

September 23, 2008

**Advice 3343-E**

(Pacific Gas and Electric Company ID U 39 E)

**Subject: City and County of Fresno Pedestrian Walkway Easement – Request for Approval under Section 851****Purpose**

Pacific Gas and Electric Company (“PG&E”) submits this advice letter seeking approval under Public Utilities Code § 851 authorizing PG&E to enter into with the City of Fresno (the “City”) a non-exclusive public pedestrian walkway easement agreement (the “Agreement”) to fulfill a condition of the Conditional Use Building Permit (the “Permit”) issued by the City for the redevelopment of PG&E’s Fresno Service Center (the “Project”). The Permit requires PG&E to grant the City an on-site pedestrian walkway easement covering a 2-foot wide portion of six (6) driveway approaches to the Fresno Service Center on PG&E property.

PG&E believes that approval of the Easement Agreement is not a project under the California Environmental Quality Act (“CEQA”) because there will be no physical change in use as a result of the grant of the easement. The sidewalks were already built within the easement area as part of the Service Center Project, and this 851 filing simply seeks permission to convey an easement to the City for public right of way purposes to meet a separate condition of the Permit associated with the Project. (See Section 13 below)

**Background**

PG&E owns lands, buildings and other structures in connection with the provision of natural gas and electricity to its customers throughout Northern and Central California. In the provision of materials necessary to support of its utility operations, PG&E relies upon several large support centers, one of which is the Fresno Service Center and Fresno Materials Facility (the “Facility”) located on two parcels east and west of South Orange Avenue, respectively, in the City of Fresno.

The Facility is centrally located in the San Joaquin Valley, having immediate access to Highway 99 and Highway 41. The Facility is located on approximately 63 acres in the south end of Fresno’s industrial zone (the “Site”). The Site is split in two by Orange Avenue with approximately 39 acres on the east side and 24 acres on the west side.

The Facility directly serves the geographical area beginning at the southern area, Bakersfield and Ridgecrest, and covers the southern San Joaquin Valley west to Coalinga, east to Mariposa and North to Modesto. This service area consists of 19 service centers, 5 General Construction yards and 3 Southern Area Hydro yards, encompassing 30,000 sq. miles. The Fresno Facility also provides other PG&E materials facilities with material in support of system emergencies.

The Facility was originally constructed in the 1920's as a construction yard with approximately 35 buildings on the Site. Prior to the redevelopment of the Facility, the existing buildings were generally in poor condition and did not comply with current building codes or the requirements of the American with Disabilities Act ("ADA"). Over the course of 70 years, PG&E made improvements to the Facility to better serve utility functions such as customer services, maintenance and construction, power control, materials and fleet, building and land services and computer and telecommunications services.

In October, 1998 PG&E enlisted the services of Integrated Designs, Inc. to assess the condition of the buildings, yard and storage facilities requirements at the Facility with the goal of consolidating utility service center activities currently being served through various PG&E-owned and leased space. The goal was to develop a master plan to revitalize the Facility and identify cost efficiencies that could be captured through consolidation.

In 2002, PG&E applied to the City of Fresno for a Conditional Use Building Permit that would authorize the Project. The Project included replacing buildings that were deemed seismically unsafe and redesigning the Facility to implement the redevelopment, including making changes necessary to meet ADA requirements.

On July 2, 2002, after completing CEQA review on the Project, the City issued PG&E Conditional Use Building Permit No. C-02-047) (**Attachment A**) approving the Project. A copy of the Mitigated Negative Declaration for the Project is also attached for information purposes only (**Attachment B**). Among the conditions of the permit was a requirement that a minimum 4-foot wide, level path of travel be available along the public sidewalk on all frontages of the property as required by Title 24 of the California Administration Code (the "Code"). Because the paved, sloped vehicle approach at each driveway reduced the width of the City-owned level pedestrian sidewalk to only 2 feet within the City's existing rights of way, PG&E's Project included six (6) pedestrian walkways on its property, each 2-foot wide, to comply with the permit requirement for a 4-foot wide level path to accommodate pedestrians with disabilities per Title 24 of the Code (which parallels the requirements of the ADA). PG&E completed construction on the Project in 2006.

