Shaw Avenue shall have a 150 feet right-turn lane. A northbound 250 feet left-turn pocket and a 150 feet northbound right-turn pocket. This

may require the acquisition of private property or the relocation of PGE power poles. This is a health and safety issue and shall be done prior to any building occupancy and shall not be bonded for as part of the final map recordation. It needs to be constructed prior to adding any additional traffic. This reduces the impacts and safety concerns imposed by existing and project related left-turning and right-turning vehicles on Shaw Avenue to through movement motorists. The work on Shaw Avenue is reimbursable through the Fresno Major Street Impact (FMSI) fee. The work on Bryan Avenue is only reimbursable if it is within the travel lane in each direction and the two way left-turn lane. The westbound left-turn lane is already secured by another Tract Map.

5. The City of Fresno is undertaking a Capital Improvement Project along with the Redevelopment Agency to widen Ashlan Avenue from Blythe Avenue to SR 99 to two lanes in each direction. Construction is occurring on Ashlan Avenue by Beazer Homes between Cornelia Avenue and Blythe Avenue under the old UGM system. As a result a bottleneck is occurring between that Tract Map and Blythe Avenue and westbound Ashlan Avenue shall be widened to 2 lanes across these property frontages. This reduces the impacts and safety concerns imposed by existing and project related traffic and is reimbursable as part of the Fresno Major Street Impact (FMSI) fee. The bottleneck includes the parcels addressed as

   4595 W. Ashlan Avenue
   4587 W. Ashlan Avenue
   4543 W. Ashlan Avenue
   4533 W. Ashlan Avenue

   The City of Fresno Public Works Department is attempting to apply Proposition 1B money to the bottleneck and fund construction to widen Ashlan Avenue. We anticipate that the City project will progress faster than this development so this work should be completed as a City Capital Project but in the event that money is not available is a condition of this tract.

6. At a minimum the project shall construct Ashlan Avenue with a "raised" median and a straight travel lane in each direction with a minimum 5 ft shoulder to connect Veterans Boulevard-Grantland Avenue to Cornelia Avenue. There will be additional conditions on Ashlan Avenue but this is intended to make sure we have one City standard arterial lane on Ashlan Avenue without utility poles in the way.

7. At the intersection Bryan Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall install all-way stop signs at this intersection. The project shall provide safety lighting on the northeast and northwest corners for a future signal. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane, 2 through lanes, and right-turn lane
   Westbound approach left-turn lane, 2 through lanes and a right-turn lane
   Eastbound approach left-turn lane, through lane and a through right-turn lane
   Northbound approach left-turn lane, shared through-right turn lane

8. At the intersection Hayes Avenue/Ashlan Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

Southbound approach left-turn lane, 2 through lanes, and right-turn lane
Westbound approach left-turn lane, 2 through lane, and a right-turn lane
Eastbound approach left-turn lane, a through lane, and a shared through-right-turn lane
Northbound approach left-turn lane, shared through-right turn lane

Proper transition for the appropriate speeds will be necessary on the receiving side of the intersection.

9. At the intersection Hayes Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) has already done a lot of the safety lighting. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane, 2 through lanes, and a right-turn lane
   Westbound approach left-turn lane, through lane, and a right-turn lane
   Eastbound approach left-turn lane, through lane, and a right-turn lane
   Northbound approach left-turn lane, 2 through lanes, and a right turn lane

10. At the intersection Bryan Avenue/Gettysburg Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the elementary school at the southwest corner. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane and shared through- right-turn lane
   Westbound approach left-turn lane, 2 through lanes, and a right-turn lane
   Eastbound approach left-turn lane, a through lanes and a shared through-right-turn lane
   Northbound approach left-turn lane, 2 through lanes, and a right turn lane

11. At the intersection Bryan Avenue/Main Boulevard to Tract 5891 the project shall signalize this intersection. This intersection shall be signalized to control vehicle traffic from this tract, existing traffic, school traffic and provide a safe pedestrian crossing for the high school campus across the street. This traffic signal is <u>not</u> reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee and is project specific as the project has all traffic loading onto Bryan Avenue at one location. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane and two through lanes
   Westbound approach shared left-turn lane-through lane- right-turn lane
   Northbound approach two way left-turn lane, through lane and shared through-right turn lane

12. At the intersection Ashlan Avenue/Polk Avenue the intersection shall be designed and constructed consistent with the P69 Standard. The project shall signalize this intersection. Traffic Signal poles located at the ultimate location are full reimbursable/ credited in the Traffic Signal Mitigation Impact (TSMI) fee. Tract 5400 (a previous McCaffrey Tract) was already conditioned to do a lot of the safety lighting and conduit. The following are the necessary lane configurations for this intersection:

   Southbound approach left-turn lane, a shared through-right-turn lane
   Westbound approach left-turn lane, a through, and 150 feet right-turn lane
   Eastbound approach left-turn lane, a through, and 150 feet right-turn lane
   Northbound approach left-turn lane, a shared through-right-turn lane

13. This project shall install Intelligent Transportation System (ITS) conduits and fiber along Ashlan Avenue from Bryan Avenue to Cornelia Avenue along with pole boxes and ITS equipment consistent with our Public Works ITS standards at each traffic signal intersection so that Ashlan Avenue is synchronized and motorists do not experience a red light every half mile.

14. Hayes Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have 2 northbound lanes and one southbound lane. Current this exists from Gettysburg Avenue to Santa Anna where a bottleneck exists and the roadway narrows down to County standards from Santa Anna to Shaw Avenue. It appears like the right-of-way exists for an additional (second) northbound through lane. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee so this additional northbound lane is project specific mitigation and a lien by this development could be put on the property owner.

15. Hayes Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. Tract 5400 which is also a McCaffrey Tract has put most of this in on the east side accept the lot from the south boundary of Tract 5400 to Ashlan Avenue. This property is owned by the McCaffrey Group and should be widened to reduce the bottleneck. One lane in each direction and the two-way left-turn lane is reimbursable on a collector street in the Fresno Major Street (FSMI) fee.

16. Bryan Avenue roadway segment from Shaw Avenue to Gettysburg Avenue shall have a northbound lane, one southbound lane, and a two way left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

17. Bryan Avenue roadway segment from Gettysburg Avenue to Ashlan Avenue shall have 2 northbound, 2 southbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

18. Ashlan Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have with a "raised" median and two travel lanes in each direction with a minimum 5 ft shoulder. This is fully reimbursable in the Fresno Major Street Impact (FSMI) fee.

19. Gettysburg Avenue roadway segment from Bryan Avenue to Hayes Avenue shall have one westbound with a minimum 5 ft shoulder, 2 eastbound, and a two-way-left-turn lane. One lane in each direction and the two-way left-turn lane is reimbursable in the Fresno Major Street (FSMI) fee.

20. The proposed project shall make necessary improvements and right-of-way dedications/vacations along adjacent public streets as per City of Fresno requirements.

21. The proposed project shall make full improvements including a walkable path across remainder lots or lots that create a bottleneck (even if not included with this map) as a result of this tract map along project frontage or connecting project frontage on Ashlan Avenue, Hayes Avenue, Gettysburg Avenue, and Bryan Avenue.

22. The proposed project shall provide pedestrian sidewalk access to the nearby Central Unified Schools from all outlets of this tract on Bryan Avenue, Gettysburg Avenue, Ashlan Avenue, and Hayes Avenue. The roadways shall also be built to accommodate bike lanes even though they may

not be allowed to be installed (striped and signed) until the opposite side of the street in the County has a bike lane installed.

23. The proposed project shall pay all applicable Caltrans Interchange Mitigation Impact fees to the City of Fresno Traffic Engineering as determine by Caltrans for Ashlan Avenue and Shaw Avenue with SR 99.

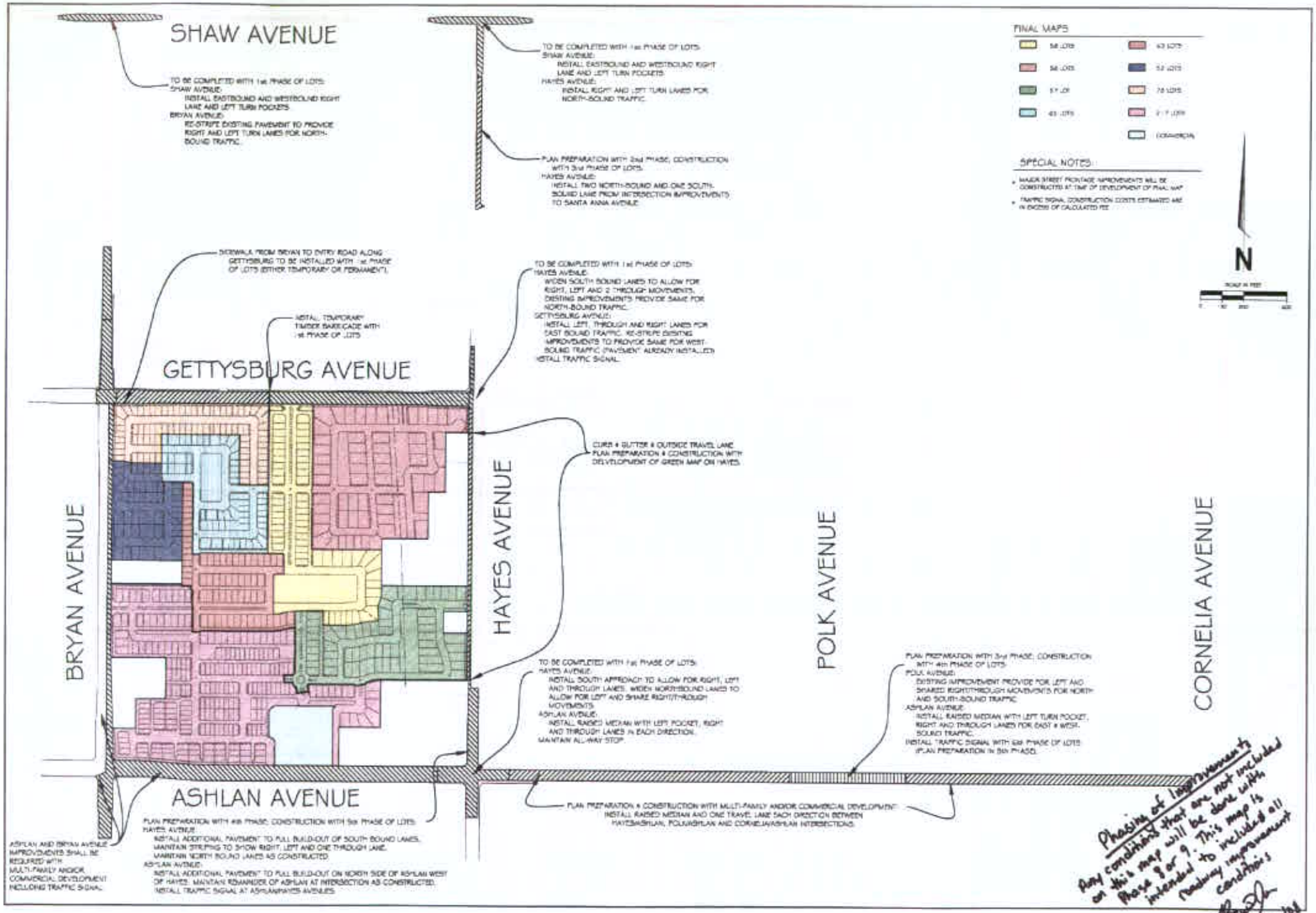
24. Veterans Boulevard/SR 99 interchange is an integral part of the West Fresno and Northwest Fresno Circulation Element in the 2025 General Plan. City staff are currently working on the Project Study Report (PSR) for this new interchange to relieve congestion at other interchanges. This interchange is a Measure C Tier 1 project and is partially funded at a cost of $60 million. Estimated costs for the total project are $97.222 million leaving a short fall of $37.222 million. The estimate average daily trips (ADT) served by the new Veterans Boulevard/SR 99 interchange is 70,370 vehicles in 2035 based on the City of Fresno technical memorandum approved by Caltrans. Therefore, to cover the short fall to get this interchange constructed each new project in West Fresno and Northwest Fresno will pay $529/ADT that are served by the interchange (across the freeway or accessing SR 99 via the interchange) to make a fair share contribution to the interchange to mitigate the project impacts to the Circulation Element of the General Plan MEIR in accordance with the Mitigation Fee Act. This project shall provide ADT counts for the Veterans Boulevard/SR 99 interchange based on a Fresno COG model run. This total fair share mitigation impact fee for the entire subdivision shall be paid prior to occupancy of the first dwelling unit.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or bryan.jones@fresno.gov .

Sincerely,

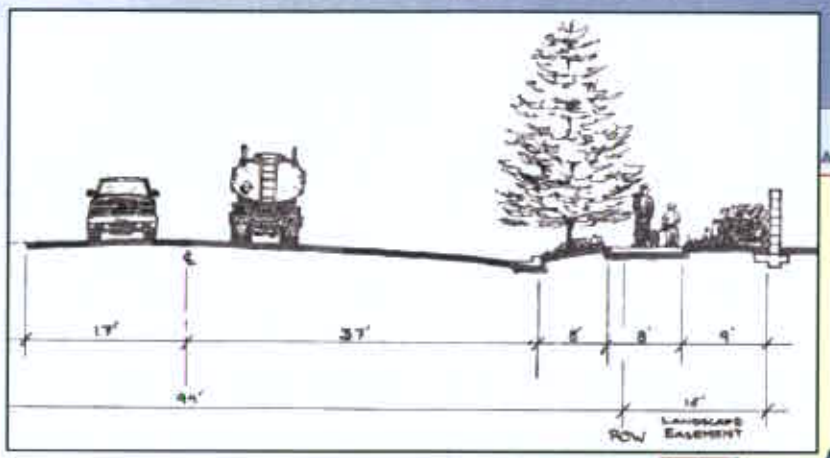
Bryan D. Jones, T.E.
Traffic Engineering Manager
Public Works Department, Traffic Engineering Division

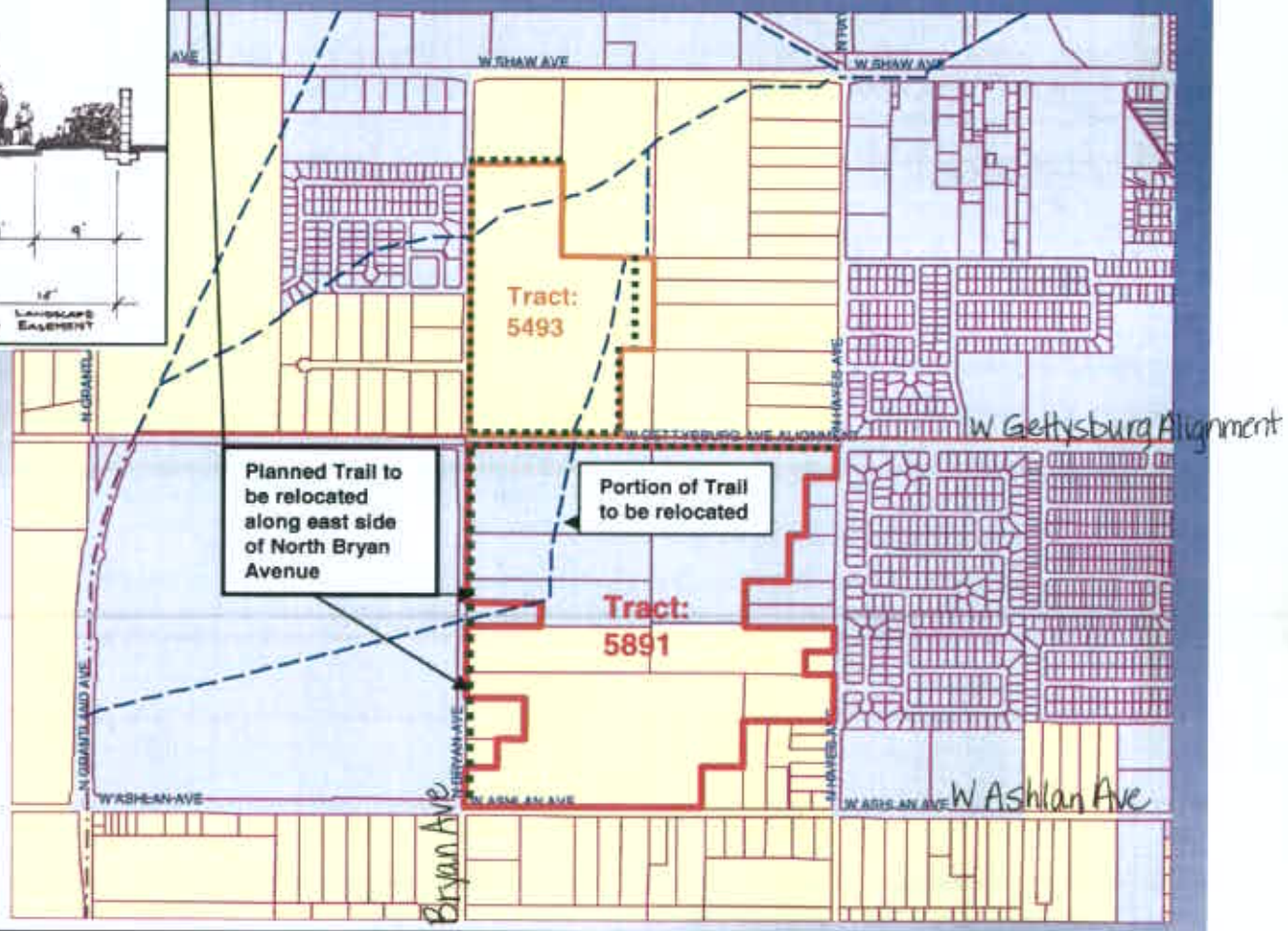
C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Darrell Unruh, Planning & Development Dept.
Will Tacket, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor


SHAW AVENUE
TO BE COMPLETED WITH 1st PHASE OF LOTS:
SHAW AVENUE:
INSTALL EASTBOUND AND WESTBOUND RIGHT LANE AND LEFT TURN POCKETS.
BRYAN AVENUE:
RE-STRIPE EXISTING PAVEMENT TO PROVIDE RIGHT AND LEFT TURN LANES FOR NORTH-BOUND TRAFFIC.
TO BE COMPLETED WITH 1st PHASE OF LOTS:
SHAW AVENUE:
INSTALL EASTBOUND AND WESTBOUND RIGHT LANE AND LEFT TURN POCKETS.
HAYES AVENUE:
INSTALL RIGHT AND LEFT TURN LANES FOR NORTH-BOUND TRAFFIC.
PLAN PREPARATION WITH 2nd PHASE, CONSTRUCTION WITH 3rd PHASE OF LOTS:
HAYES AVENUE:
INSTALL TWO NORTH-BOUND AND ONE SOUTH-BOUND LANE FROM INTERSECTION IMPROVEMENTS TO SANTA ANNA AVENUE.
FINAL MAPS
SPECIAL NOTES:
MAJOR STREET FRONTAGE IMPROVEMENTS WILL BE CONSTRUCTED AT TIME OF DEVELOPMENT OF FINAL MAP
TRAFFIC SIGNAL CONSTRUCTION COSTS ESTIMATED ARE IN EXCESS OF CALCULATED FEE
COMMERCIAL
N
SIDEWALK FROM BRYAN TO ENTRY ROAD ALONG GETTYSBURG TO BE INSTALLED WITH 1st PHASE OF LOTS (EITHER TEMPORARY OR PERMANENT).
INSTALL TEMPORARY TIMBER BARRICADE WITH 1st PHASE OF LOTS
GETTYSBURG AVENUE
TO BE COMPLETED WITH 1st PHASE OF LOTS:
HAYES AVENUE:
WIDEN SOUTH BOUND LANES TO ALLOW FOR RIGHT, LEFT AND 2 THROUGH MOVEMENTS. EXISTING IMPROVEMENTS PROVIDE SAME FOR NORTH-BOUND TRAFFIC.
GETTYSBURG AVENUE:
INSTALL LEFT, THROUGH AND RIGHT LANES FOR EAST BOUND TRAFFIC. RE-STRIPE EXISTING IMPROVEMENTS TO PROVIDE SAME FOR WEST BOUND TRAFFIC (PAVEMENT ALREADY INSTALLED)
INSTALL TRAFFIC SIGNAL.
CURB & GUTTER & OUTSIDE TRAVEL LANE PLAN PREPARATION & CONSTRUCTION WITH DEVELOPMENT OF GREEN MAP ON HAYES.
BRYAN AVENUE
HAYES AVENUE
POLK AVENUE
CORNELIA AVENUE
TO BE COMPLETED WITH 1st PHASE OF LOTS:
HAYES AVENUE:
INSTALL SOUTH APPROACH TO ALLOW FOR RIGHT, LEFT AND THROUGH LANES. WIDEN NORTHBOUND LANES TO ALLOW FOR LEFT AND SHARE RIGHT/THROUGH MOVEMENTS.
ASHLAN AVENUE:
INSTALL RAISED MEDIAN WITH LEFT POCKET, RIGHT AND THROUGH LANES IN EACH DIRECTION.
MAINTAIN ALL-WAY STOP.
PLAN PREPARATION WITH 3rd PHASE, CONSTRUCTION WITH 4th PHASE OF LOTS:
POLK AVENUE:
EXISTING IMPROVEMENT PROVIDE FOR LEFT AND SHARED RIGHT/THROUGH MOVEMENTS FOR NORTH AND SOUTH-BOUND TRAFFIC.
ASHLAN AVENUE:
INSTALL RAISED MEDIAN WITH LEFT TURN POCKET, RIGHT AND THROUGH LANES FOR EAST & WEST-BOUND TRAFFIC.
INSTALL TRAFFIC SIGNAL WITH 6th PHASE OF LOTS (PLAN PREPARATION IN 5th PHASE).
ASHLAN AVENUE
PLAN PREPARATION & CONSTRUCTION WITH MULTI-FAMILY AND/OR COMMERCIAL DEVELOPMENT:
INSTALL RAISED MEDIAN AND ONE TRAVEL LANE EACH DIRECTION BETWEEN HAYES/ASHLAN, POLK/ASHLAN AND CORNELIA/ASHLAN INTERSECTIONS.
PLAN PREPARATION WITH 4th PHASE, CONSTRUCTION WITH 5th PHASE OF LOTS:
HAYES AVENUE:
INSTALL ADDITIONAL PAVEMENT TO FULL BUILD-OUT OF SOUTH BOUND LANES.
MAINTAIN STRIPING TO SHOW RIGHT, LEFT AND ONE THROUGH LANE.
MAINTAIN NORTH BOUND LANES AS CONSTRUCTED.
ASHLAN AVENUE:
INSTALL ADDITIONAL PAVEMENT TO FULL BUILD-OUT ON NORTH SIDE OF ASHLAN WEST OF HAYES. MAINTAIN REMAINDER OF ASHLAN AT INTERSECTION AS CONSTRUCTED.
INSTALL TRAFFIC SIGNAL AT ASHLAN/HAYES AVENUES.
ASHLAN AND BRYAN AVENUE IMPROVEMENTS SHALL BE REQUIRED WITH MULTI-FAMILY AND/OR COMMERCIAL DEVELOPMENT INCLUDING TRAFFIC SIGNAL.
Phasing of improvements
Any conditions that are not included on this map will be done with Phase 8 or 9. This map is intended to include all roadway improvement conditions
8/15/06

General Plan Amendment Application No. A-07-08

Proposes to relocate the planned bicycle/pedestrian trail alignment from the northeast corner of the subject property to along the east side of the North Bryan Avenue alignment.





Proposed Trail Alignments

Planned Trail Alignments

City of FRESNO

Planning Commission Hearing

April 30, 2008

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

September 10, 2008

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5891/UGM, A-07-008, R-07-029, and C-07-308, Solid Waste Conditions of Approval
Location: Between North Hayes and North Bryan Avenues and West Ashlan and West Gettysburg Avenues – ***REVISED***

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5891/UGM, A-07-008, R-07-029, and C-07-308 that was submitted by Provost & Pritchard, Inc., on behalf of the McCaffrey Group. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Department of Public Utilities.

General Requirements:

- Tract 5891 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.