The City has now requested that PG&E grant a pedestrian easement covering these 2-foot strips. As a separate Permit condition, the Permit for the Project requires PG&E to dedicate these 2-foot strips to the City. The terms of the Easement are

detailed in the Agreement between PG&E and the City, as further described in **Attachment C**.

A picture depicting one of the six driveway approaches is provided as **Attachment D**. The Easement covers all the driveway approaches to the Facility, and occupies portions of two land parcels APN # 480-050-20U and APN # 480-060-22U (the "Easement Area"). The driveway approaches are located on Orange Avenue, California Avenue and Fourth Streets on the Project property.

In accordance with Resolution ALJ-202, Appendix A, Section IV, PG&E provides the following information related to the proposed transaction:

(1.) **Identity and addresses of all parties to the proposed transaction:**

Pacific Gas and Electric Company	City of Fresno
Andrew L. Niven	Mr. Jim Polsgrove
Gail L. Slocum	City Public Works
Law Department	2600 Fresno Street
P.O. Box 7442	Fresno, CA 93721-1026
San Francisco, CA 94120	Telephone: (559) 621-8692
Telephone: (415) 973-6583	Facsimile: (559) 488-1045
Facsimile: (415) 973-0516	Email: james.polsgrove@Fresno.gov
Email: <a href="mailto:GLSq@pge.com">GLSq@pge.com</a>	

(2.) **Complete description of the property including present location, condition and use:**

The Easement Area is situated at the southeast and southwest corners of California and Orange Avenues in the City of Fresno. In 2002, PG&E facilities dating back to the 1920's were replaced with facilities that met current building standards and ADA requirements. The Project was completed in December, 2006 and the Facility continues to function as a PG&E service center consolidating utility services that were previously served from various PG&E-owned and leased facilities.

(3.) **Intended use of the property:**

The intended use of the Easement Area will continue to be for pedestrian and vehicle traffic at each of the driveway approaches into the Facility. Within each of the driveway approaches to the Facility, the pedestrian easement allows pedestrian and vehicle traffic over a pre-existing 2-foot wide paved pedestrian path adjoining the City's sidewalk behind each of the driveway approaches. At each of the driveway approaches to the Facility, the City and PG&E together currently provide a 4-foot wide, level unobstructed path along the public walkways on all frontages of the property. Dedication of PG&E's portion of this path to the City will enable

the City to replace, reconstruct, and otherwise maintain this path for public use in perpetuity.

The Fresno Service Center will continue support distribution and transmission utility operations, with no change (see Section 6 below),

**(4.) Complete description of the financial terms of the proposed transaction:**

In compliance with the Permit, PG&E proposes to grant a pedestrian sidewalk easement, covering the described 2-foot strip of sidewalk that extends onto PG&E's property at each of the driveway entrances to the Facility, at no cost to the City.

**(5.) Description of how the financial proceeds of the transaction will be distributed:**

Not applicable.

**(6.) Statement on the impact of the transaction on ratebase and any effect on the ability of the utility to serve customers and the public:**

No PG&E property is being sold or disposed of and these minor easements will be granted at no cost to the City. There are no changes to PG&E's ratebase. The granting of the easements will not interfere with the operations of the Facility or PG&E's provision of utility service, and there will be no impact on utility services currently provided by the Facility.

This transaction does not involve the transfer or change of ownership of facilities currently used in utility operations. PG&E will retain full access rights and ownership of its Facility to support its utility operations.

The proposed easement is not adverse to the public interest but rather serves the City's desire to secure necessary public rights of way for pedestrian purposes on the portion of this existing sidewalk that extends 2-feet onto PG&E property. Thus, it represents a compatible, productive additional use of these 2-foot strips of sidewalk that were constructed in order to comply with ADA requirements.

**(7.) For sales of real property and depreciable assets, the original cost, present book value, and present fair market value, and a detailed description of how the fair market value was determined (e.g. appraisal):**

Not applicable.

- (8.) **For leases of real property, the fair market rental value, and a detailed description of how the fair market rental value was determined:**

Not applicable.

- (9.) **For easements or rights-of-ways, the fair market value of the easement or rights-of-way and a detailed description of how the fair market value was determined:**

Not applicable. The Permit requires that PG&E grant pedestrian easements to the City at no cost to the City.

- (10.) **Description of any recent past or anticipated future transactions that may appear to be related to the present transaction, such as a sales or leases of real property that are located near the property at issue or that are being transferred to the same transferee; or for depreciable assets, sales of similar assets or sales to the same transferee:**

To PG&E's knowledge, there are no recent past or anticipated future transactions that may appear to be related to the subject transaction.

- (11.) **Sufficient information and documentation (including environmental documentation) to show that all of the eligibility criteria stated in Section II of Resolution ALJ-202 have been met:**

- a. Sufficient information and documentation has been included with this advice letter to show that all of the eligibility criteria stated in Section II of Resolution ALJ-202 have been met. The proposed transaction is "not a project" under the CEQA requirements provided in ALJ-202 and will not require CEQA review by the Commission. The pedestrian walkways were built on PG&E property as part of the ADA-compliant Project design, and the Easement proposed herein is now necessary to comply with a separate dedication requirement that was a condition of the City's issuance of the Permit associated with the Project. The proposed transaction will not have an adverse impact on the public interest or on the ability of the utility to provide safe and reliable service to customers at reasonable rates. There is no payment for the proposed transaction.

- (12.) **Additional information to assist in the review of the advice letter:**

No additional information is readily available other than what is already included within this filing.

- (13.) **Environmental Information:**

**a. Exemption from CEQA review:**

1. **Has the proposed transaction been found exempt from CEQA by a government agency?**

Not applicable.

2. **If no, the applicant shall state the specific CEQA exemption or exemptions that the applicant claims apply to the transaction, including citations to the applicable State CEQA Guideline(s) and/or statutes.**

Not applicable.

**b. If the applicant believes that the transaction is not a project under CEQA, the applicant shall include an explanation of its position:**

PG&E believes the proposed Easement Agreement conveyance transaction proposed in this 851 filing is “not a project” under the CEQA requirements provided in ALJ-202. There will be no physical change in use as a result of the grant of this easement. The pedestrian walkways to which the easement relates were constructed on PG&E property as part of the Project (they were constructed as part of the redevelopment of the Facility which began in 2002), and this 851 filing simply conveys an easement to the City for public right of way purposes, to meet a separate dedication requirement that was a condition of the Project Permit. This Section 851 filing for approval of this easement involves no future change to the physical condition of the property, but merely the conveyance of an Easement Agreement. Thus, PG&E believes this later easement transfer filing to meet a separate dedication requirement does not constitute a “project” under CEQA, in and of itself.

**Protests**

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or electronically, any of which must be received no later than **October 13, 2008**, which is 20 days after the date of this filing. Protests should be mailed to:

CPUC Energy Division  
Tariff Files, Room 4005  
DMS Branch  
505 Van Ness Avenue  
San Francisco, California 94102

Facsimile: (415) 703-2200

E-mail: [jjj@cpuc.ca.gov](mailto:jjj@cpuc.ca.gov) and [mas@cpuc.ca.gov](mailto:mas@cpuc.ca.gov)

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest also should be sent via U.S. mail (and by facsimile and electronically, if possible) to PG&E at the address shown below on the same date it is mailed or delivered to the Commission:

Brian K. Cherry  
Vice President, Regulatory Relations  
Pacific Gas and Electric Company  
77 Beale Street, Mail Code B10C  
P.O. Box 770000  
San Francisco, California 94177

Facsimile: (415) 973-7226

E-mail: [PGETariffs@pge.com](mailto:PGETariffs@pge.com)

### **Effective Date**

Pursuant to the review process outlined in Resolution ALJ-202, PG&E requests that this advice filing become effective by Commission resolution as soon as possible. PG&E submits this filing as a Tier 3.