- Per Municipal Code, Section 9-405 Solid Waste Disposal Regulations, Section (c)(11)(i). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.

- Per Municipal Code, Section 9-405 Solid Waste, Recycling and Green Waste Regulations, Section (c)(10)(i). No material container shall be stored in the front yard or side yard on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

Special Requirements:

Developer will provide through access of alleys for solid waste vehicles. Solid waste vehicles will not be required to back up and/or turning around to service properties.

Residential solid waste servicing in alleys is approved under the condition that the alleys are constructed in accordance with API 17 and FMC 12-1011(c).

All alleys shall be posted "No Parking."

All alley-loaded lots not mentioned below shall place their containers in the alley for servicing on solid waste service days.

Covenant Requirements:

It shall be posted "No Parking" in the cul-de-sacs on the solid waste service day. All lots that are part of a cul-de-sac shall be clear of all vehicles by 5:30 a.m. on solid waste service days:

- Lots 95, 96, 97, and 98 on West Ashcroft Avenue
- Lots 107, 108, 109, and 110 on West Holland Avenue

Those lots that have a dead-end alley will be required to place their containers at an alternate location on solid waste service days:

- Lots 255, 256, 257, 258, and 259 shall place their containers at the south side of their individual lots
- Lots 287, 288, 289, 290, and 291 shall place their containers
- Lots 292, 293, 294, 295, and 296 shall place their containers at the south side of their individual lots
- Lots 324, 325, and 326 shall place their containers at the north of Lot 324
- Lots 327, 328, 329, 330, 331, and 332 shall place their containers at the north side of Lots 327 and 330
- Lots 333, 334, 335, 336, 337, and 338 shall place their containers at the north side of Lots 335 and 336
- Lots 339, 340, 341, 342, 343, and 344 shall place their containers at the north side of Lots 341 and 342
- Lots 347, 348, 349, and 350 shall place their containers at the north side of Lots 353 and 348
- Lots 351, 352, and 353 shall place their containers at the east of their individual lots
- Lots 354, 355, 356, and 357 shall place their containers at the south side of their individual lots
- Lots 374, 375, and 376 shall place their containers to the west side of Lot 357

September 16, 2008

TO: WILL TACKETT, Planner III
Planning and Development Department, Planning Division

FROM: RICK FULTZ, Senior Fire Prevention Inspector
Fire Department, Bureau of Prevention and Investigative Services

SUBJECT: TENTATIVE TRACT NO. 5891

The Fire Department has completed a review of the Tentative Tract Map 5891 which was submitted by McCaffrey Group. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Fire Department.

General Requirements:

This project is within 3 miles of temporary Fire Station No. 16 and permanent Fire Station 16.

This project is subject to city wide fire service fees.

Provide residential and commercial fire hydrants and fire flow per Public Works standards.

Access is not acceptable: Dead end streets shall not exceed 450 feet without providing a second point of access. Lots 96 through 101, Lots 108 through 123, lot 331 and lot 334 are all over 450 feet from a single point of access. The lots will need a second point of access or shall be provided with fire sprinkler systems. The lots requiring fire sprinklers shall have a covenant agreement filed per lot stating the fire sprinklers are a condition of the tract. Or

Provide details for emergency access in lieu of fire sprinklers.

Gates, posts, or other barriers suitable to the Fire Department are required to be installed at the entrance to an emergency access only roadway.

The entrance to all emergency accesses shall be posted with permanent signs: AFIRE ACCESS (6" letters) VEHICLES REMOVED AT OWNER=S EXPENSE (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).@

Emergency accesses are required to be dedicated fire protection easements.

All private streets and driveways that are provided for emergency access for Fire Department use shall be constructed to a minimum unobstructed width of 20 feet

No parking is allowed in the alleys and the alleys shall meet standard API-17 with a reduced turn radius as shown in the standard.

The 32' streets shown in the tract are subject to further review and comment per standard API-2A. Upon further review the streets may be approved as shown or some areas may need to be identified as fire lanes.

Phasing of the project will require additional review for access and hydrants.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559.621.86794)**

DATE: December 18, 2007

SUBJECT: Tentative Tract Subdivision Map T-5891 (Located Between West Gettysburg and West Ashlan Avenues and North Bryan and North Hayes Avenues).

The Department of Public Works has reviewed the Tentative Tract Map proposed by The McCaffrey Group, on engineering plans prepared by Provost & Pritchard, dated November 19, 2007. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in street right-of-ways, landscape easements, trails, outlots and median islands.

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards.

2. **Street Tree Planting by Developer:** For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Planting and Utility Easement.

   a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.

   b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."

   c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.

   d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.

   e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association.

2. **Maintenance Service Through Annexation into the Community Facilities District.** Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

   A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping.

   B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.

   C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.

   D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.

   E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

   F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the **City of Fresno Water Division and may not be included in the CFD.**

MEDIAN ISLAND LANDSCAPE REQUIREMENTS

1. When median islands front onto the proposed development project, **applicants shall submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.**

2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.

3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23. The Public Works Department requires all proposed median islands to be constructed with 2 foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick red slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet shall be capped with concrete as an integral part of the off site improvements, whether the median is landscaped or not.

OUTLOTS

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

TRAIL REQUIREMENTS

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

City of
FRESNO

PUBLIC WORKS DEPARTMENT

DATE: December 18, 2007

TO: WILL TACKETT, Planner III
Planning and Development Department

FROM: HILARY KIMBER, Parks Supervisor II
Public Works Department

SUBJECT: CONDITIONS FOR TENTATIVE SUBDIVISION TRACT 5891 AND COMMUNITY FACILITIES DISTRICT

1. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer. If the Council or property owner/developer chooses not to include all of the items or certain items listed in a Community Facilities District (CFD), the property owner/developer shall be responsible for providing a mechanism approved by the City for the maintenance of such items.

- Maintenance of all Landscaping and Irrigation systems as approved by the Public Works Department within the street right-of-ways (includes parkways and one half of median islands in Major Streets), landscape easements, trails and outlots associated with the subdivision. All outlots shall be dedicated to the City of Fresno for maintenance purposes and any related work required.

- Maintenance of Sidewalks and Street Furniture as approved by the Public Works Department within the street right-of-way and the landscape easements associated with the subdivision.

- Maintenance of all landscape and irrigation systems on sides and in medians, decorative concrete and pilasters included as entry treatments to the tract.

- Maintenance of all local street Curbs, Gutters and Sidewalks, and Median islands as approved by the Public Works Department within the boundary of the tentative map.

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

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

2. An Annexation Request Package shall be submitted to the Public Works Department if the owner/developer chooses to be annexed into the City's CFD for maintenance purposes to be reviewed for acceptance to process. Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City's website (http:\www.fresno.gov) under the Public Works Department Developer Doorway.

3. **Proceedings to place the Final Map into a CFD SHALL NOT commence** until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be Technically Correct.

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

If you have any questions, please call me at 621-8794

c: PW File No. 10770

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

Mr. Gil Haro, Planning Manager
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

McCaffrey Group
7020 N. Van Ness Blvd.
Fresno, CA 93711
-

MAP NO. **5891REV2**
DRAINAGE AREA(S) " **EO** " " - "
DATE 5/29/08

PRELIMINARY FEE(S) (See below)

DRAINAGE AREA	" **EO** "	**$1,507,798.00**
DRAINAGE AREA	" - "	-
TOTAL FEE		**$1,507,798.00**

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

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

a) Fees related to undeveloped or phased portions of the project may be deferrable.

b) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.

c) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.

d) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

TRACT No. 5891REV2

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Two sided document

e) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

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

1. _____ a. Drainage from the site shall be directed to _____

   X b. Grading and drainage patterns shall be as identified on Exhibit No. 1 ~~#~~ 2

   _____ 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:

   X Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".

   _____ None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:

X	Grading Plan	X	Storm Drain Plan	X	Final Map
X	Street Plan	X	Water & Sewer Plan	_____	Other

4. Availability of drainage facilities:

   _____ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno 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.

   X c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
   ~~Temporary service is available through~~ _____

   X 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.)

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_____ Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.

__X__ 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.

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, approved August 1999, (modified December 2002.) 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 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, 1997 (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.

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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.

Gerald E. Lakeman,
District Engineer

Project Engineer: Rick Lyons

C: Provost & Pritchard
286 West Cromwell Ave.
Fresno, CA. 93711

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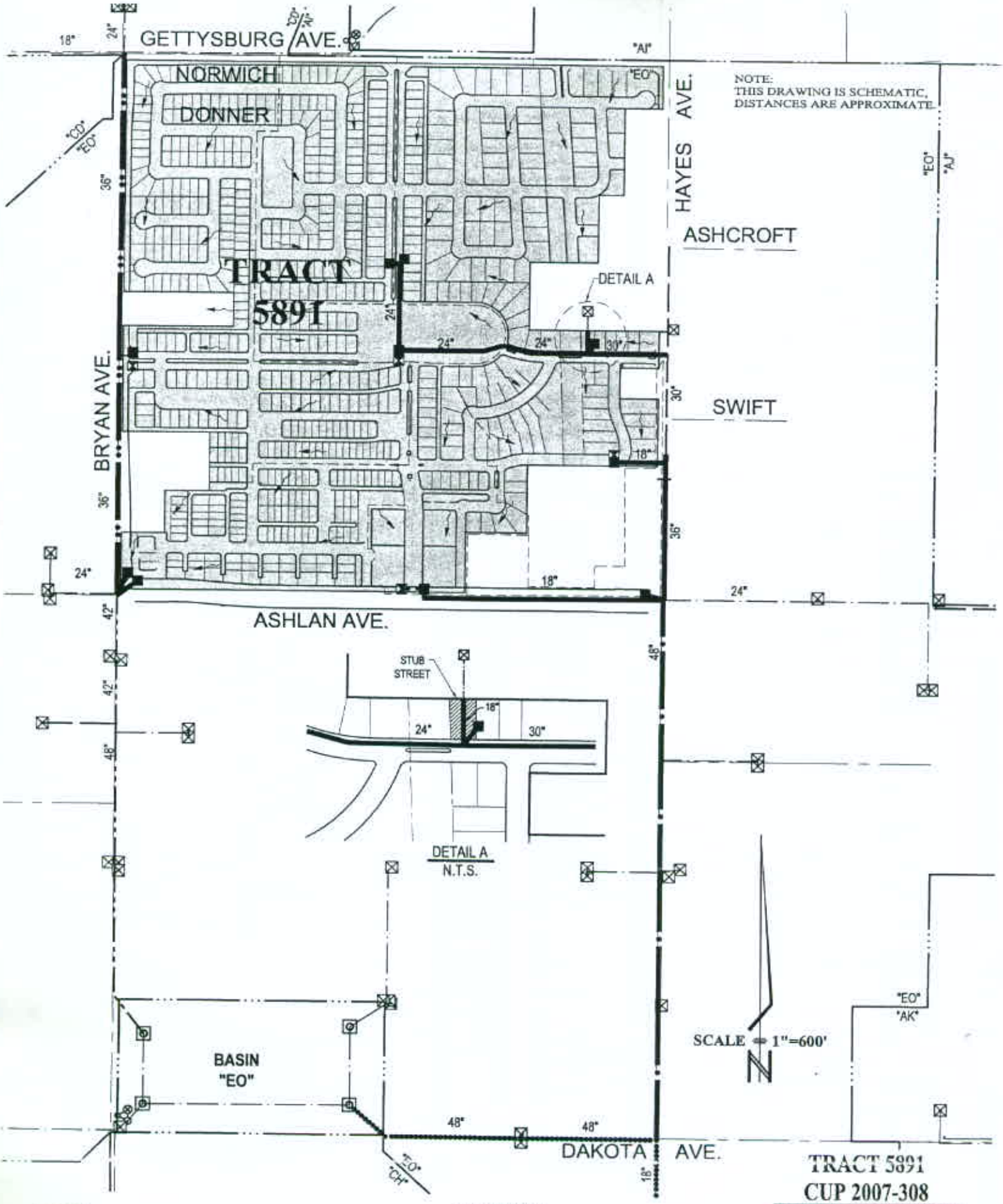

TRACT 5891
CUP 2007-308
DRAINAGE AREA: "EO"

EXHIBIT NO. 1
SHEET 1 OF 2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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DRAWN BY: MO DATE: 5/26/08
REVISED BY: MDH DATE: 5/26/08

LEGEND

Master Plan Facilities To Be Constructed By Developer
- Pipeline (Size Shown) & Inlet (Eligible For Fee Credit).

Optional Master Plan Facilities To Be Constructed By Developer
- Pipeline (Size Shown) Eligible For Fee Credit.

Master Plan Facilities To Be Constructed
By Central Unified School District.

Master Plan Facilities To Be Constructed
By Developer of Tract 5728.

Existing Master Plan Facilities

Future Master Plan Facilities

Non-master Plan Facilities To Be Constructed By Developer
(Not Eligible For Fee Credit)

Direction Of Drainage

Inlet Boundary

Drainage Area Boundary

TRACT 5652

DRAINAGE AREA: "EO"

EXHIBIT NO. 1
SHEET 2 OF 2

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

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DRAWN BY: MO DATE: 5/2/08
REVISED BY: — DATE: —

OTHER REQUIREMENTS
EXHIBIT NO. 2

The drainage fee identified on this revised Notice of Requirements for Tract 5891 has been computed at a rate commensurate to the calculated composite land use for this development. The District's Master Plan has been revised to accommodate the densities proposed for this project.

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

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

The easement may be slightly realigned to accommodate future development, provided the property owner accepts the responsibility to grade the property such that the drainage from the property will reach inlets on the alternate pipeline alignment, and accepts any additional costs for the construction of additional storm drain facilities that may be required. Any proposed storm drain alignments must be reviewed and approved by the District.

The District requires that the developer of Tract 5891 provide a stub street at Lot 542 to provide a means of drainage for major storm events. If the stub street is not provided, the developer will be required to provide a storm drainage channel to provide a method of conveyance for parcels north of this project during a major storm event.

No surface run-off shall be directed towards the alleys.

The construction of the Master Plan facilities labeled "Optional Master Plan Facilities" shown on Exhibit No. 1 will provide permanent drainage service to the easterly portion of Tract 5891. However, if the "Optional Master Plan Facilities" are not constructed, the District recommends temporary facilities until permanent service is available. The Central Unified School District will install the Master Plan facilities in Bryan Avenue that will provide permanent service to the westerly portion of the tract. Should these facilities not be constructed prior to development the District recommends temporary service until permanent service is available.

Development No. Tract 5891 Rev.2

OTHER REQUIREMENTS
EXHIBIT NO. 2

Some of the areas of Tract 5891 are shown with proposed alleys. The proposed alleys must have capacity to carry the necessary flows, particularly if part or all of the lots drainage will be directed toward the alley. Also, the major storm flows must be directed toward major streets and the major streets must be designed to accept the larger capacities of the major storm flows. The smaller streets with wedge curbing are of insufficient design to carry the capacities of the major storm flows.

The developer is required to provide storage in Basin "EO" by excavating 41,000 cubic yards as directed by the District in an excavation permit obtained from the District. If stockpiled within Basin "EO", the developer will be eligible for $1.40 per cubic yard credit. The District reserves the right to delete this work prior to the developer initiating work.

Prior to any work being initiated in the basin, the developer or his Contractor shall obtain an excavation permit from the District. If the work consists solely of stockpiling material excavated from the basin within the basin, there is not a permit fee. However, if any material is removed from the basin (off-site), a permit fee shall be paid prior to receiving the permit. No importing of material is permitted.

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

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

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are available. Contract the District's Environmental Department for further information regarding these policies related to industrial site requirements.

Development No. Tract 5891 Rev.2

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

Providing Life's Essential Services

DATE: October 13, 2008

TO: WILL TACKETT, Planner III
Department of Planning and Development, Planning Division

FROM: MICHAEL CARBAJAL, Supervising Engineering Technician
Department of Public Utilities, Water Division

SUBJECT: REVISED-WATER REQUIREMENTS FOR TENTATIVE TRACT NO. 5891/UGM

The following conditions are required to provide water service to the tract.

1. Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in West Gettysburg Avenue from North Hayes Avenue west to North Bryan Avenue.

2. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a total of 2,000 gallons per minute. Well sites shall be of a size and at a location acceptable to the Water Systems Manager. The cost of acquiring the well site(s) and construction of the well(s) shall be reimbursed from the UGM Water Supply Well Service Area Fund 301s, in accordance with established UGM policies.

3. Water well construction shall include wellhead treatment facilities, if required. The cost for constructing wellhead treatment facilities shall be reimbursed from UGM Wellhead Treatment Service Area Fund 301s, in accordance with established UGM policies.

4. No occupancies will be permitted prior to the satisfaction of the water supply requirement.

5. Develop and implement mitigation measures to offset groundwater pumping equivalent to the tract's annual water demand at buildout plus 15%. These mitigation measures include the use of FID surface water for irrigation, installation of low flow fixtures, the use of artificial lawns for landscape, and the use of evapotranspiration controllers. The mitigation measures shall be subject to prior approval by the Water Systems Manager.

6. The development shall design appropriate infrastructure to facilitate water consumption at a rate of 243 gallons/person/day.

7. Separate water services with meters shall be provided to each lot created.

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

approved by the Water Systems Manager.

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

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

11. All proposed water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan for any proposed landscape within the easement shall be approved by the Department of Public Utilities. No trees shall be located within 8 feet of the water main. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.

12. Construct a reclaimed water system in public rights-of-way to utilize future tertiary treated waste water for landscape irrigation purposes. Design of the reclaimed water mains will be subject to approval by the Assistant Director of Public Utilities.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Date: January 2, 2008

To: ROBERT LEWIS, Supervising Planner
Planning Division

From: DOUG HECKER, Supervising Engineering Technician
Public Utilities Department, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5891/UGM, REZONING APP. NO. R-07-29, PLAN AMENDMENT APP. NO. A-07-08 AND CONDITIONAL USE PERMIT C-07-308.

General

T-5891, A-07-008, R-07-029, C-07-308, for approximately 130 acres of land located between West Gettysburg and West Ashlan Avenues and North Bryan and North Hayes Avenues, proposing a 647-lot planned development subdivision. A-07-008 is a request to amend 2025 Fresno General Plan and West Area Community Plan from Neighborhood Commercial plu designation to Medium Density Residential plu designation for 10 acres (APN 311-070-29, 32 and 39) and Medium Density and High Density Residential plu designations to Neighborhood Commercial plu for 5 acres (por APN 311-070-50). R-07-029 requests to change the zoning from RR County, R-1-UGM, R-2-UGM and C-1-UGM to C-1-UGM Neighborhood Shopping Center-Urban Growth Management zone district (por of APN 311-070-50), R-1-UGM and R-2 Low Density Multiple Family Residential zone districts (APN 311-070-01, 07, 17, 19, 39, 48, 50 and 54). C-07-308 is a request to allow for reduced lot width, depth and setbacks and including public alley vehicle and pedestrian access.

Sanitary Sewer Service

The nearest sanitary sewer mains to serve the proposed project are a 15-inch main located in West Gettysburg Avenue and an 8-inch main located in North Bryan Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. Construct 18-inch and 15-inch sanitary sewer mains in West Ashlan Avenue between North Bryan and North Hayes Avenues.
2. Construct an 8-inch sanitary sewer main in North Hayes Avenue from West Ashlan Avenue north approximately 1,000 lf.
3. Sanitary sewer mains shall be extended within the proposed tract to provide sewer service to each lot created.
4. Separate sewer house branches shall be required for each lot created.
5. Abandon all existing on-site private sewer septic systems in accordance with City standards, specifications, and policies.
6. All public sewer facilities shall be constructed in accordance with Department of Public Works standards, specifications, and policies.
7. All underground street utilities shall be installed prior to permanent street paving.
8. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
9. Engineered improvement plans prepared to City Standards by a Registered Civil Engineer are required for proposed additions to the sanitary sewer system.
10. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.

Sanitary Sewer Fees

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

1. Lateral Sewer Charge.
2. Oversize Sewer Charge.
3. Oversize Sewer Area: #39
4. Trunk Sewer Area: Grantland
5. Sewer Facility Charge (Residential Only).

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4347
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

April 4, 2008

2131-IGR/CEQA
6-FRE-99-26.5+/-
A-07-008, R-07-029, C-07-308, T-5891, &TIS
MCCAFFREY MIXED-USE
SCH #2007121045

Mr. Will Tackett
City of Fresno Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Dear Mr. Tackett:

Caltrans has received the plan amendment, rezone, use permit, tract map, and Traffic Impact Study (TIS) for the mixed-use project located between West Gettysburg and West Ashlan Avenues, North Bryan and North Hayes Avenues. Caltrans has the following comments:

The project is expected to generate 546 AM and 854 PM Peak Hour trips. The project's TIS indicates that project trips would impact the State Route (SR) 99 interchanges at Shaw and Ashlan Avenues. Table VII of the project's TIS includes the traffic consultant's calculations for mitigation to the State Highway System. There are several discrepancies in Figure 10's peak hour numbers when comparing those shown in the 2025 Select Zone drawings of the SR 99 and Shaw Avenue intersection. Caltrans therefore recalculated the fair share, using the Council of Fresno County Governments' values over those in the project's TIS. Using the City's Formula, we have determined that this project's proportional share to mitigate for impacts to the identified interchanges is **$111,040**, as presented in the attached table (Attachment Number 1).

The City should consider a transit alternative for this project. There is sufficient development in this general area to support transit, and early planning could make such an alternative feasible. Caltrans recommends that this project be routed to Fresno Area Express (FAX) staff for their review and comment. Please see Attachment Number 2 for other recommended transportation alternatives.

If you have any questions, please call me at (559) 488-4347.

Sincerely,

Joanne Striebich

JOANNE STRIEBICH
Office of Transportation Planning
District 6

Attachments

C: State Clearinghouse
Mr. Scott Mozier, City of Fresno Public Works Department
Mr. Bryan Jones, City of Fresno Public Works Department
Ms Barbara Goodwin, Council of Fresno County Governments

ATTACHMENT NUMBER 1

Pro Rata Share Contributions Table
Tentative Tract No 5891
Ashlan and Bryan Avenues

PM	DESCRIPTION	PROPOSED IMPROVEMENT	ESTIMATED COST	COST/ TRIP	Project Trips	Project Contribution	NOTES
SR 99							
26.334	NB Off to Ashlan	Add turn lane	$1,537,000	$1,163	56	65,130	100 Unit Apartments TIS
26.554	Ashlan	Widen OC to add EB LT to Golden State Blvd	$1,307,900	$1,354	1	1,350	100 Unit Apartments TIS
28.102	Shaw OC	Widen OC (EB direction)	$1,130,252	$685	59	40,420	Fresport TIS
28.165	NB Off to Shaw	Add turn lane	$339,100	$345	12	4,140	Fresport TIS & Caltrans
	Total Pro Rata Share					$111,040	

ATTACHMENT NUMBER 2

CALTRANS RECOMMENDATIONS FOR TRANSPORTATION ALTERNATIVES:

Ongoing development throughout the City of Fresno, including this project, will make traffic operations significantly worse by adding considerably to delay and congestion. Transit alternatives can help reduce congestion and delay and reduce overall degradation of air quality and gridlocked intersections. The City of Fresno should focus on ways to eliminate trips in addition to enhancing capacity. Transportation alternatives the City should consider include standard highway solutions along with the following:

1. Park and ride facilities on site or within the proximity of this project.

2. A study of the general accommodation and provision of mass transit in this area to provide insight on ways of increasing transit usage.

3. Exploring the potential of commuter shuttles. The shuttle could be financed through an assessment district and provide a way for individuals to utilize a park-and-ride facility or commercial area parking lot and be shuttled to various commercial/office centers within the area. Commuters who need to go further could use City of Fresno transit if the City planned for convenient connections. This may help to reduce the Single Occupancy Vehicle (SOV) demand seeking to use the State Highway System.

4. Providing for continuity of non-motorized transportation.

5. Exploring the potential for employer-sponsored carpools/vanpools or monthly transit passes for employees as well as including as a condition of project approval a covered transit stop as mitigation for project-related impacts to the transportation/circulation system.

6. Exploring the potential for linking the purchase of a monthly transit pass with new residential development as partial mitigation for congestion and air quality impacts, and to ensure the long term viability of public transportation.