### **Notice**

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list. Address changes to the General Order 96-B service list should be directed to Rose de la Torre at (415) 973-4716. Send all electronic approvals to [PGETariffs@pge.com](mailto:PGETariffs@pge.com). Advice letter filings can also be accessed electronically at: <http://www.pge.com/tariffs>



Vice President, Regulatory Relations

Attachments

cc: Service List

\*\*\*\*\* SERVICE LIST Advice 3343-E \*\*\*\*\*  
**APPENDIX A**

## \*\*\*\*\* STATE EMPLOYEES \*\*\*\*\*

Angela K. Minkin  
 Administrative Law Judge Division  
 505 Van Ness Avenue

San Francisco, CA 94102  
 (415) 703-2008  
[ang@cpuc.ca.gov](mailto:ang@cpuc.ca.gov)

Myra J. Prestidge  
 Administrative Law Judge Division  
 505 Van Ness Avenue  
 San Francisco, CA 94102  
 (415) 703-2629  
[tom@cpuc.ca.gov](mailto:tom@cpuc.ca.gov)

Jonathan Reiger  
 Legal Division  
 505 Van Ness Avenue  
 San Francisco, CA 94102  
 (415) 355-5596  
[jzr@cpuc.ca.gov](mailto:jzr@cpuc.ca.gov)

Chloe Lukins  
 Energy Division  
 505 Van Ness Avenue  
 San Francisco, CA 94102  
 (415) 703- 1637  
[clu@cpuc.ca.gov](mailto:clu@cpuc.ca.gov)

Kenneth Lewis  
 Energy Division  
 505 Van Ness Avenue  
 San Francisco, CA 94102  
 (415) 703-1090  
[kl1@cpuc.ca.gov](mailto:kl1@cpuc.ca.gov)

Brewster Fong  
 Division of Ratepayer Advocates  
 505 Van Ness Avenue  
 San Francisco, CA 94102  
 (415) 703- 2187  
[bfs@cpuc.ca.gov](mailto:bfs@cpuc.ca.gov)

## \*\*\*\*\* AGENCIES \*\*\*\*\*

City of Fresno  
 Mr. Jim Polsgrove  
 City Public Works  
 2600 Fresno Street  
 Fresno, CA 93721-1026  
 Telephone: (559) 621-8692  
 Facsimile: (559) 488-1045  
 Email: [james.polsgrove@Fresno.gov](mailto:james.polsgrove@Fresno.gov)

County of Fresno  
 Dept. Public Works and Planning  
 2220 Tulare Street, 6th floor  
 Fresno, CA 93721  
 Telephone: (559) 262-4078  
 Facsimile: (559) 262-4879  
 Email: [lbrosi@co.fresno.ca.us](mailto:lbrosi@co.fresno.ca.us)

\*\*\*\*\* 3<sup>rd</sup> Party \*\*\*\*\*

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **Pacific Gas and Electric Company (ID U39 M)**

Utility type:

ELC

GAS

PLC

HEAT

WATER

Contact Person: Linda Tom-Martinez

Phone #:

E-mail:

### EXPLANATION OF UTILITY TYPE

ELC = Electric

GAS = Gas

PLC = Pipeline

HEAT = Heat

WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 3343-E

Tier: [3]

Subject of AL: City and County of Fresno Pedestrian Walkway Easement – Request for Approval Under Section 851

Keywords (choose from CPUC listing): Section 851

AL filing type:  Monthly  Quarterly  Annual  One-Time  Other \_\_\_\_\_

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: ALJ-202

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL:

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: No

Confidential information will be made available to those who have executed a nondisclosure agreement: N/A

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information:

Resolution Required?  Yes  No

Requested effective date: CPUC approval

No. of tariff sheets: N/A

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected:

Service affected and changes proposed:

Protests, dispositions, and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

**CPUC, Energy Division**

**Tariff Files, Room 4005**

**DMS Branch**

**505 Van Ness Ave., San Francisco, CA 94102**

**jnj@cpuc.ca.gov and mas@cpuc.ca.gov**

**Pacific Gas and Electric Company**

**Attn: Brian K. Cherry, Vice President, Regulatory Relations**

**77 Beale Street, Mail Code B10C**

**P.O. Box 770000**

**San Francisco, CA 94177**

**E-mail: PGETariffs@pge.com**

# Attachment A

## Conditional Use Building Permit

**CITY OF FRESNO  
DEVELOPMENT DEPARTMENT**

**SPECIAL PERMIT  
CONDITIONS OF APPROVAL**

Application No. C-02-047

July 8, 2002

---

**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No. 480-050-20u and 481-060-22u
2. Job Address: 3530 East California Avenue  
Street Location: The project is located on the southeast and southwest corners of Orange Avenue and California Avenue.
3. Existing/Proposed Zoning: M-1 Zone Map No. 2551 & 2552
4. Project Description: The proposal is the redevelopment of a public utility service yard.

**PART B - GENERAL CONDITIONS AND REQUIREMENTS**

The Development Director on JULY 11, 2002, approved the special permit application subject to the enclosed list of conditions and Exhibits A, B, C, D, E, F, G, H, I, and J dated March 7, 2002.

This approval is subject to the completion of the notice and appeal period for the department's finding that the proposed project will not have a significant impact on the environment.

Notice of the approval of the special permit was mailed to surrounding property owners on 7.12.02, 2002. The deadline date for submittal of appeals in response to the mailed notice is 7.29.02, 2002.

Approval will become effective if no appeal is received in response to the mailed notice. If an appeal is filed in response to the notice, the matter will be set for public hearing before the Fresno City Planning Commission.

Building permits will not be issued for this project until the 15-day appeal period has elapsed or, in the event of an appeal, until the Planning Commission has acted on the appeal.

**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 are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and 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 in writing to the Development Director within 15 days.

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by \_\_\_\_\_, 2002.

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;
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 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.**

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 all original site plan exhibits (dated April 12, 2002) 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.

To complete the backcheck process for building permit relative to planning and zoning issues, submit eight copies of this corrected, final site plan, together with six copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division, Project Evaluation Section, 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 same in each of the four 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 call for 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. Call Ed Paz at 559/621-8061.**

#### 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 & PARKING LOT 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 by the applicant. Requirements which may not have been addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are discovered.

Questions relating to dedications, street improvements or parking lot geometrics may be directed to the Development Department, Building and Safety Services Division, Land Division and Engineering Section, David Padilla at (559) 498-2727.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a. Exhibit "A" is required to include the location of 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.
  - A minimum 4 foot wide path of travel is required along the public sidewalk on all frontages of the property as required by Title 24 of the California Administration Code. An on-site pedestrian easement and construction of a path may be required if Title 24 requirements can not be met within the existing public rights of way.
- b. 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 Engineer. For encroachment permit information, contact the Public Works Department, Engineering Services Division (David Coker) at (559) 498-4742. Encroachment permits must be approved **prior** to the issuance of building permits.
- c. DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:
  - *S 4<sup>th</sup> Street/ E California Ave/S Orange Ave-* Dedicate a 2' wide pedestrian easement behind the driveway approach(es) to provide for a 4' wide unobstructed path.

DEED PROCESSING (Informational). Deed documents for the required dedications shall be prepared by the applicant's engineer and submitted to the Public Works Department, Engineering Services Division with verification of ownership. The cost of deed document preparation shall be at the expense of the applicant; a deed review, processing and recordation fee must be paid at the time of deed submittal. Deed documents must conform to the format specified by the City. Document format specifications may be obtained from the Public Works Department, Engineering Services Division (Chad Phillips) at (559) 498-  
4737. 8692

J/M P06562006 621-

- d. VACATIONS. The vacation of the following easements shall be satisfied prior to the issuance of building permits:
  - *Water main Easement-* Vacate portions of water main easement within the project site.

VACATION PROCESSING (Informational). The vacation of all public easements is administered by the Public Works Department, Engineering Services Division. The applicant is responsible to file the necessary vacation requests. The process includes, but is not limited to, the filing of an environmental assessment, payment of associated processing fees, a feasibility study and action by the City Council. Required vacations must be satisfied **prior** to the issuance of building permits. Due to the action required by the City Council on vacations, the applicant is strongly advised to initiate this process as soon as

possible to avoid delays to the issuance of building permits. For information regarding the vacation process, contact the Public Works Department, Engineering Services Division (David Coker) at 559/498-4742.