Pacific Gas and Electric Company

Kyle Patten
Land Agent
650 O Street Bag 23
Fresno, CA. 93760
Land Services

Phone: 559-263-5167
E Mail kap6&pge.com

X7373
Doller

December 12, 2007

RECEIVED
DEC 19 2007
Planning Division
Planning & Development Dept
CITY OF FRESNO

Development Department
Engineering Services Division
Land Division Section
2600 Fresno Street, Room 3043
Fresno, CA. 93721-3604
Attn: Dave Braun

Dear ~~Dave Braun~~, WILL TACKETT

We have received your request for comments notice for the TentativeTract Map No. 5891.

OUR FILE: Herndon- Kearney 230KV Tower line

Thank you for the opportunity to review and comment on the Tentative Tract Map No. 5891. Pacific Gas and Electric Company (PG&E) owns and operates an electric transmission tower line located within the proposed project's boundaries. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

PG&E hereby requests that the locations of each steel tower facility be deliniated upon the map. PG&E maintains that the location of the easement is monumented by the existing steel towers and their projected centerlines on the property.

It is imperative that PG&E review all improvement plans prior to any construction activity proposed within our easement area.

Some examples of activities that could have an impact upon our facilities include permanent/temporary changes in grade under or over our facilities, construction of structures within or adjacent to PG&E's easements and planting of certain types of vegetation under our electric facilities.

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facility relocation's require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Expansion of distribution and transmission lines and related facilities are a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

PG&E remains committed to working with the City of Fresno to provide timely, reliable and cost effective gas and electric service. Please contact me at 263-5167 if you have any questions regarding our comments. We would also appreciate being copied on future correspondence regarding this development.

Sincerely,

Kyle Patten
Land Agent

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER, DIRECTOR

TO: Consultants, Developers & Engineers

FROM: Road Maintenance & Operations / Development Engineering Plans Review & Approval

SUBJECT: Developments Proposed In County Areas & Proposed For Annexation

The following conditions are required of development project plans for connection or adjacent to County areas where slated for annexation into incorporated cities:

1. Road Improvement Plans

- Any work required within OR connecting to the County right–of-way will require review, approval and encroachment permit issuance from County Road Maintenance & Operations.
- Striping plans as part of road improvement plans shall be submitted. See attached checklist.
- NOTE: Traffic control devices proposed requires approval. STOP signs, NO PARKING and traffic signals require Board of Supervisors review prior to plan approval/permit issuance. Allow 60 days for the approval.
- Traffic studies will be required where more than 10 trips/peak hour at intersections or 100 trips/days are generated on a road segment.
- **A plan check review fee of $1,300 is required with the 1st submittal for the improvement plans.**

2. Utility Plans

- Proposed or required relocations and undergrounding are to be submitted with the 1st submittal of the plans.
- Submittal of plans from the affected utility company with the 2nd submittal is required prior to plan review.
- **A plan check review fee of $640 is required with the 1st submittal for the Encroachment.**

3. Grading Plans

- Where adjacent to County areas, plans shall be submitted and reviewed by the Development Engineering Section of County Public Works.
- Annexation documents are required for verification of the limits of work to be reviewed, approved and permitted.
- A grading voucher will issued upon submittal of adequate information [per the attached list] and approval prior to grading in areas proposed for annexation.
- Lotting patterns for adjacent tracts proposed shall be provided where affected by proposed developments.

4. Traffic Control Plans / Road Closures

- Staff requires 48 hours review time from submittal to response for TCP (Traffic Control Plan) reviews.
- Lane closures are typically limited to between the hours of 9:00 am and 4:00 pm.
- No detours are permitted onto County of Fresno roadways that are not striped.
- Signs in the County's jurisdiction must be on posts where remaining in place longer than three days.
- No adjacent roadway is to be closed concurrently with an existing or proposed closure.
- Advanced notification by the developer/contractor is to be given to property owners, affected businesses and the motoring public affected by an upcoming/impending proposed closure.
- TCP's are required to reflect the most current edition of the California M.U.T.C.D.
- If any of the proposed closure or detour route is shown to be within a joint jurisdictional area, acceptance and agreement with that affected agency is required.
- Closures proposed to be long term must have a construction schedule submitted with the proposal to justify the duration requested. Liquidated damages at the rate of $1,200/day will be charged for closures exceeding the allotted period approved with the TCP.

Attachments: Road M&O Plan Check List, Dev Engr. Grading Voucher Checklist

11/19/2007

ROAD MAINTENANCE & OPERATIONS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4240 / FAX 262-4166
Equal Employment Opportunity • Affirmative Action • Disabled Employer

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS AND ENCROACHMENT PERMITS
MAINTENANCE & OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS AND PLANNING

Project:_____ Completed By:_____

Engineer:_____ Date:_____

The following checklist must be completed before plans can be accepted for review.
Date accepted for review: _____ By:_____

Screening for Plan Acceptance

Done (Init.)	N/A	
( )	( )	1) Pre – "Plan Preparation" mtg. with appropriate agency(ies) and engineering consultant staff held on _____.
( )	( )	2) Show existing and proposed right-of-way on plans.
( )	( )	3) Attach Conditions of Approval for land use entitlements to plans and mitigation measures if applicable.
( )	( )	4) Show "existing", "proposed", "to be relocated" and "to be removed" utilities and irrigation facilities on the plans. (The "Developer" is responsible for relocating any existing utility and irrigation facilities (within the County road right-of-way) to the correct alignment and grade.)
( )	( )	5) Provide written verification from all affected utility companies that required pole relocation design has commenced and all associated engineering fees paid.
( )	( )	6) Plans should be reviewed for existence of longitudinal irrigation facilities within R/W. If shown, special approval should be cleared before acceptance.
( )	( )	7) Plans should include a valid stamp and signature.
( )	( )	8) Provide Signing and Striping Plan showing existing pavement width, signs, and markings for a minimum of 300' (500' preferred) beyond project limits.
( )	( )	9) Provide note stating that a County encroachment permit is required.
( )	( )	10) Provide digital photos of the proposed project site.
( )	( )	11) Attach Traffic and Engineering Study for new intersection controls proposed (All way stops and Traffic Signals). Use Caltrans Traffic Manual warrants.
( )	( )	12) Show existing topographic information and show date in which data was collected on title sheet.
( )	( )	13) Provide structural section calculations to include 0.20 safety factor for County roads.
( )	( )	14) Provide documentation for proposed annexation.
( )	( )	15) Show jurisdictional lines (City & County) to include proposed annexation.
( )	( )	16) Allow a minimum of four weeks for Board of Supervisor's authorization for any proposed signal lights, stop signs, yield signs, speed zones or no parking zones.

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS & ENCROACHMENT PERMITS
MAINTENANCE & OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS & PLANNING

Project: _____ Completed by: _____

Engineer: _____ Date: _____

The following checklist will be completed before improvement plans can be approved.

Done (Init.) N/A

A. Plan Review Elements

1. Cross slope:

( ) ( ) a) 2% for new road (rural & urban areas)
( ) ( ) b) 2% to 3% for new road (mountainous area)
( ) ( ) c) 1% to 4% for existing road (50'-60' right-of-way)
( ) ( ) d) 1% to 3% for existing road (80'-110' right-of-way)

2. Side slope:

( ) ( ) a) Rural area: 2:1 maximum for fill slope; 1.5:1 maximum for cut slope; AC dike for fill> 3' and shoulder slope > 4:1
( ) ( ) b) Mountainous area; 2:1 maximum for fill slope > 5', 1 ½ ; 1 maximum for fill slope <5'; 1 ½: 1 maximum for cut slope
( ) ( ) c) Setback from property lines

3. Minimum culvert size:

( ) ( ) a) 18" outside FMFCD boundary
( ) ( ) b) 15" within FMFCD boundary

4. Curb return radius:

( ) ( ) a) 20' for local to local connection
( ) ( ) b) 25' for local to collector or arterial connection
( ) ( ) c) 25' for collector to collector connection
( ) ( ) d) 30' for arterial to collector connection
( ) ( ) e) 30' for arterial to arterial connection
( ) ( ) f) 30' for industrial road
( ) ( ) g) 40' for AC road approach

5. Vertical curve:

( ) ( ) a) Major road – Algebraic difference in profile grade > 0.5%
( ) ( ) b) Local road – Algebraic difference in profile grade ≥ 1.0%

6. Horizontal curve:

( ) ( ) a) Major road – deflection angle > 0.5°
( ) ( ) b) Local road – deflection angle ≥ 1.0°

7. Curb and gutter plan:

( ) ( ) a) Show proposed top of curb profile along site frontage.
( ) ( ) b) Show existing centerline profile along site frontage. Include at least 300' beyond each end of property or to existing cur, whichever is feasible.
( ) ( ) c) Show existing edge of pavement profile along site frontage. Include at least 300' beyond each end of property or to existing curb, whichever is feasible.

450

( ) ( ) d) Provide a minimum of 50' pavement transition at each end of proposed curb.
( ) ( ) e) Install wheelchair ramp at all curb returns.
( ) ( ) f) Provide a minimum of 0.2' fall around curb return and along valley gutter.
( ) ( ) g) Delineate existing and proposed curb/gutter, sidewalks, driveway approaches and pavement limits on the plan.
( ) ( ) h) Curb & gutter grades shall conform to FMFCD Master Drainage Plan.
( ) ( ) i) Curb & gutter plans must be submitted to and approved by FMFCD.
( ) ( ) j) Breakover angles.

8. Flood hazard:

( ) ( ) a) Submit drainage study.
( ) ( ) b) The hinge point of proposed road shall be a minimum of 12" above the 100-year high water level (site within FMFCD boundary excepted)
( ) ( ) c) Runoff from the development should be kept out of natural swales which drain to downstream areas as much as practical. In any case, this runoff should not exceed pre-development conditions.

9. Drainage:

( ) ( ) a) Provide AC gutter, dike or erosion controls at profile grade steeper than 1%.
( ) ( ) b) The hinge point of proposed road shall be a minimum of 12" above the gutter flowline.
( ) ( ) c) Spillway of drainage basin shall be a minimum of 6' wide and 2:1 maximum side slope.
( ) ( ) d) Submit drainage and grading plan showing how runoff will be taken care of without causing problems to roads or other properties if draining to natural channels.
( ) ( ) e) Show contour lines or adequate elevations on the plan.

10. Minimum gutter slope:

( ) ( ) a) 0.15% for dirt gutter, prefer 0.20%.
( ) ( ) b) 0.10% for concrete gutter, prefer 0.15%

11. Minimum structural section:

( ) ( ) a) 0.17' AC/0.35'AB/0.50' compacted native soil (95% compaction) on interior road.
( ) ( ) b) 0.17' AC/0.35'AB/0.50' compacted native soil (95% compaction) on existing County maintained road. Provide structural section calculations.

12. PM-10 Standards:

( ) ( ) a) Show pavement width to be a minimum of a 12' travel lane plus a 4' paved shoulder for ADT less than 3000.
( ) ( ) b) Show pavement width to be a minimum of a 12' travel lane plus an 8' paved shoulder for roadways with ADT greater than 3000.

NOTE: a 17' travel way with an AC dike may be used in lieu of the 12' + 8' listed above. The dike must be mountable with a 4:1 max slope for parking or if a Type 'A' Dike is proposed, Board of Supervisors approval is required for prohibition of parking.

13. Traffic Engineering Design:

( ) ( ) a) Provide all supporting information (auxiliary lane justification, intersection control warrants, Speed zones and parking prohibition) **NOTE**: BOS approval is required for prohibition of parking in excess of 200 feet in length.
( ) ( ) b) Show stop signs for cross streets that intersect through roads. NOTE: Stop signs for cross Streets other than through roads must be approved by the BOS.
( ) ( ) c) Reference plans to County of Fresno Improvement Standards, noting design speed used.
( ) ( ) d) Show transition lengths based on the formula L=WS per Caltrans Design Manual.
( ) ( ) e) Show all bay tapers to be 120'.
( ) ( ) f) Show and label all existing signing, striping and pavement markings within a minimum of 300 feet of the limits of construction (including street name signs) and not whether they are to remain, be relocated or removed.
( ) ( ) g) Show, label and dimension all types of striping.
( ) ( ) h) Show and identify proposed appropriate signing and striping.

( ) ( ) i) Show all signs to be located in the right-of-way and show that they are adequately visible.
( ) ( ) j) Show adequate intersection sight distance within right-of-way for all intersections and driveways.
( ) ( ) k) Show all obstructions to be removed or relocated to a minimum of 4' from the edge of pavement including utility poles.
( ) ( ) l) Provide 10' minimum clearance between edge of pavement and right-of-way unless otherwise approved by this office

14. Traffic Signal Design:

( ) ( ) a) Provide G7 street name signs mounted on mast arms.
( ) ( ) b) Show all signals to have 12" LED.
( ) ( ) c) Show pedestrian signals except a rural locations without pedestrian traffic.
( ) ( ) d) Show loop detectors to be installed in PVC conduit.
( ) ( ) e) Show appropriate loop detector spacing based on speed limit or maximum speed.
( ) ( ) f) Show all signal conductors to be contained in cable (vehicle-7, pedestrian-5, PPB-3).
( ) ( ) g) Show far and intermediate detectors for all approaches with speed in excess of 40 mph.
( ) ( ) h) Show signal poles to be 3.5' minimum (4'preferred) from edge of pavement or face of curb, whichever is greater.
( ) ( ) i) Verify that signal facilities will be compatible with future improvements.

15. Schools:

( ) ( ) a) Provide all pertinent support data.
1. School pedestrian study.
    a) Sidewalks.
    b) Suggested route to school.
2. Pedestrian volumes.
3. School attendance boundary.
4. On-site circulation for staff, buses, parents and students.

16. Utilities:

( ) ( ) a) General notes should require a USA check, and a statement that any obstructions in the roadway shall be relocated outside the paved area.
( ) ( ) b) Utility company pole relocation and required infrastructure installation plans corresponds with proposed road improvements.

17. Other:

( ) ( ) a) Record drawings or certification of compliance (from Engineer of record) may be required upon completion of the improvements within the road right-of-way.
( ) ( ) b) Review access points for compatibility with County road classification.
( ) ( ) c) Complete set of original plans should be submitted for County approval/signing.
( ) ( ) d) Confirm notification to property owners.

PLAN CHECK PROCEDURES & CHECKLIST

FOR IMPROVEMENT PLANS AND ENCROACHMENT PERMITS
MAINTENANCE AND OPERATIONS DIVISION
DEPARTMENT OF PUBLIC WORKS AND PLANNING

Project: _____ Completed by: _____

Engineer: _____ Date: _____

Done N/A
(Init.)

B. Permit Issuance Conditions:

( ) ( ) a) Board of Supervisor's consent for any City R/W acquisition.
( ) ( ) b) Copy of recorded deeds for all R/W acquisitions.
( ) ( ) c) Board approval needed for new stop sign or signal installation prior to plan approval.
( ) ( ) d) Section A.17.e should be accomplished.

Comments:

_____
_____
_____
_____
_____

( ) ( ) d) Construction Schedule to include time for utility relocation.

( ) ( ) e) Additional Requirements

_____

Note:

Contractor/Developer should be reminded that two (2) sets of the approved plans should be submitted to the County of Fresno Department of Public Works and Planning, Road Maintenance and Operations Division *before* any encroachment Permit will be processed.

County of Fresno
DEPARTMENT OF COMMUNITY HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

December 14, 2007

999999999
LU0014546
PE 2602

Will Tackett
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5891, R-07-029, C-07-308, A-07-008, The McCaffrey Group

PROJECT DESCRIPTION AND LOCATION: Proposes a 647-lot planned development subdivision on 130-acres and associated rezoning located between West Gettysburg and West Ashlan Avenues, and between North Bryan and North Hayes Avenues.

LIST THE SPECIFIC ADVERSE IMPACTS IN YOUR AREA OF EXPERTISE WHICH MAY RESULT FROM APPROVAL OF THE PROPOSED PROJECT.

PLEASE LIST SPECIFIC MITIGATION MEASURES THAT YOU WOULD RECOMMEND AS CONDITIONS OF PROJECT APPROVAL TO REDUCE ANY SIGNIFICANT ADVERSE IMPACTS.

[ ] **AN ENVIRONMENTAL IMPACT REPORT:** The project has the potential to result in significant adverse environmental impacts.

[X] **A NEGATIVE DECLARATION:** The project may have adverse impacts but impacts can be mitigated without further study or are not serious enough to warrant an Environmental Impact Report.

[ ] **NEITHER OF THE ABOVE, INSUFFICIENT INFORMATION TO DRAW ANY CONCLUSIONS:** The following additional information should be provided:

- Construction permits for the 647-lot planned development subdivision should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

- Construction permits for the 647-lot planned development subdivision should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

- The Fresno County Department of Community Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

  Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

  The Department of Community Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Ed Yamamoto, Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.

- The conditions as described in the "Conclusions and Recommendations" section on page nine (9) of the Acoustical Analysis prepared by Brown Buntin Associates, Inc., dated June 1, 2007 & revised on November 8, 2007 should be accepted as mitigation measures for the project. Without these measures the proposed noise sensitive receivers will be subjected to a level of noise in excess of the City of Fresno Noise Element standards.

Comments/Concerns Specific to the Proposed Rezone:

- Since specific tenants for this application have not been identified, the full range of C-1 uses will be considered. The potential adverse impacts could include (but are not limited to) storage of hazardous materials and/or wastes, storage of medical wastes, and potential noise nuisances.

Recommended Conditions of Approval Specific to the Proposed Rezone:

- Should a retail food establishment be proposed, prior to issuance of building permits, the tenant shall submit complete food facility plans and specifications to the Fresno County Department of Community Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 445-3392 for more information.

- Prior to operation, prospective tenants may be required to apply for and obtain a license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information.

- Prospective tenants should be advised that construction and operating permits may be required by the State of California, Department of Health Services for wholesale food manufacturing. Contact the staff at the Division of Food and Drug at (559) 445-5323 for more information.

- Certain uses allowed may utilize underground storage tanks. If such a use is proposed, then prior to the issuance of building permits, the applicant or future tenants shall submit three (3) sets of complete plans and specifications regarding the installation of any underground storage tanks to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Program Agency, at (559) 445-3271 for more information.

- Certain uses allowed may utilize hazardous materials or create hazardous wastes. If a tenant with such uses is proposed, then prior to occupancy the tenant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Community Health, Environmental Health Division. Contact the Certified Unified Hazardous Program Agency at (559) 445-3271 for more information.

- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

- Future tenants may be required to obtain a Medical Waste Permit from the California Department of Health Services, Medical Waste Management Program. Call (916) 449-5671 for more information.

REVIEWED BY:

Glenn Allen, Environmental Health Specialist III

(559) 445-3357

ga

cc: Ed Yamamoto, Environmental Health Division

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Arnold Schwarzenegger
Governor

January 7, 2008

Mr. Will Tackett
City of Fresno
Planning and Development Department
2600 Fresno Street
Fresno, California 93721

EARLY CONSULTATION FOR THE A-07-008; R-07-029; C-07-308 & T-5891 PROJECT (SCH #2007121045)

Dear Mr. Tackett:

The Department of Toxic Substances Control (DTSC) has reviewed the document described above that proposes building residential housing on agricultural land. DTSC recommends that research be conducted to determine whether pesticides were used on the proposed development site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists.

In addition, although DTSC does not regulate pesticides legally applied to crops, if pesticides have historically been used on the property, we strongly recommend that these areas be tested for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers.

Please contact me by email at *tmiles@dtsc.ca.gov* or by telephone at (916) 255-3710, if you have any questions.

Sincerely,

Tim Miles

Tim Miles
Hazardous Substances Scientist

cc: Planning & Environmental Analysis Section (PEAS)
CEQA Tracking Center
1001 I Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806

Printed on Recycled Paper

cc: State Clearinghouse
Office of Planning and Research
1400 10th Street, Room 121
Sacramento, California 95814-0613

Mr. Tim Casagrande, Deputy Director
Fresno County Community Health Department
1221 Fulton Mall, Third Floor
Fresno, California 93775

OFFICE OF

FRESNO IRRIGATION DISTRICT

YOUR MOST VALUABLE RESOURCE - WATER

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

December 11, 2007

RECEIVED

DEC 14 2007

Planning Division
Planning & Development Dept
CITY OF FRESNO

Mr. Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: VTTM 5891, A-07-008, R-07-029 and C-07-308 North of Ashlan to Gettysburg Avenue between Hayes and Bryan Avenues

Dear Mr. Tackett:

The Fresno Irrigation District (FID) has reviewed the Vesting Tentative Tract Map No. 5891, Common Use Permit C-07-308, Rezone Application R-07-029 and Plan Amendment Application A-07-008 development located North of Ashlan to Gettysburg Avenue between Hayes and Bryan Avenues which has no impact on any of FID's facilities. FID approves the proposed development with the following conditions:

1. FID does not own, operate or maintain any facilities located on the applicant's property.
2. FID expects no adverse impacts from the approval of the subject proposal.
3. For informational purposes, a private pipeline known as the Wheaton No. 518 traverses the subject properties as shown on the enclosed map. FID suggests the developer and/or the developers engineer contact FID at their earliest convenience to determine if this private pipeline can be abandoned.
4. For informational purposes, a private pipeline known as the Gopher Hole No. 481 runs north to south on the eastside of Hayes Avenue as shown on the enclosed map.

Thank you for submitting this for our review. Please feel free to contact me with any questions or concerns at 233-7161 extension 321 or sbloem@fresnoirrigation.com.

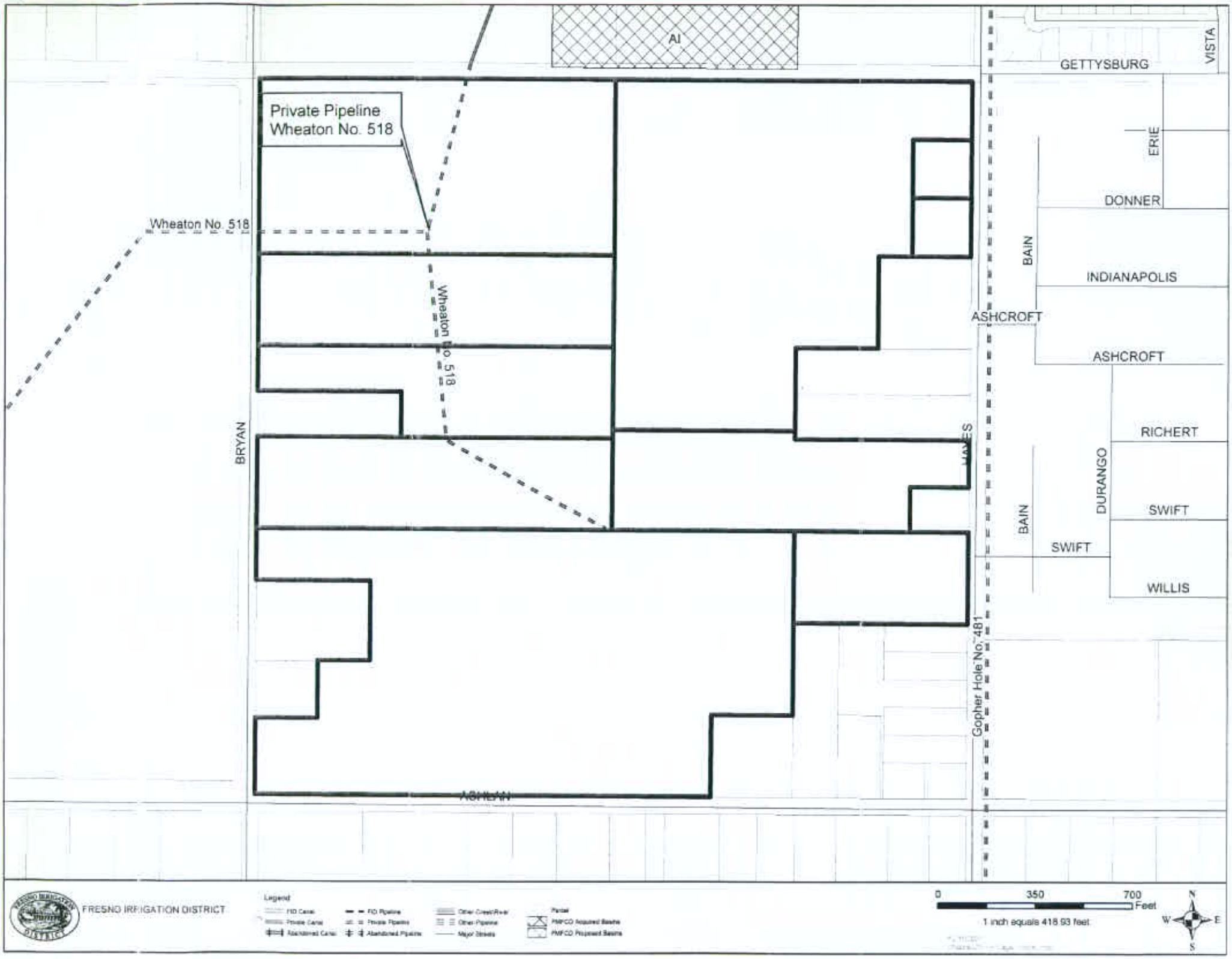
Sincerely,

Steve Bloem
Engineering Technician

Enclosure

G:\Agencies\City\TM5891,R-07-29,C-07-308,A-07-008.doc

BOARD OF DIRECTORS: President JEFFREY G. BOSWELL, Vice-President JEFF NEELY
EDDIE NIEDERFRANK, STEVE BALLS, TOM E. STEFFEN, General Manager GARY R. SERRATO


AI
GETTYSBURG
VISTA
Private Pipeline
Wheaton No. 518
ERIE
DONNER
Wheaton No. 518
BAIN
INDIANAPOLIS
ASHCROFT
Wheaton No. 518
ASHCROFT
BRYAN
HAYES
RICHERT
DURANGO
BAIN
SWIFT
SWIFT
WILLIS
Gopher Hole No. 481
ASHLAN
FRESNO IRRIGATION DISTRICT
Legend
FID Canal
Private Canal
Abandoned Canal
FID Pipeline
Private Pipeline
Abandoned Pipeline
Other Creek/River
Other Pipeline
Major Streets
Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins
0
350
700
Feet
1 inch equals 418.93 feet
N
W
E
S

CENTRAL UNIFIED SCHOOL DISTRICT

OPERATIONAL SERVICES
4605 North Polk Avenue • Fresno California 93722
Phone: (559) 274-4700 ext. 105 • FAX: (559) 276-5515

Bert Contreras, Director - Operational Services

Facilities Project Manager
Eddie Davidson, Work Control Manager
Diane Komoto, Transportation Director
David Deel, Facilities Planning Manager

January 23, 2008

City of Fresno
Development Department – Planning Division
2600 Fresno Street
Fresno, CA 93721
Fax: 488-1020

RECEIVED
JAN 28 2008
Planning Division
Planning & Development Dept
City of Fresno

Attn: Will Tackett

Subject: **TT 5891** (R-07-29 & C-07-308)

Central Unified School District has the following conditions/comments for the above project(s):

Condition of approval:

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

2. Install concrete sidewalks/curbs/gutters on both sides of the interior streets for the proposed project in a manner consistent with the existing subdivisions in the area and to City standards.

3. A school bus stop shall be constructed on the west side of Hayes Avenue within the subdivision frontage per attached specifications.

Comments:

The proposed project will add approximately **373** K thru 12th grade students to the District's average daily attendance. The following chart identifies the breakdown per grade level.

Number of lots / units =	647
Grade Level:	# of Students Generated
K-6 grade students	232
7-8 grade students	61
9-12 grade students	79
TOTAL K-12 grade	**373**

The District will be caused to accommodate these new students short term at the schools of attendance indicated below. To offset the cost to house these students, the District currently levies development fees of **$4.15** per square foot for residential development and **$0.42** per square foot for commercial / industrial development.

Bus transportation may be provided to students in accordance with District policies in effect at the time of enrollment. Currently, bus transportation is provided for:

- K-8th grade students residing at least *one mile or more* from their school of attendance;
- 9th-12th grade students residing at least *two miles or more* from their school of attendance.

The District is an advocate for safe walking routes. Sidewalks will be required along interior neighborhood streets and major exterior streets to provide the necessary identifiable boundary between students and traffic, and provide a safe place for students walking to and from existing school sites and bus stops.

The District acknowledges that per the above transportation policies students from this tract will most likely walk to their respective schools of attendance located at the Educational Center which is adjacent to this proposal at the southwest corner of Gettysburg and Bryan Avenue. Construction of the Educational Center has started with the completion of the elementary school phase. Depending on the timeline for construction of the proposed tract 5891, subsequent phases of the educational center will be completed and are described in more detail below.

However, until all phases of the educational center are completed, the current school of attendance information is provided:

- Elementary School Information:

  School Name: Harvest Elementary
  Address: 6514 W. Gettysburg Avenue

- Middle School Information:

  School Name: El Capitan Middle School
  Address: 4443 W. Weldon Ave.

- High School Information:

  (a) School Name: Central High School – East Campus
  Address: 3535 N. Cornelia Ave

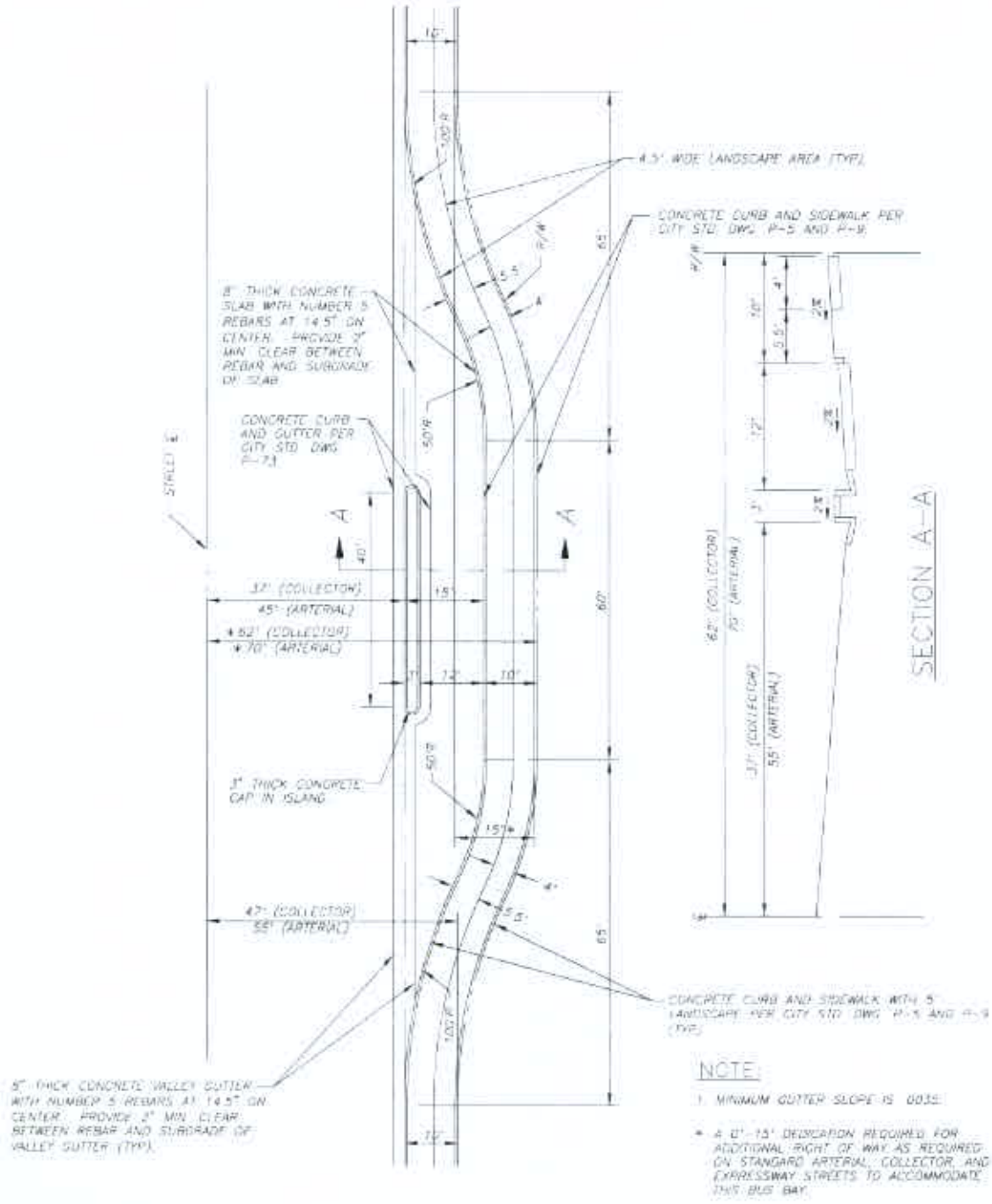
  (b) Currently, Central High School - *West* Campus is a mandatory attendance 9th grade school with optional programs for grades 10th -12th.

The District appreciates the opportunity to comment on above project. Should you have questions or need additional information, please contact me at 559-274-4700 x154 or hcontreras@centralusd.k12.ca.us.

Sincerely,

Bert Contreras
Director, Operational Services

cc: David Deel
FILE



NOTE:

1. MINIMUM GUTTER SLOPE IS 0.03%

* A 0'-15' DEDICATION REQUIRED FOR ADDITIONAL RIGHT OF WAY AS REQUIRED ON STANDARD ARTERIAL, COLLECTOR, AND EXPRESSWAY STREETS TO ACCOMMODATE THIS BUS BAY.

SCHOOL BUS TURNOUT
FOR
COLLECTOR AND LOCAL STREET

BLAIR, CHURCH & FLYNN
CONSULTING ENGINEERS

TEL. (559) 291-5907 FAX. (559) 291-2845

DR. BY:	DATE	SCALE
P.G.	9-10-04	NO SCALE
		SHEET 1 of 1

Drawing: P:\204-0366\Dwg-Site\Dwg\Turnout.dwg, Layout1
Plot by: paul Dec 13, 2005 - 9:27am

FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 12895

The Fresno City Planning Commission, at its meeting on November 05, 2008, adopted the following resolution relating to Conditional Use Permit Application No. C-07-308.

WHEREAS, Conditional Use Permit Application No. C-07-308 has been filed with the City of Fresno by The McCaffrey Group, for approximately 122.93 net acres of property located between West Ashlan Avenue and the West Getttysburg Avenue Alignment; and between the North Bryan and North Hayes Avenues; and,

WHEREAS, Conditional Use Permit Application No. C-07-308 seeks authorization for the development of a private street planned development which includes modified property development standards for the subdivision; and,

WHEREAS, on February 12, 2008, the District 1 Implementation Advisory Committee reviewed the related tentative tract map; and,

WHEREAS, on November 05, 2008, the Fresno City Planning Commission, reviewed the subject conditional use permit application in accordance with the policies of the West Area Community Plan and the 2025 Fresno General Plan; and,

WHEREAS, the Commission conducted a public hearing to review the proposed conditional use permit, received testimony from the applicant and considered the Planning and Development Department's report recommending approval of the proposed conditional use permit subject to special permit conditions; and,

WHEREAS, at that same hearing the Commission reviewed related Vesting Tentative Tract Map No. 5891/UGM to subdivide the property for the purposes of a 738-lot, single family residential (648 lots) and neighborhood commercial shopping center (4 lots) private street planned development with 86 Outlots proposed to be dedicated for various open space, private street, and parking purposes; and,

WHEREAS, the Fresno City Planning Commission considered the proposed conditional use permit relative to the staff report and environmental assessment issued for the project; and,

WHEREAS, the Fresno City Planning Commission invited testimony with respect to the proposed conditional use permit.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Conditional Use Permit Application No. C-07-308 may have a significant effect on the environment as identified by the Mitigated Negative Declaration finding for Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891 dated March 13, 2008 and subsequently adopted by the Fresno City Council on May 20, 2008,

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Conditional Use Permit Application No. C-07-308 authorizing the development of a private street planned development, which includes modified development standards for the subdivision subject to the Planning and Development Department Conditions of Approval dated November 05, 2008 and the following:

1. The conditions of approval for the proposed project were revised in accordance with the addendum, "Proposed Revisions and Corrections to Conditions of Approval for Conditional Use Permit Application No. C-07-308 and Vesting Tentative Tract map No. 5891/UGM dated November 05, 2008," which was prepared by City staff and adopted by the Planning Commission.

2. The Assistant Director of Public Utilities clarified for the record that "smart controllers" or a controller using evapotranspiration will be equivalent to an automatic controller for irrigation/landscape maintenance purposes.

3. The Public Works Department, Traffic Engineering Manager clarified for the record that payment of the $773,398 mitigation fee assessed for this project's fair share contribution for impacts to the Veterans Boulevard / State Route 99 interchange may be distributed evenly over the first five Final Maps recorded in Tract 5891. Said fee of $154,679.60 shall be due at time of Final Map Acceptance and be placed into an account as outlined in the Staff Report for the November 05, 2008 Planning Commission hearing.

4. The developer/subdivider agreed to work with the adjacent property owners residing at 4373 North Hayes Avenue (Grigor and Aida Bursalyan) to: (1) Assure extra care and maintenance of existing amenities on the adjacent property during construction (e.g. protection from dust and noise, provide for appropriate cleaning, debris removal, yard maintenance, etc.); (2) Communicate with adjacent property owners and take consideration with respect to fencing on and around the perimeter of adjacent property to establish and maintain uniformity; (3) Provide for and maintain appropriate access to adjacent property during construction; and, (4) Establish and maintain a dialogue with adjacent property owners respective to phases of construction, (i.e., provide appropriate notice of when and where work will be occurring, which may affect adjacent property, keep adjacent property owners informed of new development, etc.)

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner DiBuduo.

VOTING:	Ayes -	Cherry, DiBuduo, Holt, Kissler, Torossian, Vasquez
	Noes -	None
	Not Voting -	None
	Absent -	Vang

DATED: November 05, 2008

KEITH BERGTHOLD, Secretary
Fresno City Planning Commission

Resolution No. 12895
Conditional Use Permit Application No. C-07-308
Filed by The McCaffrey Group
Action: Approved

City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VII.B.
COMMISSION MEETING 11/05/08
APPROVED BY
DEPARTMENT DIRECTOR

November 05, 2008

FROM: KEITH BERGTHOLD, Interim Director
Planning and Development Department

THROUGH: DARRELL UNRUH, Planning Manager DU
Planning Division

BY: WILL TACKETT, Planner III
Planning Division

SUBJECT: PROPOSED REVISIONS AND CORRECTIONS TO CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT APPLICATION NO. C-07-308 AND VESTING TENTATIVE TRACT MAP NO. 5891/UGM DATED NOVEMBER 05, 2008.

STAFF RECOMMENDATIONS

1. Condition No. 24.a.ii. of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval shall be reworded to state:

   All Outlots of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which are proposed to be located adjacent to the major street entryways into the subdivision shall be dedicated for Open Space purposes and shall be landscaped and maintained in accordance with the conditions below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

2. Condition No. 24.b.i. of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval shall be reworded to state:

   All Outlots of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which are proposed to be provided for aggregated open space purposes shall be dedicated for Open Space purposes and shall be landscaped and maintained in accordance with the conditions below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

3. Condition No. 24.c.i. of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval shall be reworded to state:

   All Outlots of Vesting Tentative Tract Map No. 5891/UGM, dated October 30, 2008, which are proposed to be provided for pedestrian connections/walkways shall be dedicated for Open Space purposes and shall be landscaped and maintained in accordance with the conditions below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

4. A Note shall be added to Condition No. 36.b. of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval which states:

   Alternatively a combination of solid masonry wall (or approved equivalent wood fence) and earth berm which provides a continuous barrier seven feet in height may be erected on or along said property lines, which abut adjacent property planned or zoned for residential use.

5. Condition No. 38 of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval shall be reworded to state:

   Construct a seven-foot high solid masonry wall or a combination of solid masonry wall and earth berm, which provides a continuous barrier seven feet in height (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the Fresno Municipal Code at the rear of the required landscaped areas along the west property line of Lot 474 of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008.

6. Condition No. 47 of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval shall be reworded to state:

   Outlots "F," "T," "V," "W," "AA," "AO," "AP," "AQ," "AR" & "BS" of Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 shall be dedicated and maintained for open space purposes and may not be developed with other uses. ***Pursuant to proposed City policy, these open space areas may be applied as a fee credit against the City's Parkland Dedication/In-Lieu Fee (Quimby Act) and/or Park Facilities Fee, as appropriate.***

7. Condition No. 50.b. of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval shall be reworded to state:

   The 32-foot wide streets are approved as shown on Vesting Tentative Tract Map No. 5891/UGM dated October 30, 2008 pending review of the proposed Covenants, Conditions, and Restrictions for the subject development by the Fresno Fire Department. (Subsequent Note to be removed.)

8. Condition Nos. 131 & 133 of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval shall be removed in their entirety and a condition which reads as follows shall be added with respect to Water Service conditions of approval.

   The developer of Tract 5400 shall dedicate to the City Outlot "A" and the City will construct the well and various on-site improvements. The developer of Tract 5891 shall dedicate a water well site of a size and at a location acceptable to the Assistant Director of Public Utilities and construct a City standard well and treatment if necessary; that shall be capable of producing a minimum 1,500 to 2,000 gallons per minute.

   a) *Said well must be constructed and be fully operational and approved by the State Department of Public Health prior to occupancy in excess of 350 homes within Tract 5891.*

   b) *Upon completion of a thorough investigation and subject to the conditions listed below the City will consider accepting a well site located on the Central Unified School District campus near Tract 5891 as proposed by the developer:*

      i) *Central Unified School District agrees to allow and is willing to dedicate the property for the well site to the City of Fresno. Prior to acceptance, the City will drill a test hole, have an e-log evaluation conducted and if acceptable, the City may authorize the construction of a monitoring well. A monitoring well will be constructed and water quality samples taken. If water quality results and e-log data are acceptable the site will be considered for acceptance.*

ii) The proposed site shall have direct ingress and egress to a City street and is not located in a high pedestrian area or in an area that could compromise student safety.

iii) The site size shall be between 10,000-12,000 square feet.

iv) If an acceptable well site cannot be identified within the Central Unified School District campus, the developer will be required to find a lot elsewhere in or near Tract 5891.

v) The cost of acquiring and constructing the well site(s) and improvements shall be reimbursed from the UGM Water Supply Well Service Area Fund 201s, in accordance with established UGM policies.

9. A Condition shall be added to the General Conditions of the Vesting Tentative Tract Map No. 5891/UGM conditions of approval which reads as follows:

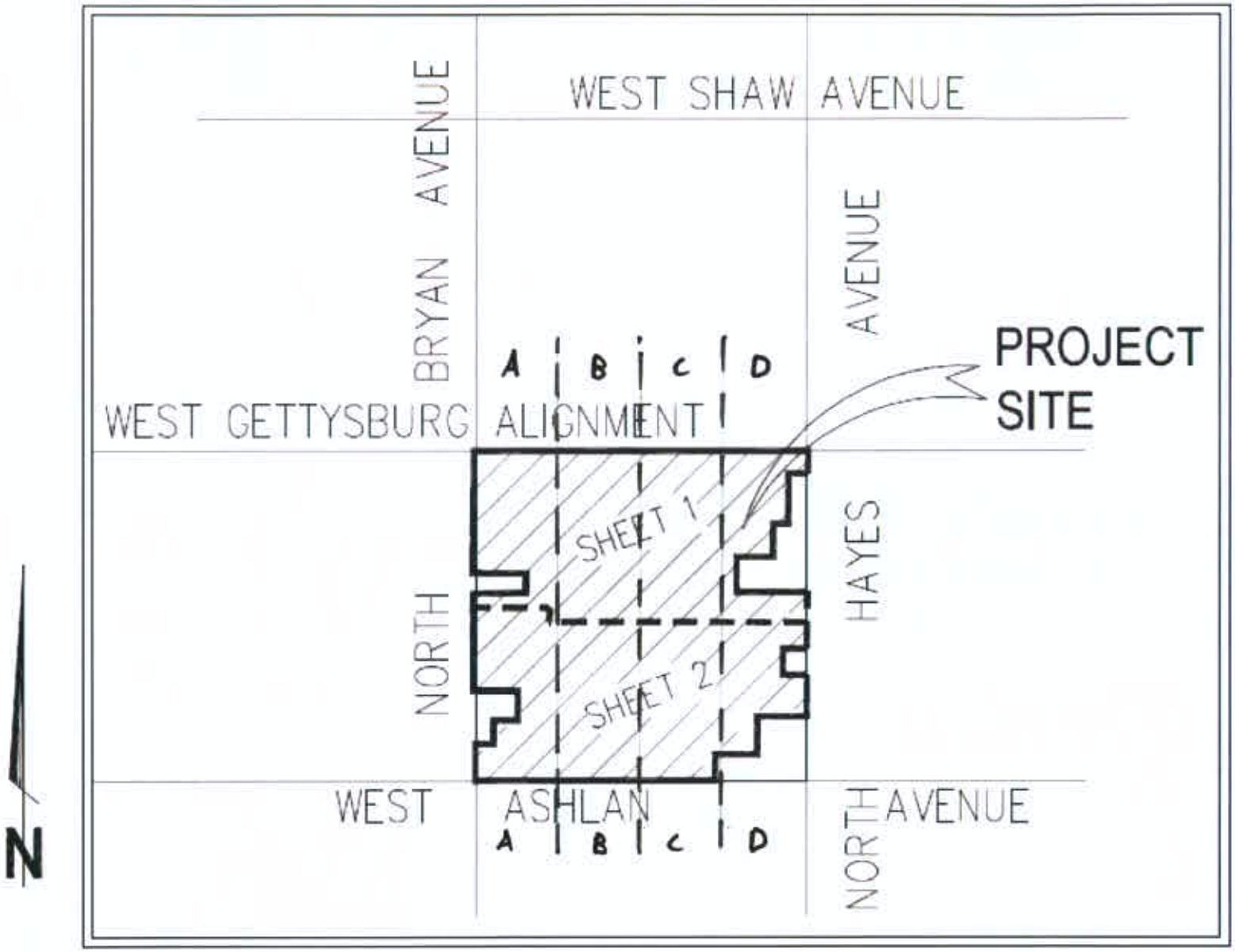
Approval of Vesting Tentative Tract Map No. 5891/UGM is contingent upon annexation of the entirety of the subject property to the City of Fresno.