## 2. STREET IMPROVEMENTS

- a. **STREET WORK PERMIT.** 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 (Gary Witzel) at (559) 498-4740, prior to commencement of the work. All required street improvements must be completed and accepted by the City prior to final occupancy.
- b. The property shall be improved in accordance with the provisions of FMC Section 11-208. All public street improvements shall be constructed in accordance with the Standard Specifications of the City of Fresno, Public Works Department and the engineered street construction plans required and approved by the City Engineer. The final corrected exhibit (Exhibit A) shall incorporate all required dedications, parking lot geometrics and improvements required as conditions of approval for the development.
- c. Install permanent paving, paving transitions, concrete curb, gutter, sidewalk and driveway approaches, street tree wells and irrigation, bike paths, bus bays, right turn lanes, etc. as determined by the City Engineer on all street frontages. Wheelchair ramps shall be installed at all curb returns. Additional requirements are noted on Exhibit A.
- d. **STREET CONSTRUCTION PLANS.** Street construction plans, prepared by a registered Civil Engineer and approved by the City Engineer, are required unless otherwise determined by the City Engineer. Plans must be submitted to the Public Works Department, Engineering Services Division, Utility Design Section (559) 498-1401.
  - The approval of proposed median island breaks and modifications shall be reviewed and determined in conjunction with the approval of street construction plans.
- e. Driveway approaches less than 8' in depth (refer to Public Works Department Standard Drawing Nos. P-2 and P-3 for details) requires the installation of a concrete pedestrian walkway behind the driveway approaches to provide a 4' wide clear path. Asphalt concrete paving per Public Works Standard Drawing No. P-34 may be substituted for concrete. A pedestrian easement is required for the path area located outside the public street easement.
- f. Install street lights on all frontages to City Subdivision Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department, Traffic Engineering Division (559) 498-1436 prior to commencement of the work.
- g. Install street tree wells and irrigation system. Verify locations of required street tree well(s) in the public right-of-way area with the Parks, Recreation and Community Services Department, Parks Division (559) 498-4908 and identify the required wells on the final

corrected exhibit (Exhibit A).

- h. Existing 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) 498-1451. Such repairs must be completed prior to final occupancy.
- i. Remove all existing driveway approaches not identified for utilization and install sidewalk, curb and gutter to match existing or proposed street improvement line and grade.
- j. Remove existing improvements that are not to the planned alignment and install required improvements to new street alignment and grade.

3. WATER AND SEWER SERVICE REQUIREMENTS AND CONNECTION CHARGES

- a. Connection to the City of Fresno water system is required.
- b. Connection to the City of Fresno sewer system is required.
- c. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Rick Sommerville at (559) 498-2740.
- d. Open street cuts are not permitted; all utility connections must be bored.
- e. Connection to 18" and larger sewer mains requires machine coring.
- f. CROSS-CONNECTION CONTROL. A backflow prevention device may be required on the water service. Contact Department of Public Utilities, Water Division (559) 498-4671 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
- g. INDUSTRIAL DEVELOPMENT INCENTIVES. On June 17, 1997 the City Council took action to implement incentives that may substantially encourage industrial development through the potential lowering of the cost of development. Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the following incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP):

**Fee Reduction.** Allows potential further reduction of water units assessed based on the submittal of operations information, certified flow estimates and an agreement with the City.

*Note: The sewer fee reductions are available through the STEP and EDP.*

**Fee Waiver.** Waives the Trunk Sewer and Major Facilities Trunk Sewer fees for projects

within trunk sewer service areas where the Trunk Sewer exists (Herndon, Cornelia, Fowler).  
*Note: These fees are no longer applicable pursuant to Ordinance No. 98-97.*

**Fee Financing.** Allows financing of the Wastewater Facilities Charge over a 5 year period from permit or after occupancy under an agreement with the City. *Note: This fee is no longer applicable pursuant to Ordinance No. 98-97.*

**Improvement Postponement.** Allows postponement of certain improvements, by agreement, if the appropriate finding is made by the Public Works Director.

*For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 498-4891.*

- h. SEWER CONNECTION CHARGES (FMC Section 9-503-a). The following sewer connection charges are required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.

- Lateral Sewer Charge (based on property frontage to a depth of 100')
- Oversize Sewer Charge (based on property frontage to a depth of 100')

*Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP):*

*For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 498-4891.*

- i. WATER CONNECTION CHARGES (FMC Sections 14-107 to 14-110). The following water connection charges are required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council prior to issuance of building permits may also be applied.