A VESTING TENTATIVE MAP

TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL PLANNED DEVELOPMENT

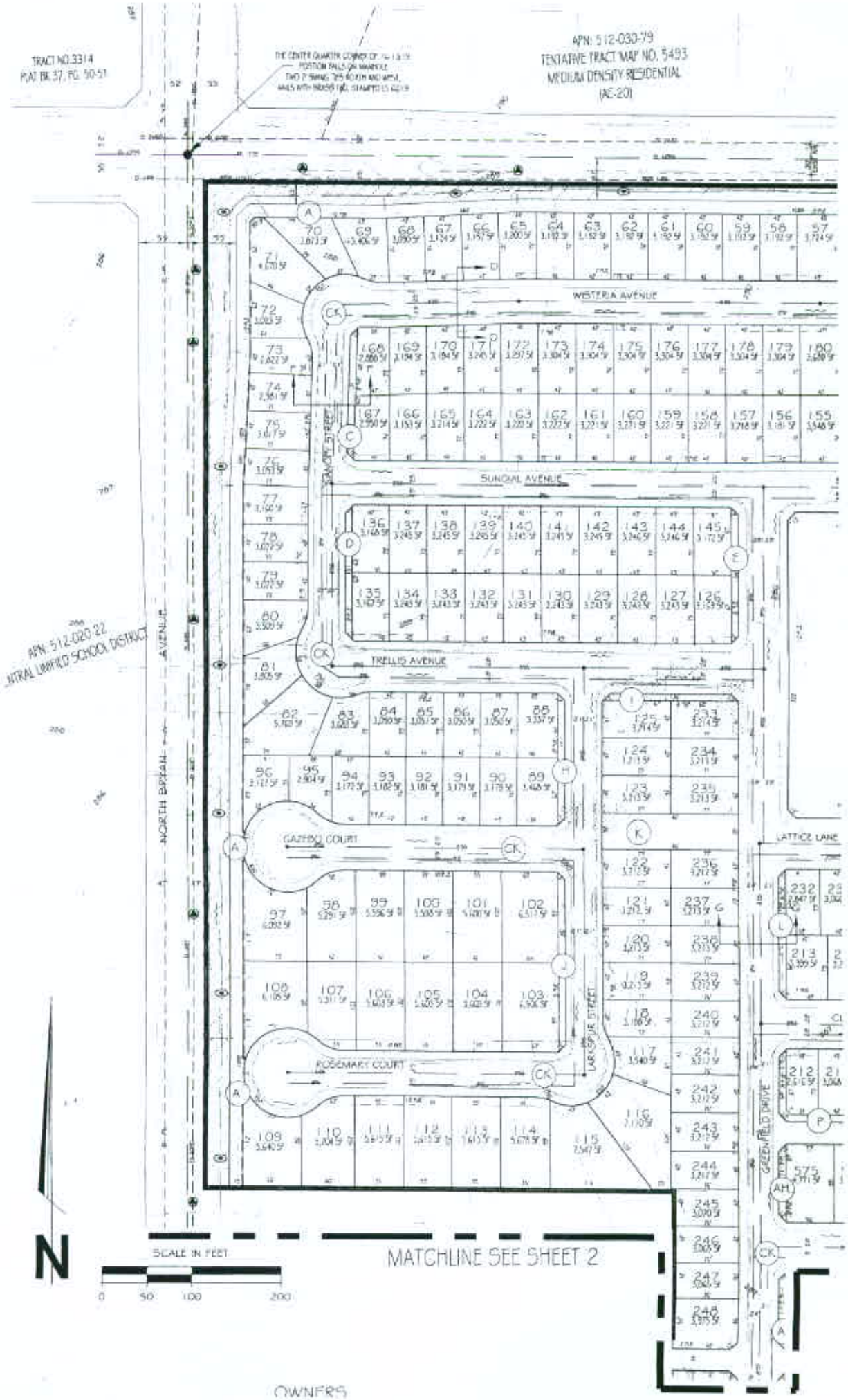
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA



VINCINITY MAP

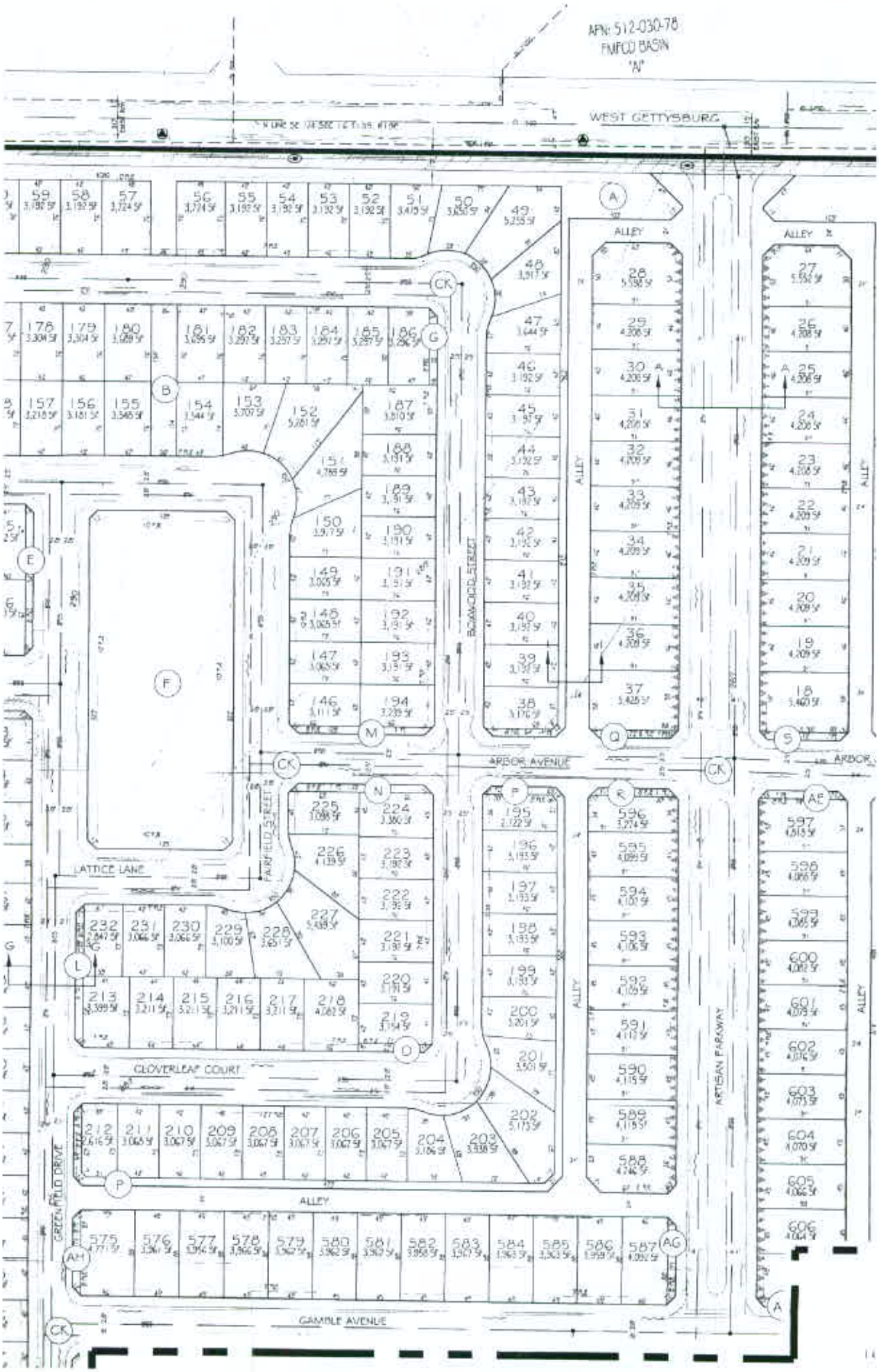
NO SCALE

Sheet 1(A)

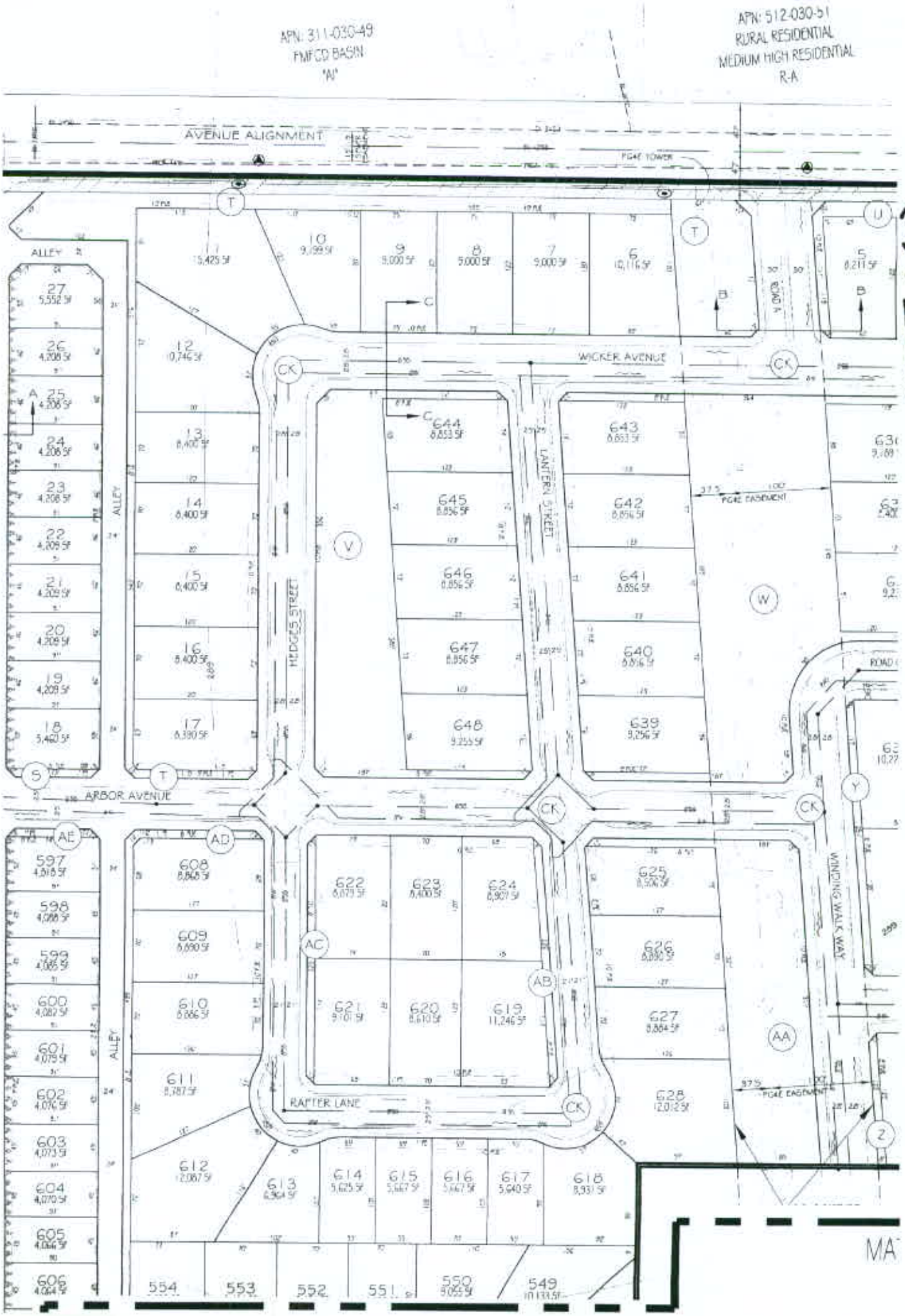


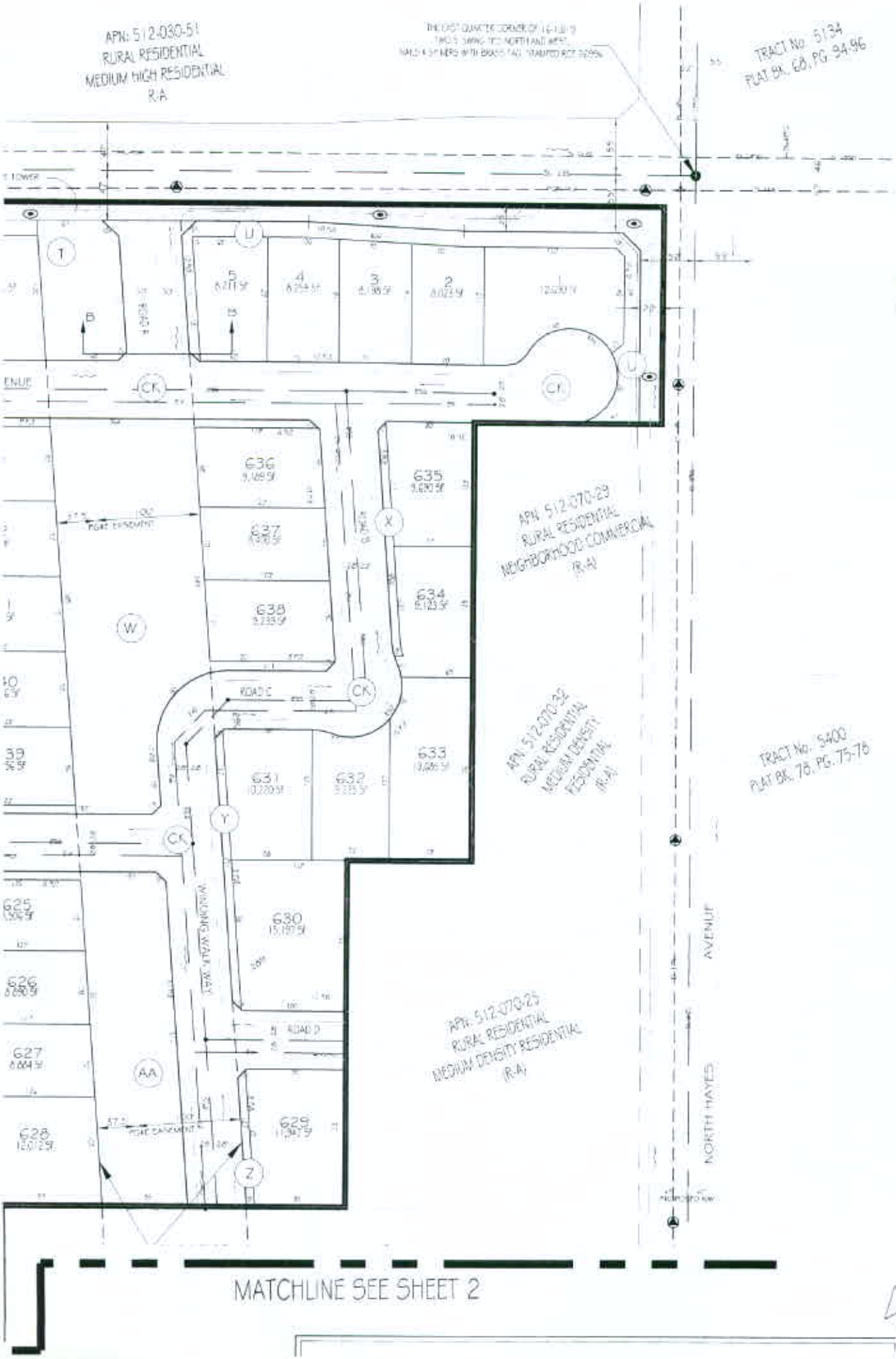
OWNERS

IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA



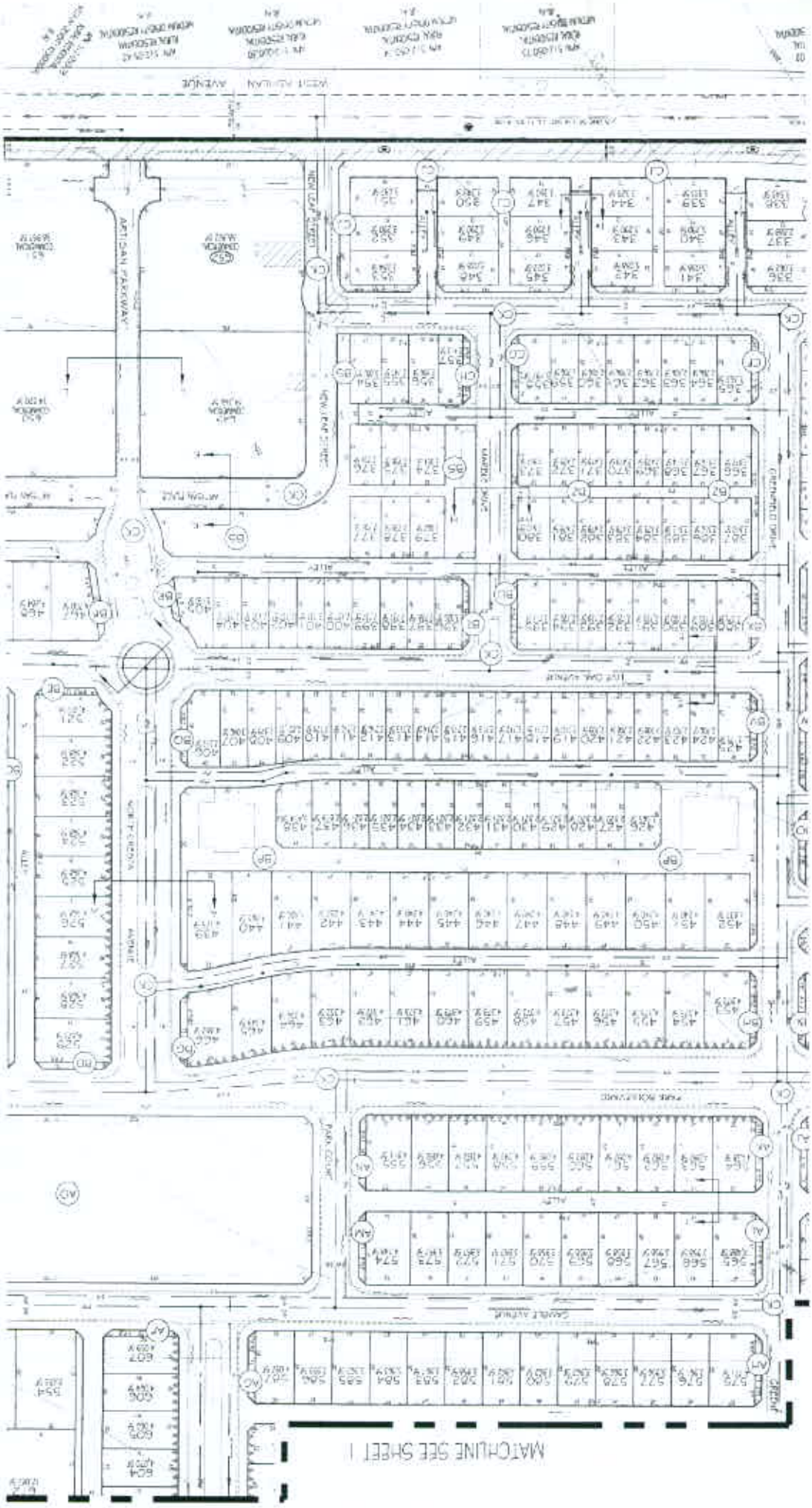
SHEET 1 (B)


APN: 311-030-49
FMFCD BASIN
"A"
APN: 512-030-51
RURAL RESIDENTIAL
MEDIUM HIGH RESIDENTIAL
R-A
AVENUE ALIGNMENT
PG&E TOWER
ALLEY
WICKER AVENUE
LANTERN STREET
HEDGES STREET
PG&E EASEMENT
ARBOR AVENUE
WINDING WALK WAY
RAFTER LANE
SHEET 1(c)


APN: 512-030-51
RURAL RESIDENTIAL
MEDIUM HIGH RESIDENTIAL
R-A
TRACT No. 5134
PLAT BK. 68, PG. 94-96
APN: 512-070-29
RURAL RESIDENTIAL
NEIGHBORHOOD COMMERCIAL
(R-A)
APN: 512-070-32
RURAL RESIDENTIAL
MEDIUM DENSITY
RESIDENTIAL
(R-A)
TRACT No. 5400
PLAT BK. 78, PG. 75-78
APN: 512-070-25
RURAL RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL
(R-A)
NORTH HAYES AVENUE
ROAD E
ROAD D
WINDING WALK WAY
FIRE EASEMENT
636
637
638
635
634
633
631
632
630
629
628
627
626
625
MATCHLINE SEE SHEET 2

SHEET 1(A)

SHEET 2(A)



SHEET 2 (B)

SHEET 2 (a)

SHEET 2(D)

CONDITIONAL USE PERMIT

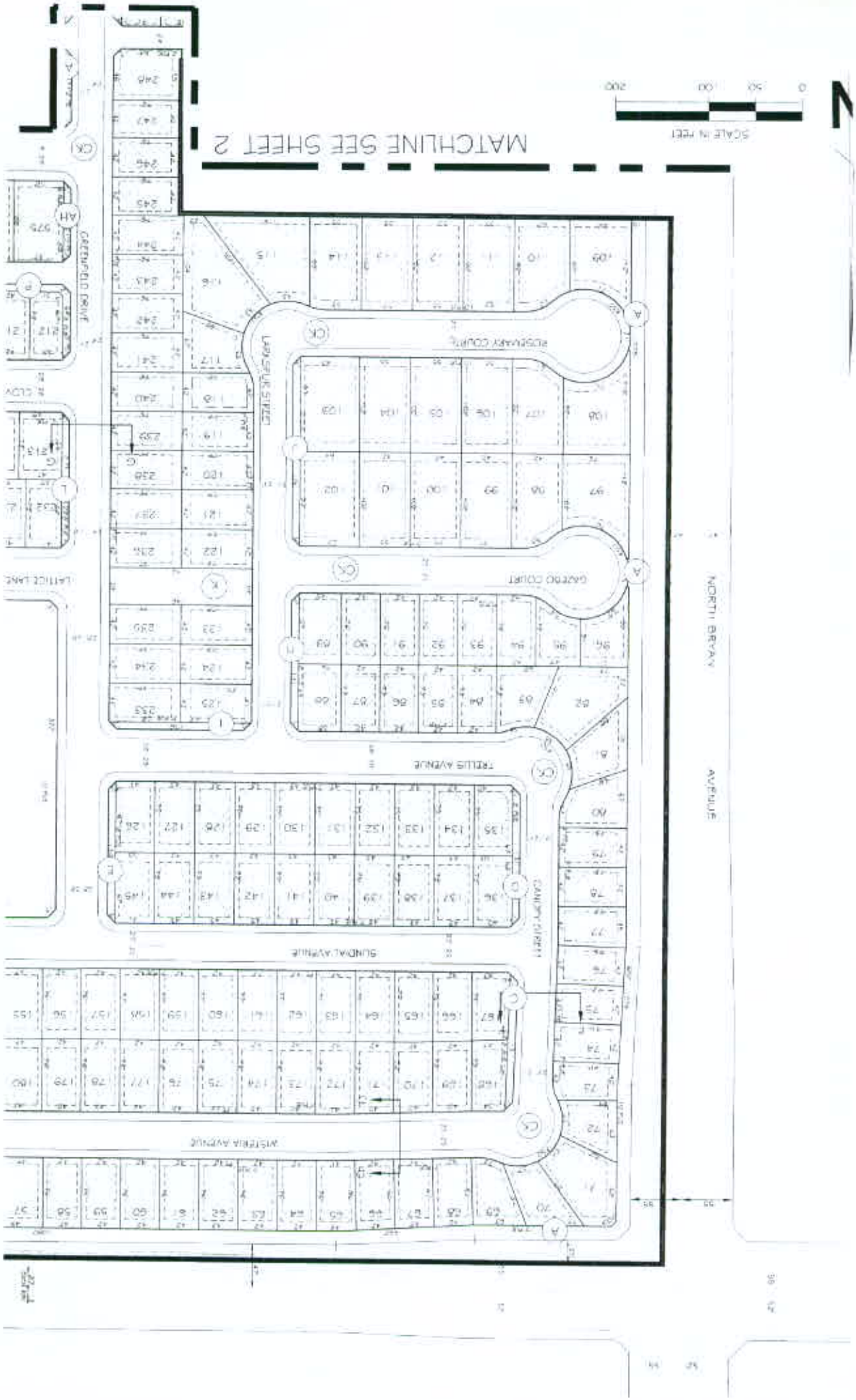
TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL

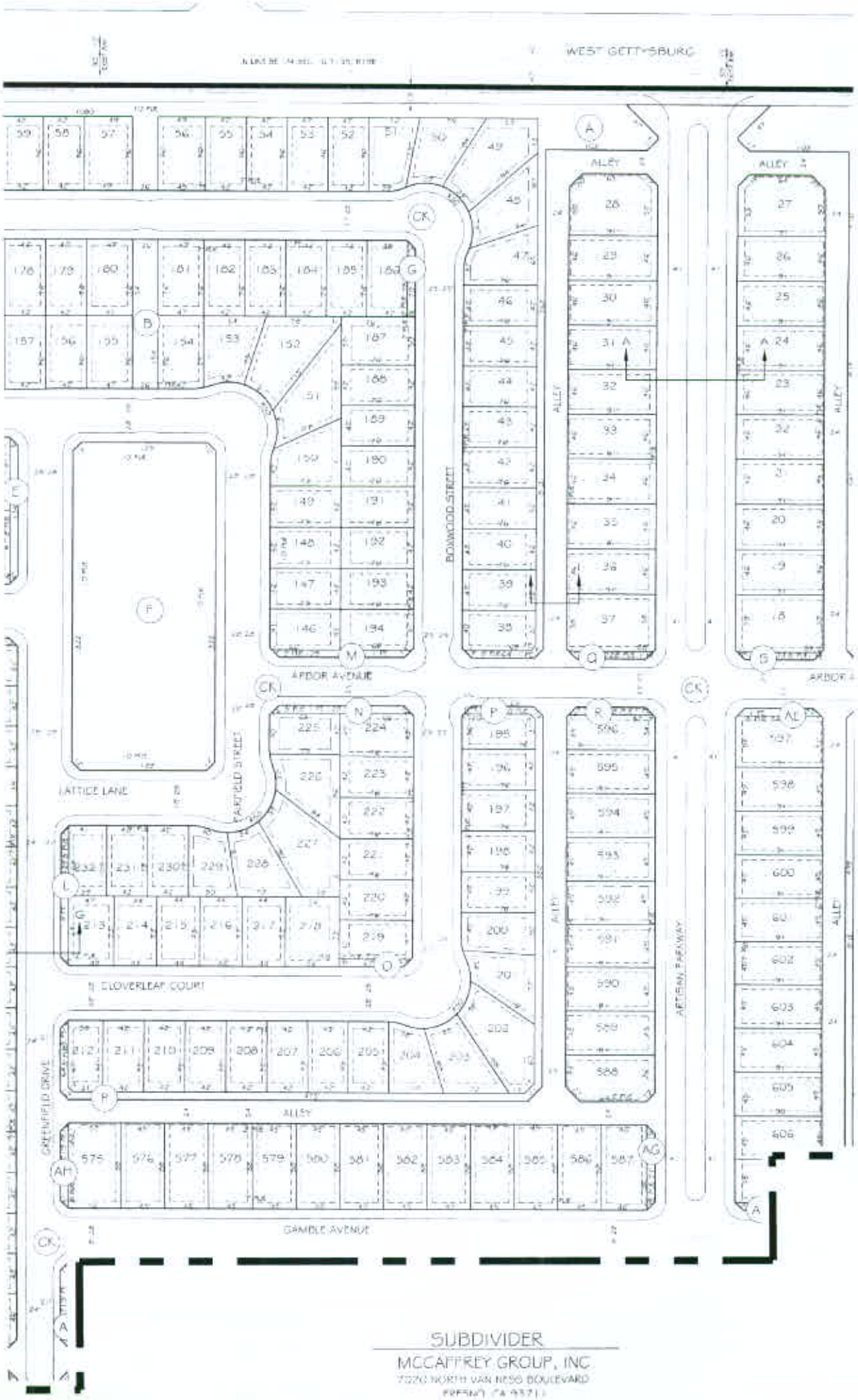
PLANNED DEVELOPMENT

IN THE CITY OF FRESNO

FRESNO COUNTY, CALIFORNIA


MATCHLINE SEE SHEET 2
SCALE IN FEET
0
50
100
200
NORTH BRYAN AVENUE
LARKSPUR STREET
ROSEMARY COURT
GAZEBO COURT
TRELLIS AVENUE
CANNA GARDEN
SUNDIAL AVENUE
WISTERIA AVENUE
GAZEBO DRIVE
LATTICE LANE

SHEET 1 (A)



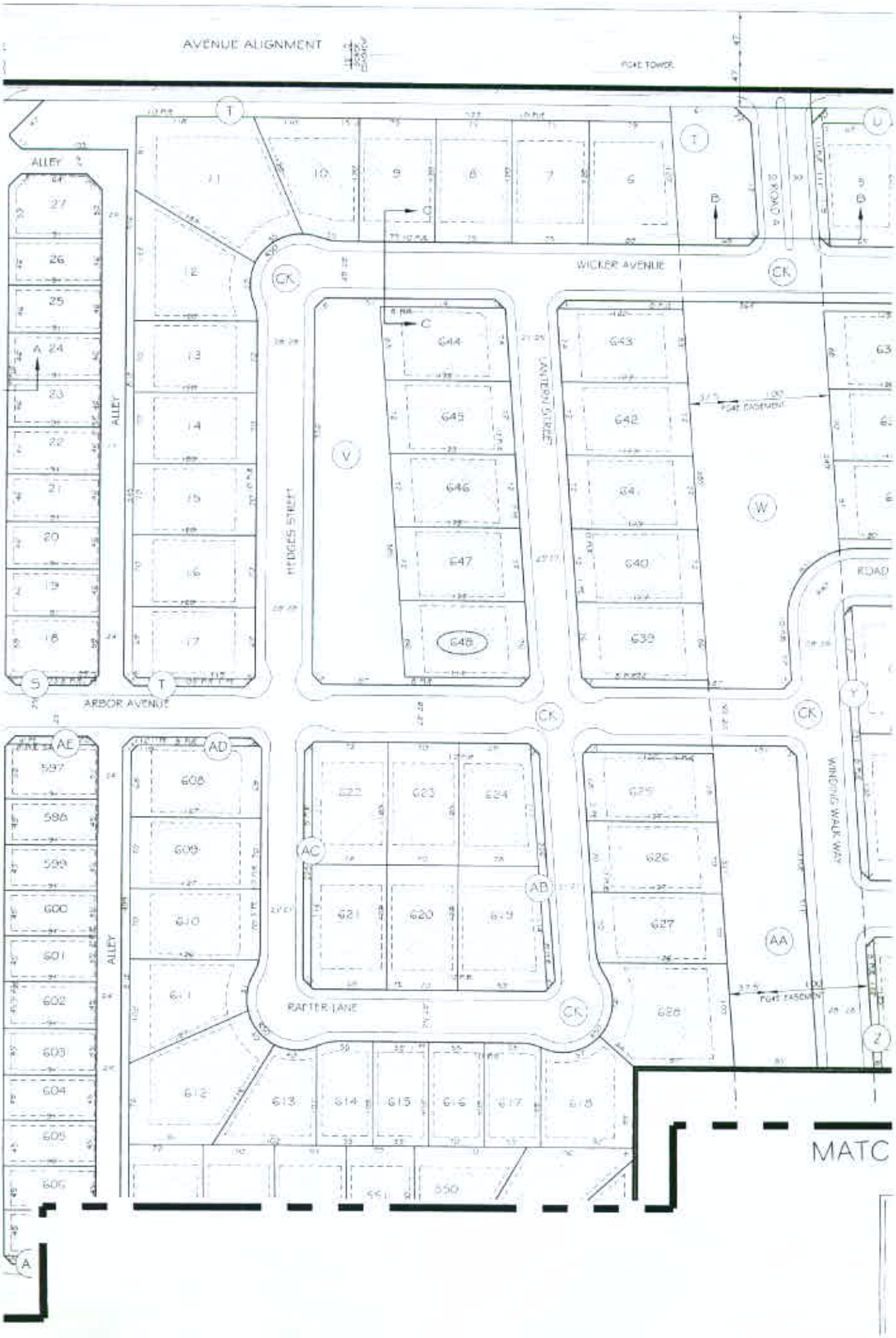
SHEET 1(B)

SUBDIVIDER

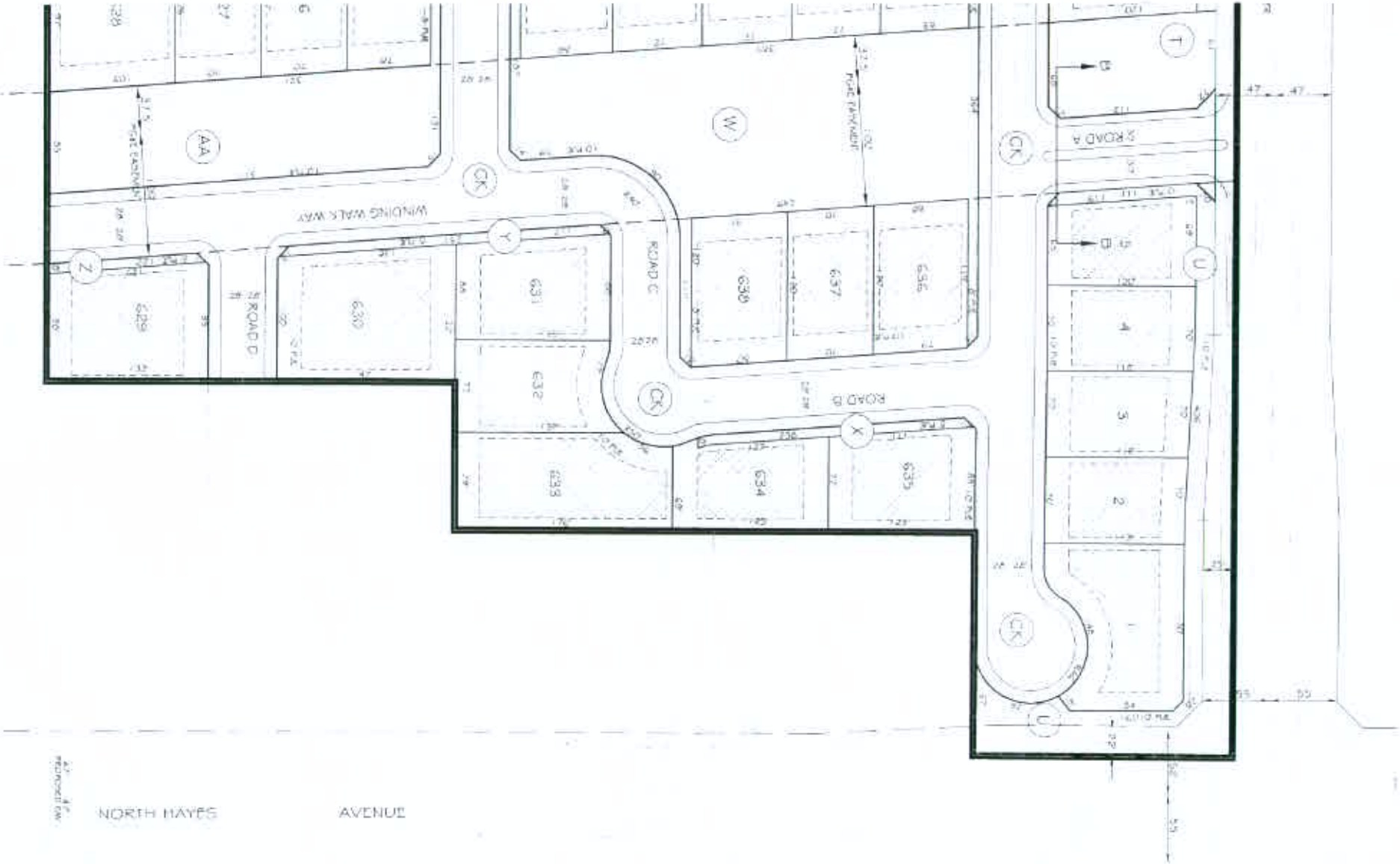
MCCAFFREY GROUP, INC

7020 NORTH VAN NESS BOULEVARD

FRESNO, CA 93711


AVENUE ALIGNMENT
POLE TOWER
ALLEY
WICKER AVENUE
HEDGES STREET
ANTON STREET
ARBOR AVENUE
ROAD
WINDING WALK WAY
RAFTER LANE
POLE EASEMENT
MATC

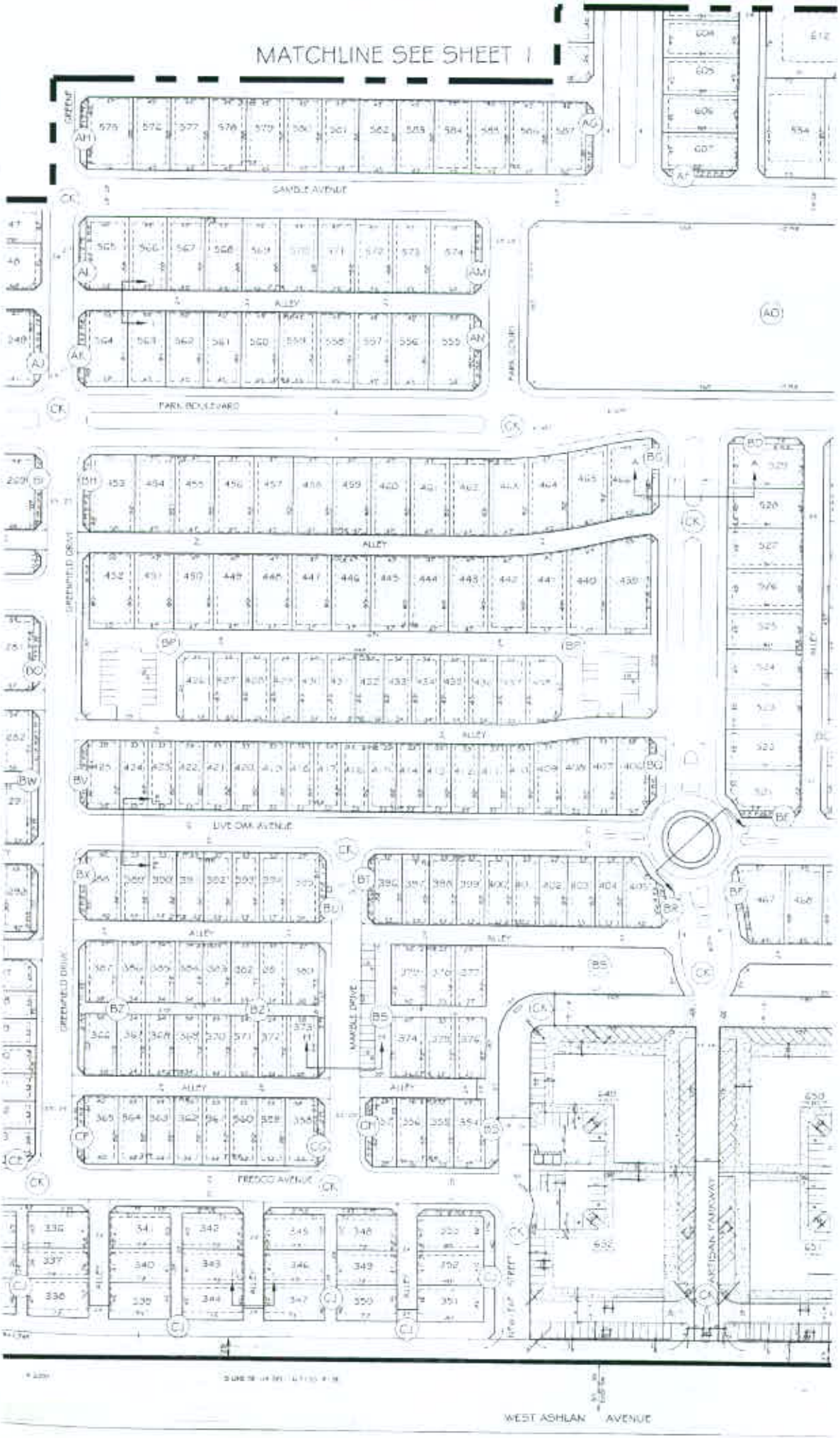
SHEET 1(c)



MATCHLINE SEE SHEET 2

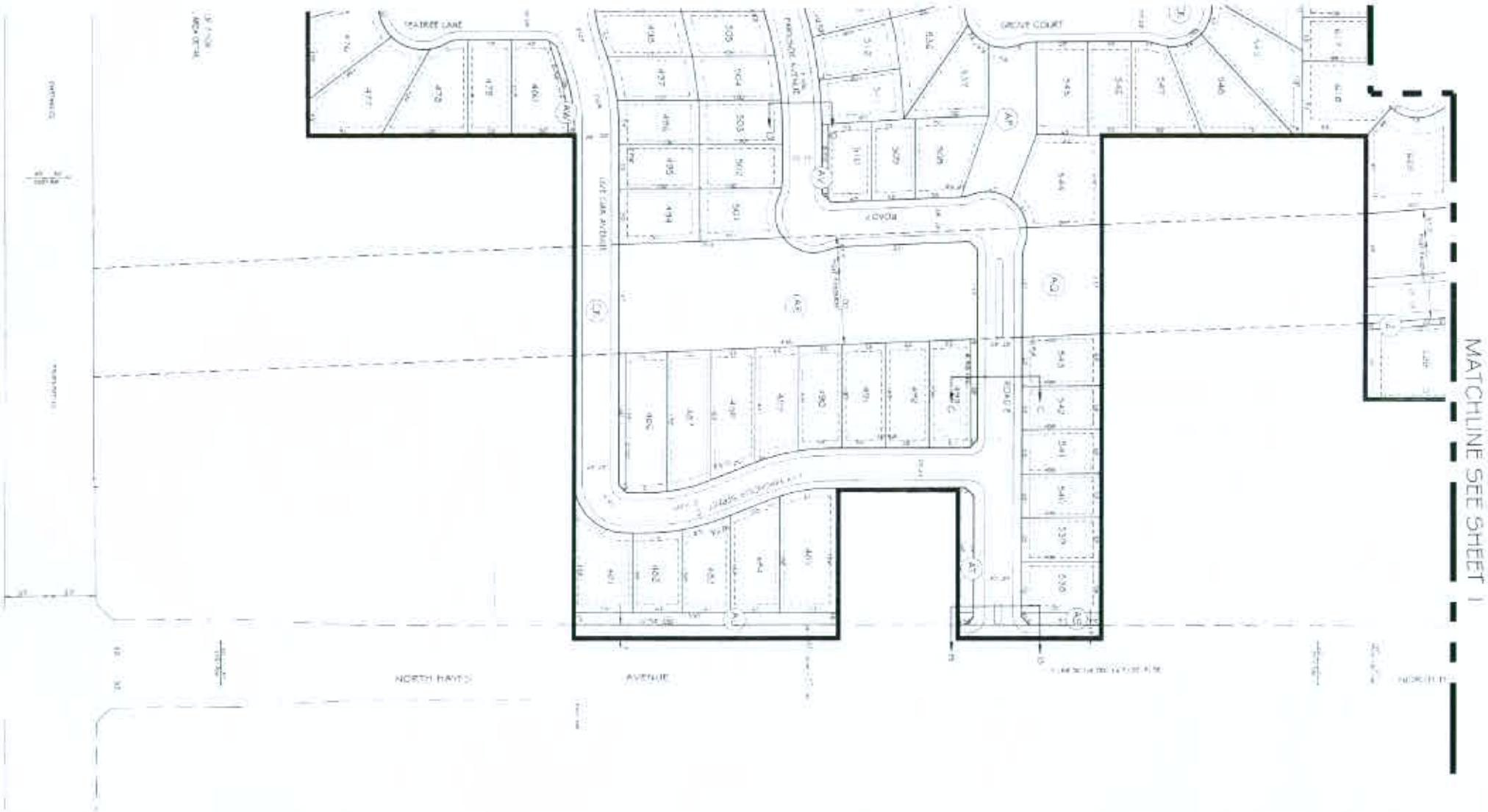
SHEET 1 (D)

SHEET 2(A)


MATCHLINE SEE SHEET 1
SANDLE AVENUE
ALLEY
PARK BOULEVARD
PARK DRIVE
GREENFIELD DRIVE
LIVE OAK AVENUE
MANDLE DRIVE
FREDCO AVENUE
ARTISAN PARKWAY
WEST ASHLAN AVENUE

SHEET 2(B)

SHEET 2(a)


MATCHLINE SEE SHEET 1
NORTH HAYES
AVENUE
GROVE COURT
COVOA
COVOA

SHEET 2 (D)

GENERAL NOTES:

1. ALL EXISTING STRUCTURES SHALL BE REMOVED
2. ALL WELLS, CESSPOOLS, SEPTIC TANKS AND SEWER SHALL BE ABANDONED TO CITY/COUNTY REQUIREMENTS
3. EXISTING ZONING IS AE-20
4. PROPOSED ZONING IS R-1/UGM/cz, R-2/UGM/cz, and C-1/UGM/cz
5. THE PROPERTY CURRENTLY CONTAINS VINEYARDS, SINGLE-FAMILY RESIDENTIAL, AND IDLE AGRICULTURAL LAND
6. SOURCE OF WATER SUPPLY SHALL BE THE CITY OF FRESNO
7. SOURCE OF SEWER DISPOSAL SHALL BE THE CITY OF FRESNO
8. SITE ACREAGE IS 126.89± (GROSS) ACRES , 123.00± (NET) ACRES
9. ALL EXISTING FEATURES SHALL BE REMOVED OR ABANDONED
10. ALL EASEMENTS (SEWER AND ELECTRICAL) SHALL REMAIN
11. PROPOSED AREAS FOR PEDESTRIAN AND BICYCLE PATHS, BASINS, PARKS ARE AS SHOWN OR AS PER CITY STANDARD P-69
12. THE TRACT IS SURROUNDED BY FOUR MAJOR STREETS
13. ALL EXISTING SEWER AND WATER SHALL REMAIN
14. ALL INTERIOR ROADS SHALL CARRY TWO-WAY TRAFFIC
15. ALL PROPOSED LOT LINES SHALL COMPLY WITH R-1 AND R-2 ZONE DISTRICT STANDARDS AND CUP REQUIREMENTS
16. THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE TO THE EXTENT FEASIBLE FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES THAT CONSERVE NON-RENEWABLE ENERGY RESOURCES SUCH AS 407 NORTH/SOUTH FACING LOTS (63% OF TOTAL LOT COUNT)
17. ALL PUBLIC UTILITIES (GAS & ELECTRIC - PG&E, TELEPHONE - AT&T, CABLE TELEVISION - COMCAST, AND CITY OF FRESNO WATER AND SEWER) SHALL BE INSTALLED
18. ALL PROPOSED IMPROVEMENTS (SEWER, WATER, STORM DRAIN, CURB, GUTTER, STREETLIGHTS, SIDEWALK, AND PERMANENT PAVEMENT SHALL BE CONSTRUCTED TO CITY STANDARDS
19. DENSITY OF 5.27 UNITS PER ACRE
20. MINIMUM LOT SIZE IS 2,413 SQUARE FEET
21. THERE ARE NO GRADE DIFFERENCES GREATER THAN 6' AS PER SITE SURVEY
22. A SOUND ATTENUATION WALL SHALL BE CONSTRUCTED
23. ALL INTERIOR ROADS, ALLEYS, AND OPEN SPACE SHALL BE PRIVATELY MAINTAINED
24. ALL INTERIOR ROADS AND ALLEYS SHALL BE CONTAINED WITHIN A PRIVATE EASEMENT PROVIDING FOR PUBLIC USE AND THE INTALLATION AND MAINTENANCE OF PUBLIC AND PRIVATE UNDERGROUND UTILITIES.
24. ALL PROPOSED LOTS SHALL HAVE SIDE AND REAR YARD 5' WOOD FENCING
25. ALL CANAL PIPELINES SHALL BE CRUSHED IN PLACE
26. FIRE HYDRANTS SHALL BE SPACED PER FIRE DEPARTMENT REQUIREMENTS
27. ALL PROPOSED BUILDINGS SHALL BE SINGLE-FAMILY RESIDENTIAL, EXCEPT FOR THE COMMERCIAL LOTS
28. ALL STREET FURNITURE SHALL BE TO CITY OF FRESNO STANDARDS
29. PARKING STALL DESIGN PER CITY OF FRESNO PARKING MANUAL

OWNERS

ASHLAN OF HAYES I
7020 N. VAN NESS BLVD.
FRESNO, CA 93711
Ph.: (559) 256-7000
512-070-01
512-070-175
512-070-19
512-070-46
512-070-50

CIAO PROPERTIES LLC.
1175 W SHAW AVE
FRESNO, CA 93711
Ph.: (559) 256-7000
311-070-07
311-070-54

BIGLIONE AZALEA 1190 TRUST
641 W ELLERY AVE
CLOVIS CA 93612
Ph.: (559) 434-1437
311-070-39

APNs:

512-070-01
512-070-07
512-070-17
512-070-19
512-070-39
512-070-46
512-070-50
512-070-54

SUBDIVIDER

MCCAFFREY GROUP, INC 7020 NORTH VAN NESS BOULEVARD FRESNO, CA 93711
Ph.: (559) 256 7000

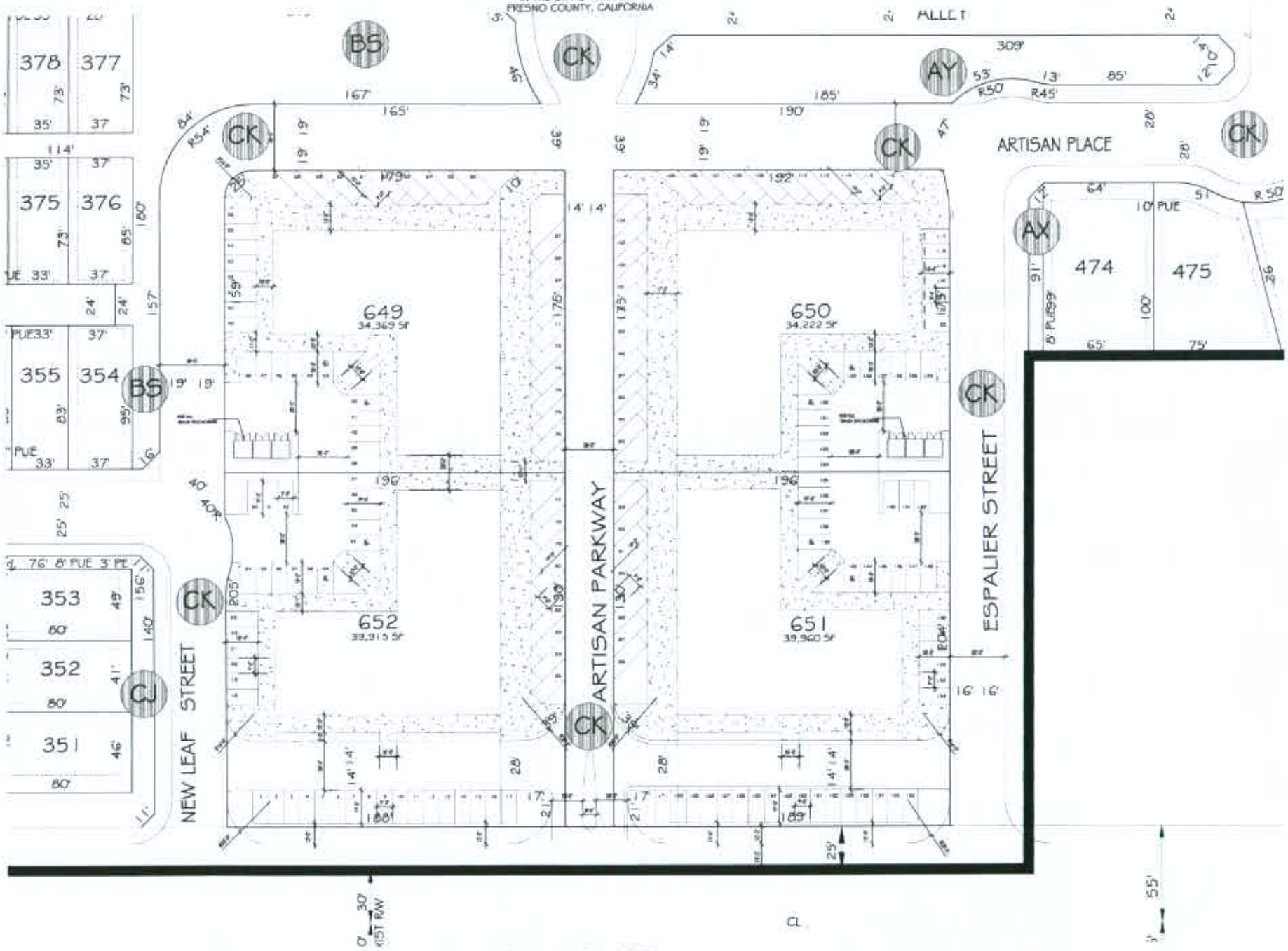
LEGEND

	AREA TO BE DEDICATED FOR STREET PURPOSES
PUE	PUBLIC UTILITY EASEMENT
SS	SANITARY SEWER MAIN
W	WATER MAIN
SD	STORM DRAIN LINE
SF	SQUARE FEET
PE	PEDESTRIAN EASEMENT
	APPROXIMATE LOCATION OF DRAINAGE INLET
	6 SOUND WALL
	RELINQUISH DIRECT VEHICULAR ACCESS
RAW	RIGHT OF WAY
EXIST	EXISTING
	INDICATES STREETS PREVIOUSLY DEDICATED FOR PUBLIC USE
	PUBLIC STREET EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE

CONDITIONAL USE PERMIT

TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL
PLANNED DEVELOPMENT
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA



CONDITIONAL USE PERMIT

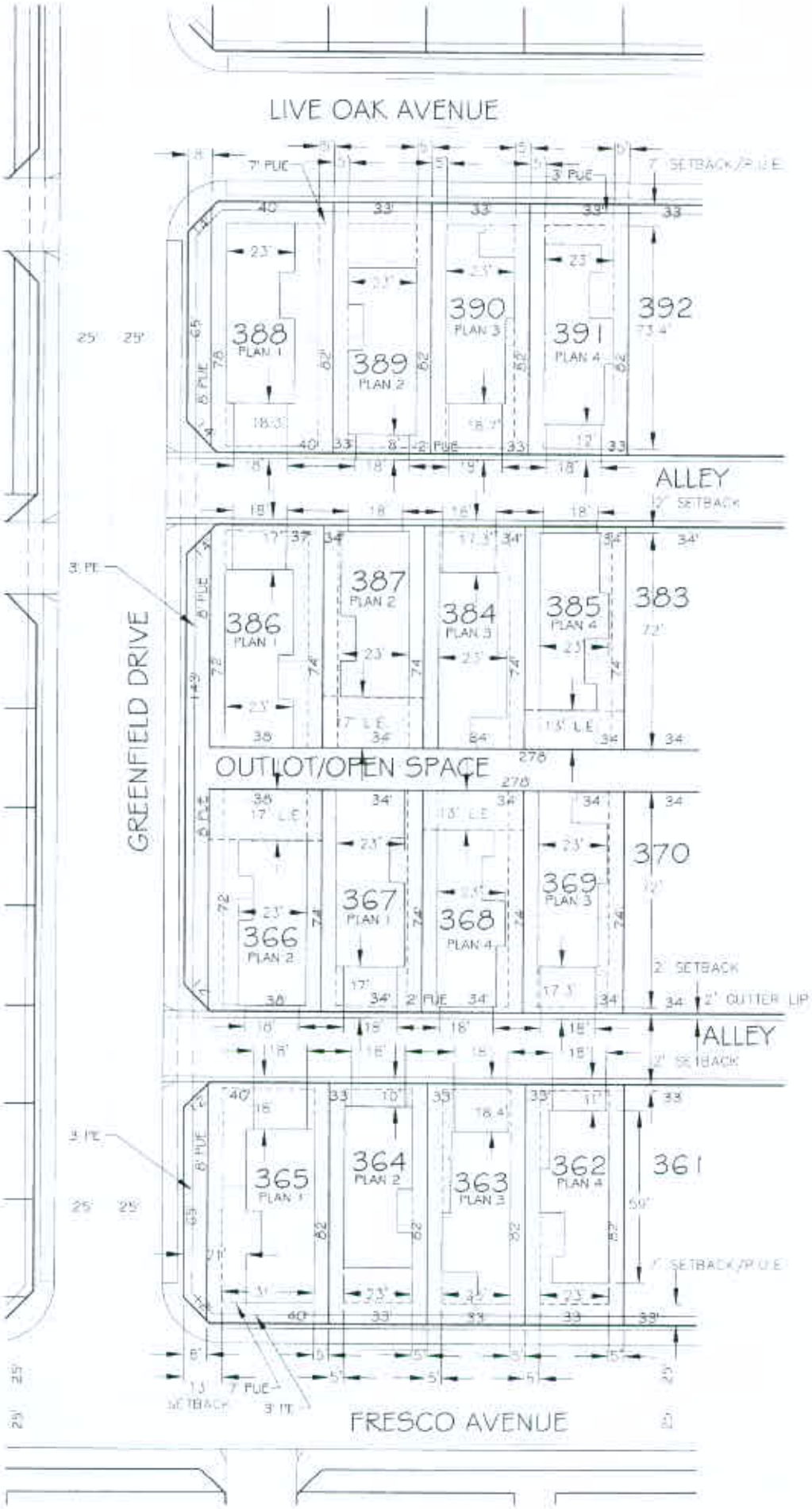
TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL

PLANNED DEVELOPMENT

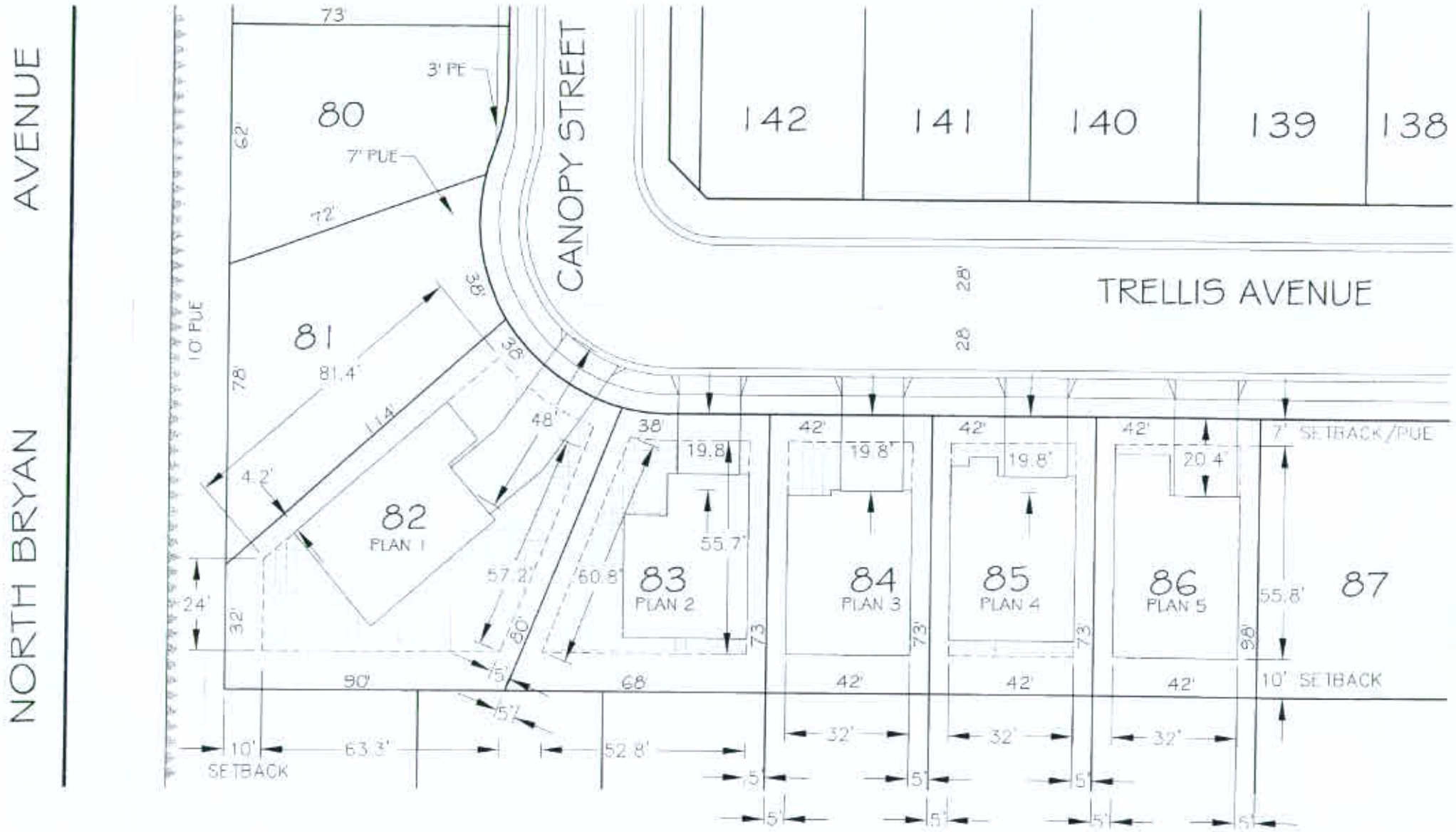
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA

BUILDING SETBACK DETAILS



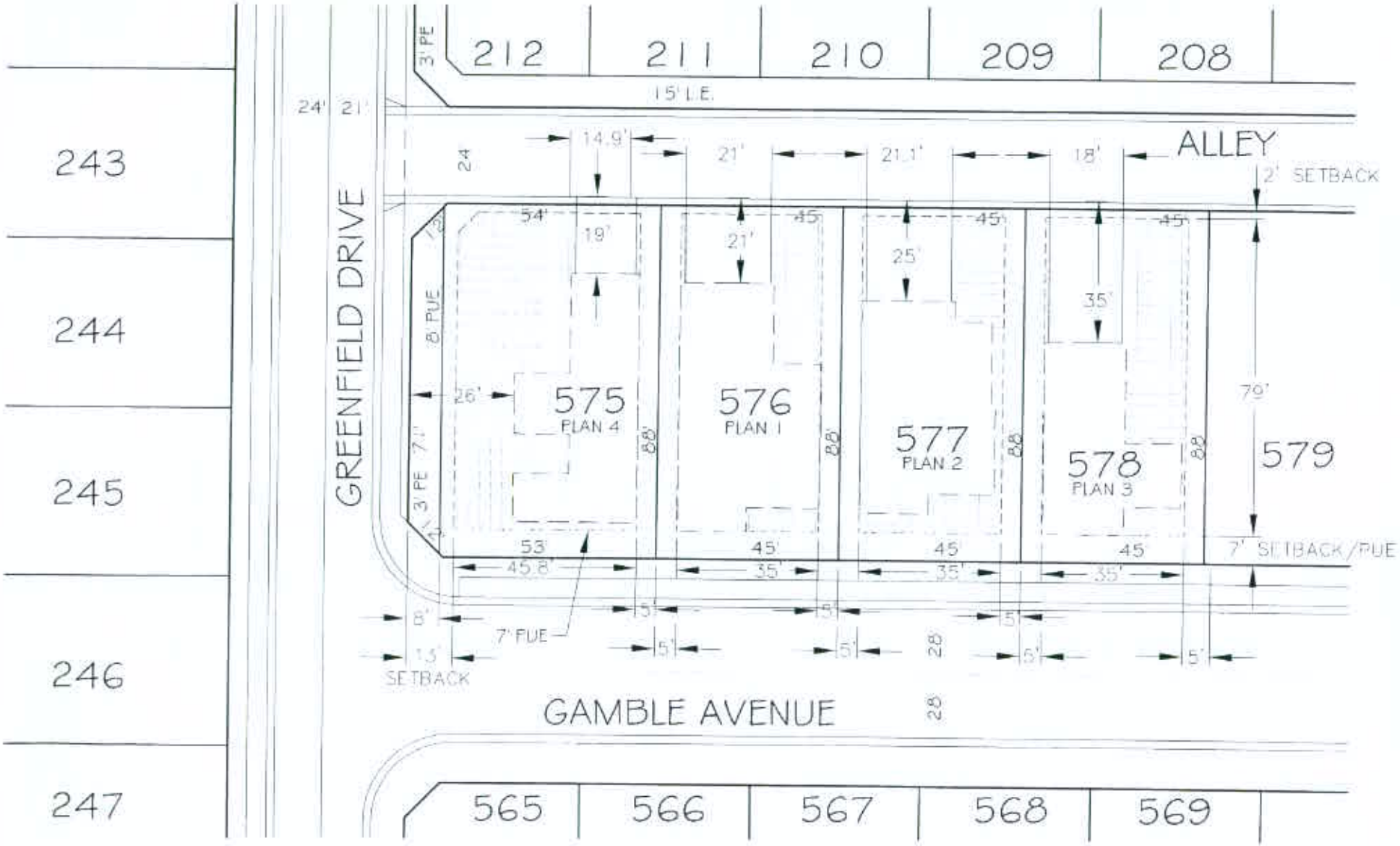
33' X 73' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'



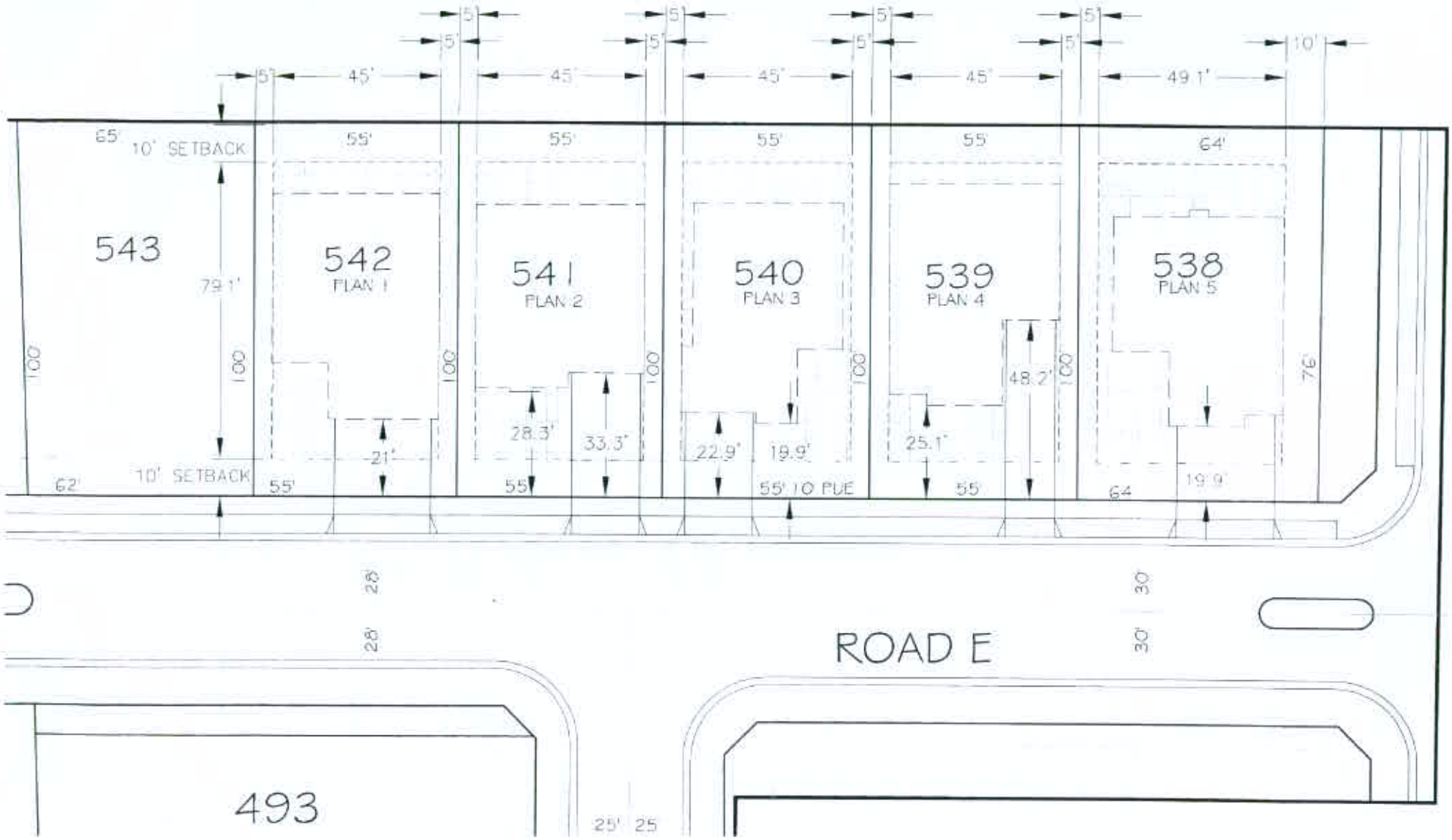
42' X 71' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'



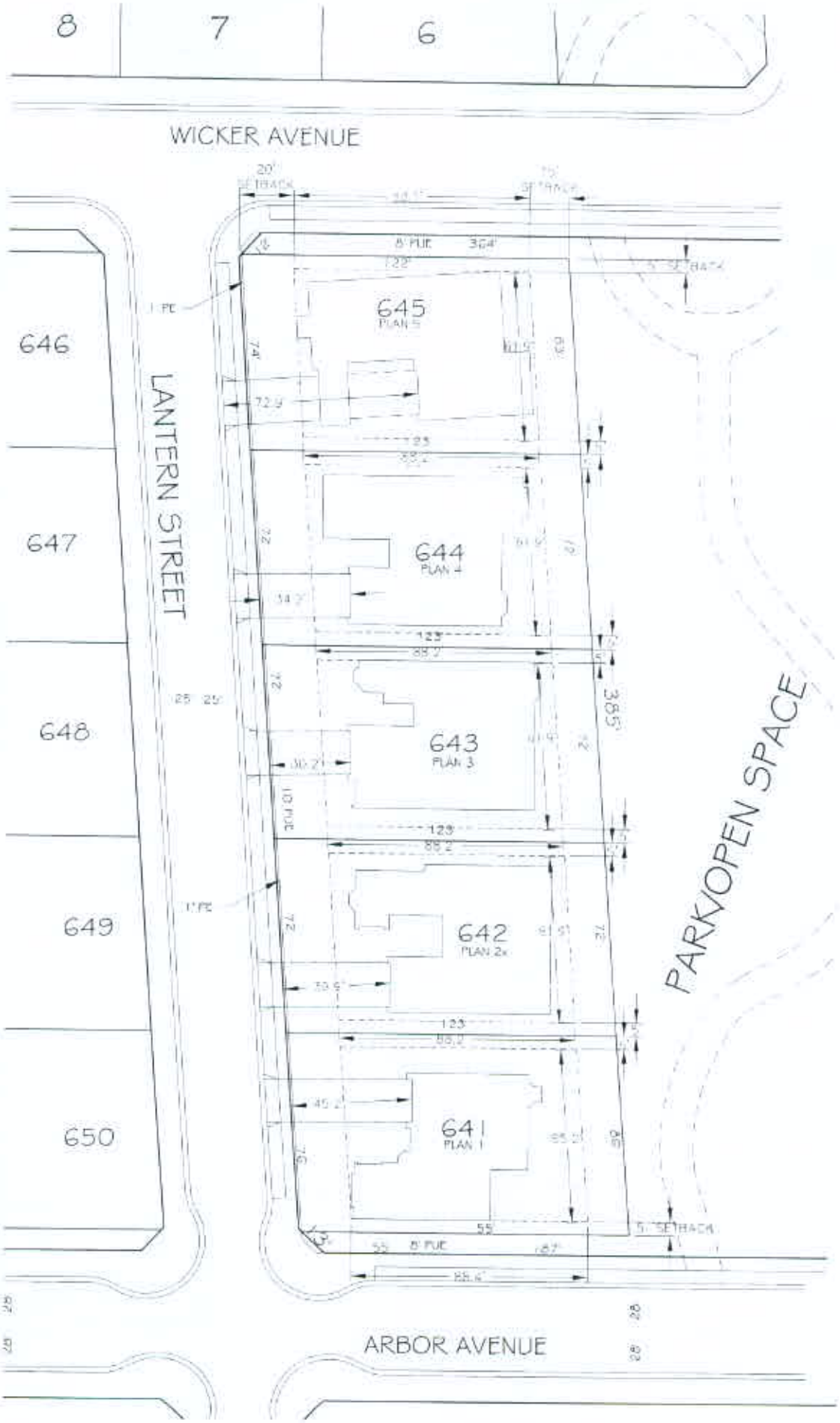
45' X 88' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'



55' X 99' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'



70' X 116' MIN. LOT - BUILDING SETBACK DETAILS

SCALE : 1"=40'

A VESTING TENTATIVE MAP
TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL
PLANNED DEVELOPMENT
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA

OUTLOT TABLES

PARK, OPEN SPACE, & LANDSCAPING OUTLOTS

OUTLOT TABLE

OUTLOT NAME	AREA
A	44,560.77 S.F.
B	4,008.99 S.F.
C	1,106.10 S.F.
D	1,114.63 S.F.
E	1,131.99 S.F.
F	49,587.21 S.F.
G	590.35 S.F.
H	1,110.84 S.F.
I	1,255.42 S.F.
J	1,626.74 S.F.
K	6,009.92 S.F.
L	1,092.80 S.F.
M	1,095.12 S.F.
N	1,094.25 S.F.
O	570.39 S.F.
P	8136.29 S.F.
Q	642.82 S.F.
R	632.42 S.F.
S	647.72 S.F.
T	28,400.01 S.F.
U	11,023.62 S.F.

OUTLOT TABLE

OUTLOT NAME	AREA
V	31,160.76 S.F.
W	50,104.41 S.F.
X	1,755.20 S.F.
Y	2,087.70 S.F.
Z	963.63 S.F.
AA	26,826.57 S.F.
AB	1,869.21 S.F.
AC	1,864.00 S.F.
AD	5,053.37 S.F.
AE	642.72 S.F.
AF	646.33 S.F.
AG	684.12 S.F.
AH	628.86 S.F.
AI	10,192.24 S.F.
AJ	670.80 S.F.
AK	652.24 S.F.
AL	629.10 S.F.
AM	628.80 S.F.
AN	652.53 S.F.
AO	119,417.70 S.F.
AP	11,817.18 S.F.

OUTLOT TABLE

OUTLOT NAME	AREA
AQ	20,326.51 S.F.
AR	60,072.77 S.F.
AS	1,460.11 S.F.
AT	3,983.35 S.F.
AU	4,948.79 S.F.
AV	747.32 S.F.
AW	935.03 S.F.
AX	762.45 S.F.
AY	11,480.32 S.F.
AZ	652.82 S.F.
BB	1,540.69 S.F.
BC	4,331.02 S.F.
BD	652.80 S.F.
BE	543.06 S.F.
BF	666.42 S.F.
BG	651.44 S.F.
BH	669.54 S.F.
BI	675.67 S.F.
BJ	651.81 S.F.
BK	650.59 S.F.
BL	4,106.38 S.F.

OUTLOT TABLE

OUTLOT NAME	AREA
BM	3,650.51 S.F.
BN	11,144.63 S.F.
BO	644.80 S.F.
BQ	560.67 S.F.
BR	377.08 S.F.
BT	588.60 S.F.
BU	593.00 S.F.
BV	582.15 S.F.
BW	3,772.00 S.F.
BX	563.51 S.F.
BY	3,714.37 S.F.
BZ	6,371.09 S.F.
CC	9,035.74 S.F.
CE	560.04 S.F.
CF	581.06 S.F.
CG	609.36 S.F.
CH	859.16 S.F.
CI	807.52 S.F.
CJ	51,344.23 S.F.

COMBINED PARKING, OPEN SPACE, & LANDSCAPE OUTLOTS

OUTLOT TABLE

OUTLOT NAME	AREA (S.F.)
BP	38,378.77 S.F.
BS	24,039.25 S.F.
CD	10,746.99 S.F.

PRIVATE STREET OUTLOT

OUTLOT TABLE

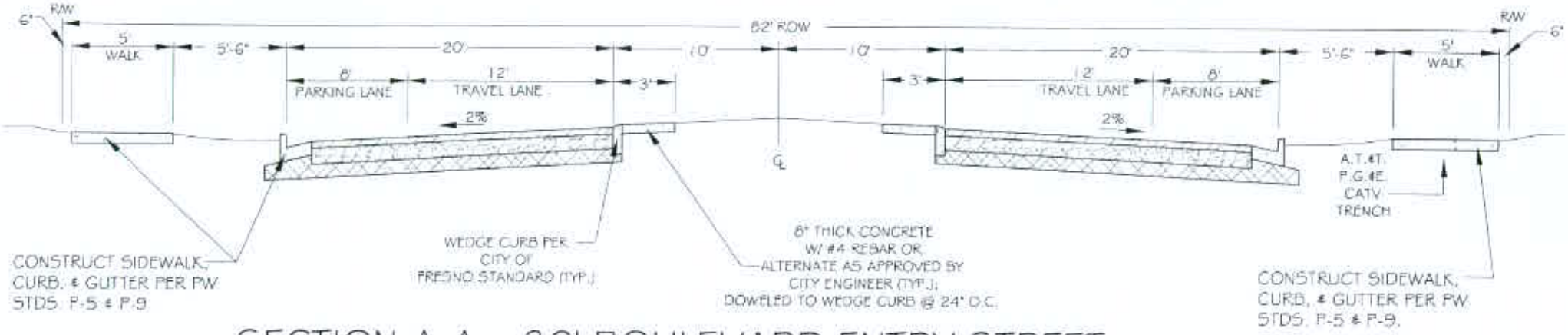
OUTLOT NAME	AREA (S.F.)
CK	1,671,832.80 S.F.

A VESTING TENTATIVE MAP
TRACT MAP No. 5891

A RESIDENTIAL & COMMERCIAL
PLANNED DEVELOPMENT

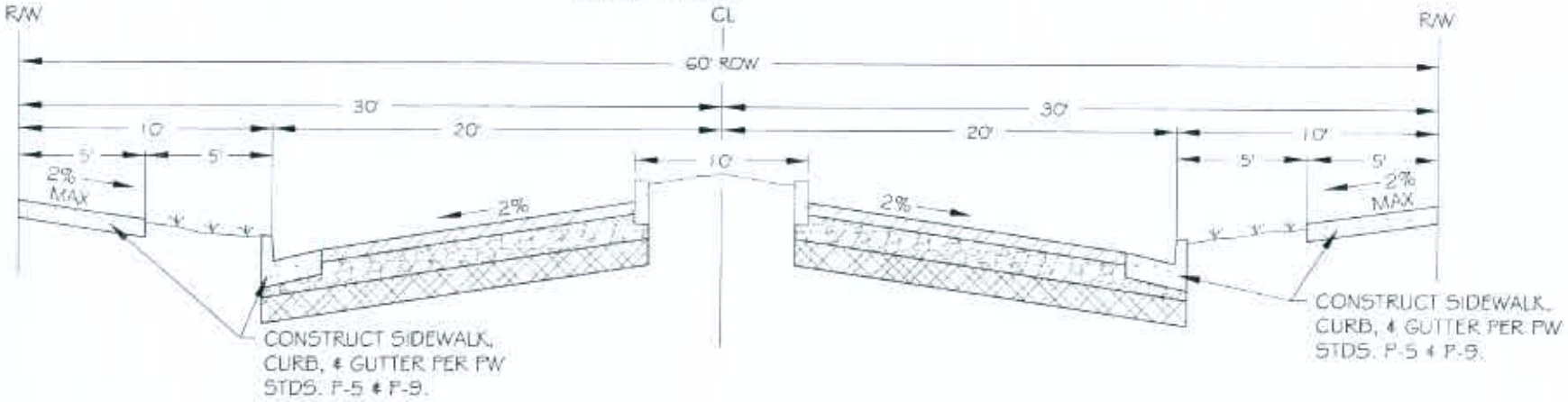
IN THE CITY OF FRESNO
FRESNO COUNTY, CALIFORNIA

STREET CROSS
SECTION DETAILS



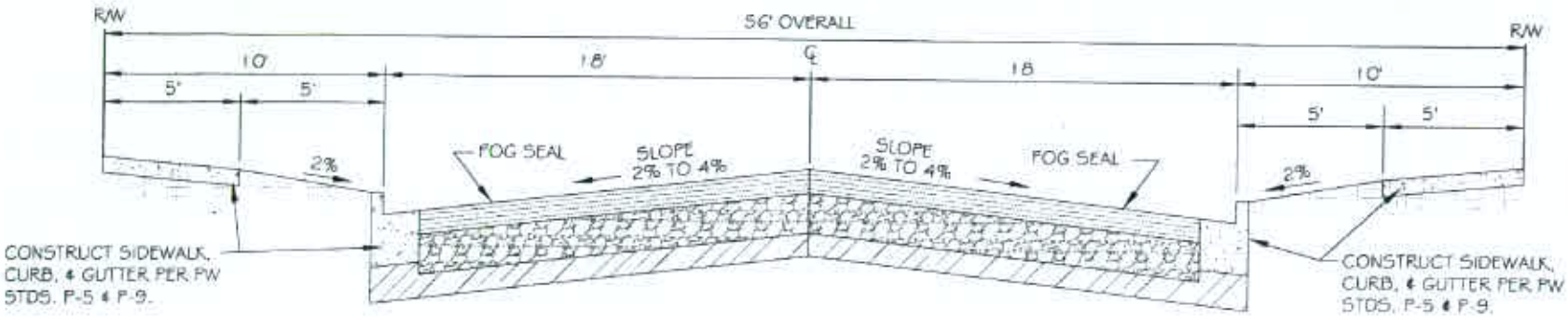
SECTION A-A - 82' BOULEVARD ENTRY STREET

SCALE : N.T.S.



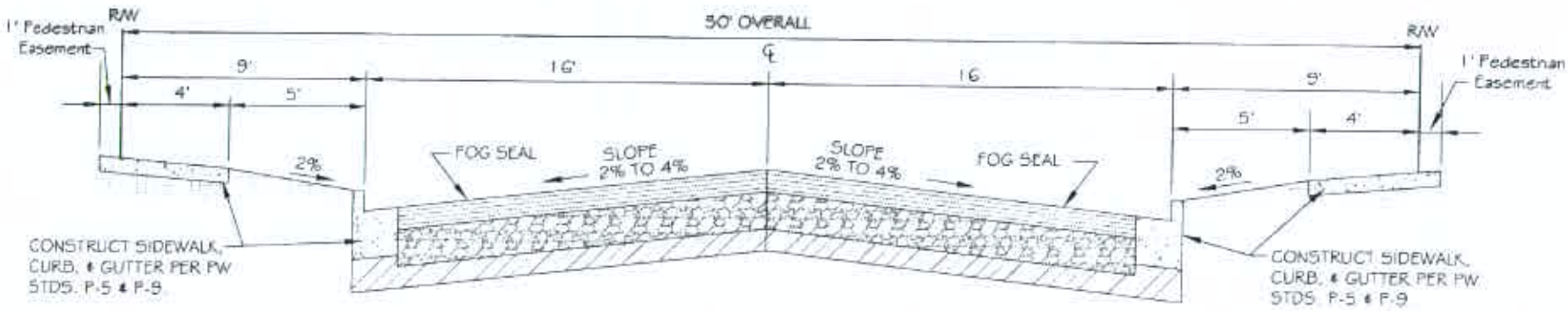
SECTION B-B - 60' ENTRY STREET

SCALE : N.T.S.



SECTION C-C - 56' LOCAL STREET

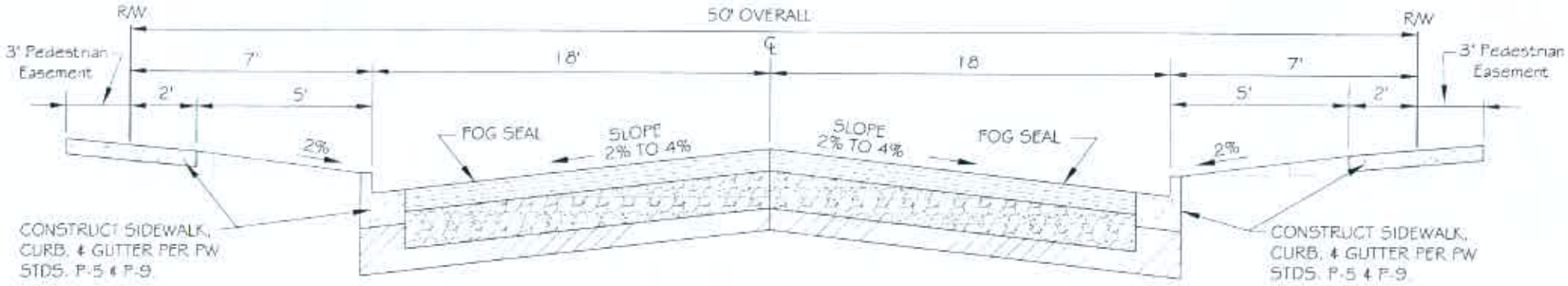
SCALE : N.T.S.



SECTION D-D - 50' LOCAL STREET (32' PAVEMENT)

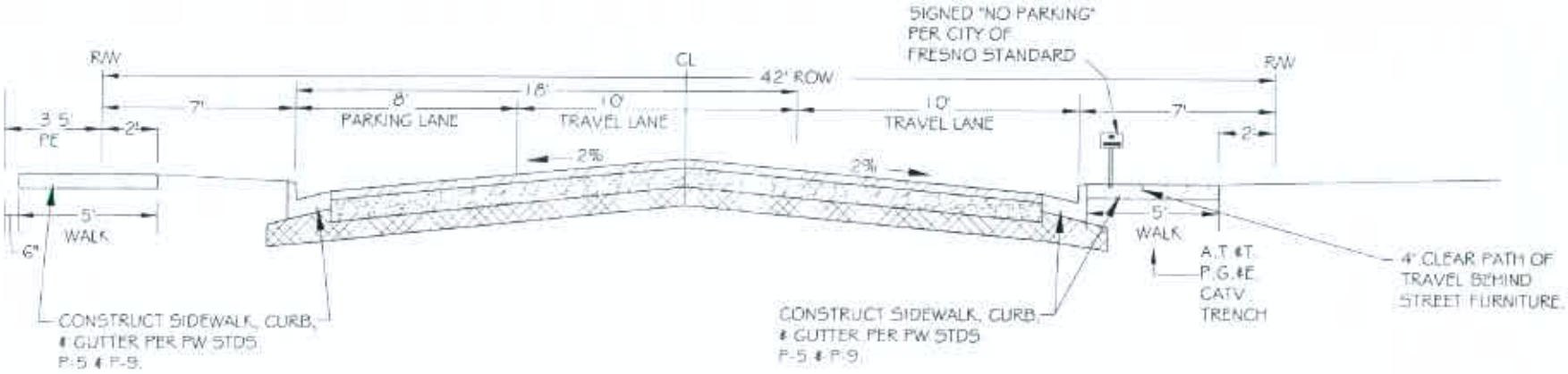
SCALE : N.T.S.

509



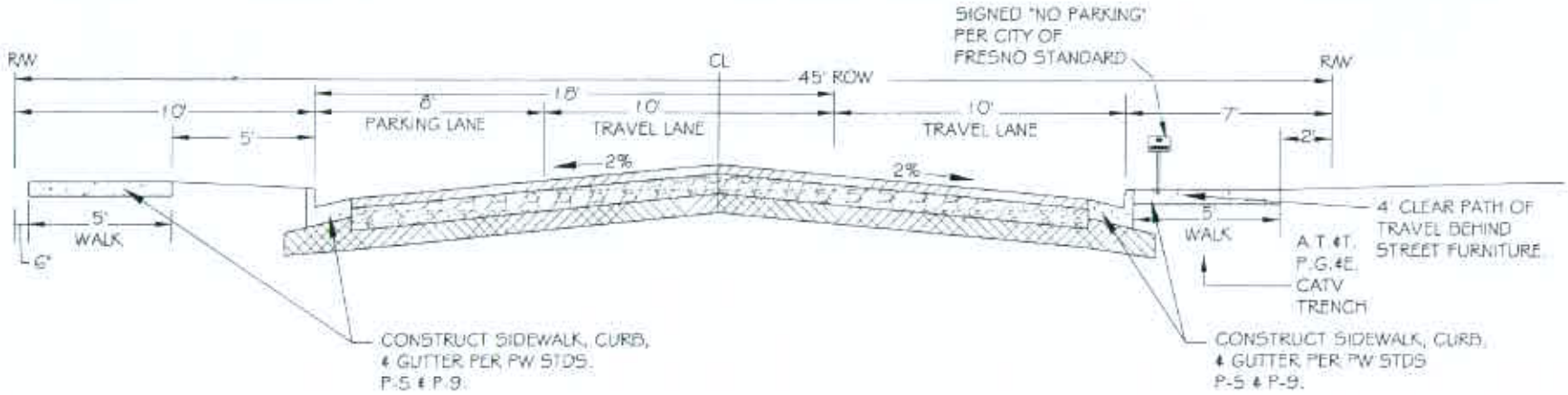
SECTION E-E - 50' LOCAL STREET (36' PAVEMENT)

SCALE : N.T.S.



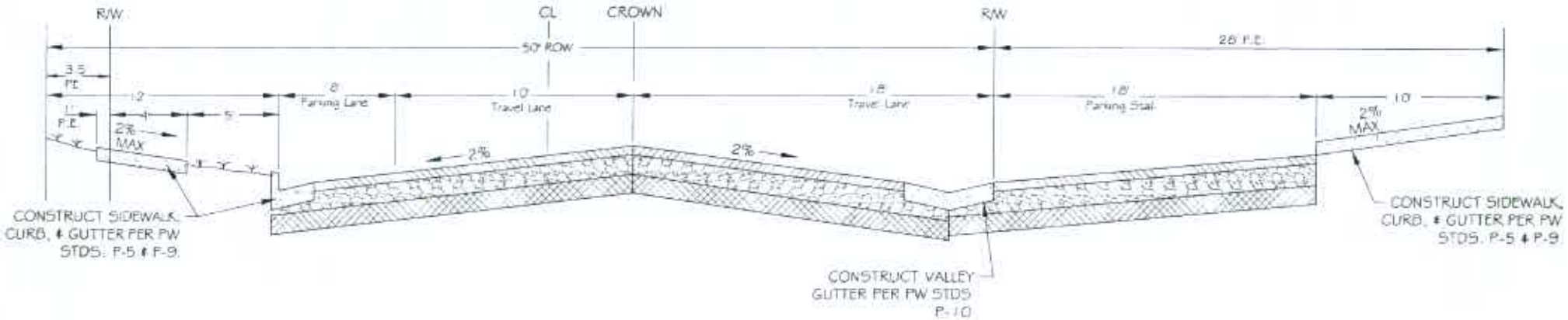
SECTION F-F - 42' LOCAL STREET

SCALE : N.T.S.



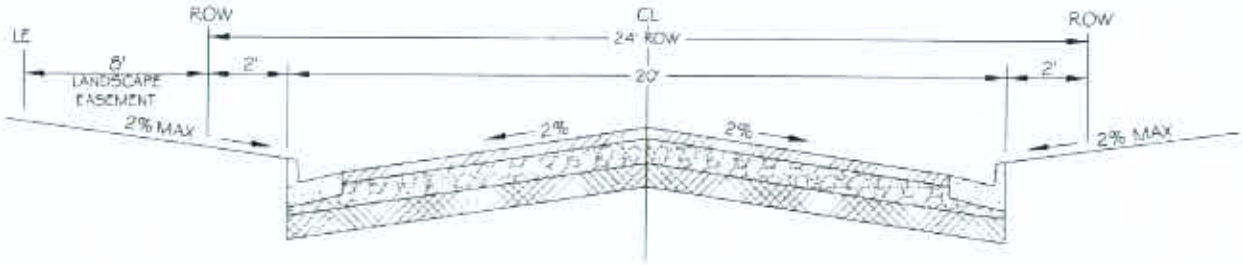
SECTION G-G - 45' LOCAL STREET

SCALE : N.T.S.



SECTION H-H - 50' LOCAL STREET W/ PARKING STALLS

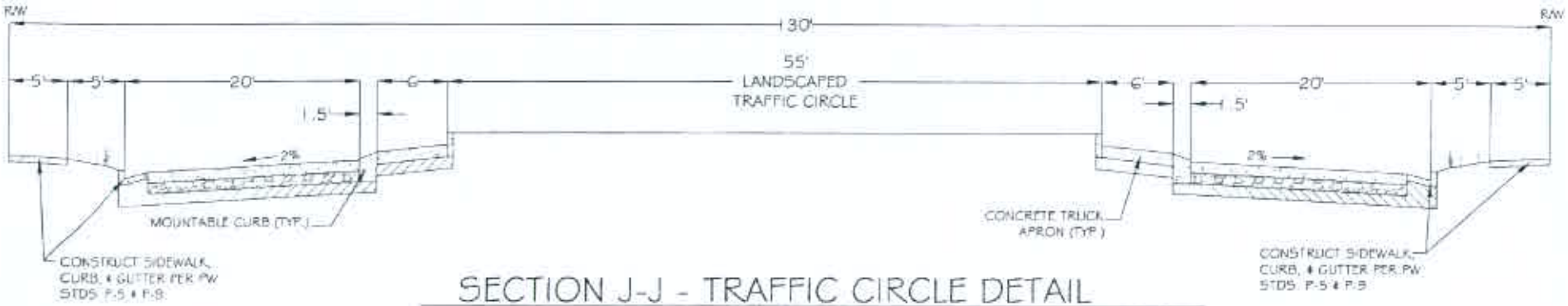
SCALE : N.T.S.



NOTE:
8' LANDSCAPE OUTLOT
ONLY USED WHERE LABELED
ON MAP

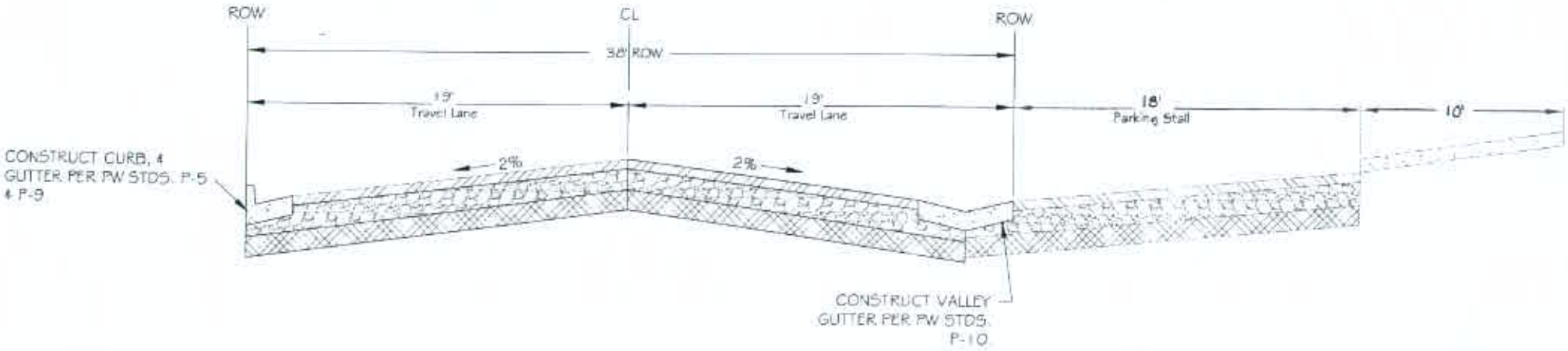
SECTION I-I - 24' TYPICAL ALLEY STREET WAY

SCALE : N.T.S.



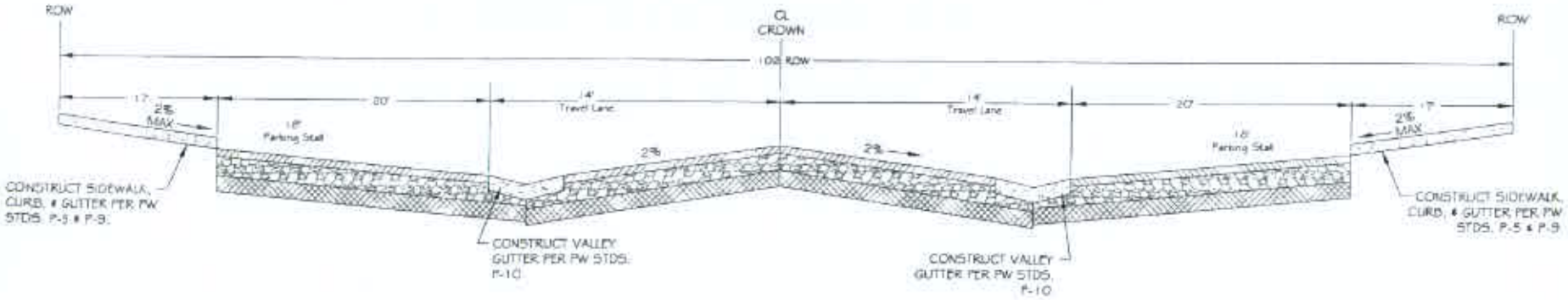
SECTION J-J - TRAFFIC CIRCLE DETAIL

SCALE : N.T.S.



SECTION K-K - 38' LOCAL STREET (COMMERCIAL AREA)

SCALE : N.T.S.



SECTION L-L - 102' STREET WITH PARKING (COMMERCIAL AREA)

SCALE : N.T.S.

58