- Frontage Charge (based on property frontage)
- Fire Hydrant Charge (based on square footage to a depth of 250')
- Service Charge (based on service size required by applicant)
- Meter Charge (based on service size)

4. POLICE SUB-STATION FEE FOR NORTHEAST FRESNO

- a. None. This property is not located in the Northeast Fresno Police sub-station service area.

5. OFF-STREET PARKING FACILITIES AND GEOMETRICS

- a. Off-Street (on-site) parking facilities and geometrics shall conform to the City of Fresno, Public Works Department, Parking Manual, Standard Specifications and requirements as noted on Exhibit A.
- b. The applicant shall provide access and directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way," handicap signs, etc.) as determined by the City Traffic Engineer and as noted on Exhibit A.
- c. Parking lot pavement and drainage design shall be in accordance with Public Works Department Standard Drawing Nos. P-34, P-35 & P-36 and incorporated into the site drainage plan. Site drainage to alleys requires approval by the City Engineer. A site drainage plan is required to be reviewed and approved by the Development Department, Building & Safety Services Division prior to the commencement of work.

6. SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a. Existing survey monuments shall be preserved and if disturbed, shall be reset by a registered civil engineer or a licensed land surveyor.

8. URBAN GROWTH MANAGEMENT (UGM) REQUIREMENTS AND FEES

- a. None. This property is not located in the UGM area.

**PART D - PLANNING/ZONING REQUIREMENTS**

**PLANNING**

1. Development is subject to the following plans and policies:  
Roosevelt Community Plan  
Public Facility

**ZONING**

2. The proposed project is in accordance with existing M-1; Light Manufacturing.

**BUILDING HEIGHT**

3. The maximum allowable building height is 50 feet. The highest building is 44 feet which is within the required height.

BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

3. Provide the following minimum building setbacks:
  - a. 10 feet along California Avenue and Orange Avenue
4. Provide the following minimum landscaped areas:
  - a. 10 feet along California Avenue and Orange Avenue

No structures of any kind may be installed or maintained within the above-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved. (Put this note on the site plan.)

5. Provide a minimum of 235 medium sized trees on-site per the following:

Provide one medium size tree for every two parking spaces. (This requirement may be modified by the director if the standards for shading and perimeter planting have been met.)

Disperse trees over the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

**NOTE:** One medium sized tree is defined as attaining a height of 30-60 feet at maturity. Two small trees, up to 30-feet high at maturity may be substituted for one medium sized tree.

6. Trees shall be maintained in good health. However, 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 Development Department. (Put this note on the site and landscape plans.)
8. Submit six 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 prior to obtaining building permits.
9. Landscaping must be in place before issuance of the certificate of occupancy. (Include this note on the site plan and landscape plan.)
10. The minimum number of medium size trees required will be determined upon receipt of the

required parking section letter and the parking area shading plan.

11. Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Planning Division, Development Department. (Include this note on the site plan.) A certification form is enclosed for future use.

#### FENCES, HEDGES, AND WALLS

12. 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.

#### OFF-STREET PARKING

13. A minimum of 10 bicycle spaces shall be provided as per Section 12-306-I-2.1-C of the Fresno Municipal Code. Spaces shall be provided in accordance with Section 12-306-I-5d of the Code. (Depict the spaces on your site plan.)
14. As per Section 12-222.5-I the minimum parking spaces required are 793 parking stalls.
15. Provide handicapped parking stalls in accordance with the State of California Building Code. All handicapped parking stalls shall be of a width providing at least 14 feet of usable space. Refer to the "Development Requirements for Handicapped Accessibility" of above-mentioned code.
16. All handicapped stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. (Include this note on the site plan.)
17. All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. (Include this note on the site plan.)
18. Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. (Include this note on the site plan.)

#### LOADING SPACES

19. Provide loading spaces as per Section 12-306-L. Spaces shall be a minimum of 12 feet by 40 feet. Provide a 14-foot vertical clearance for loading spaces within or under a structure.

20. Per Section 12-306-L of the Fresno Municipal Code, loading space requirements will apply when a use involves pick-up and delivery of materials (other than normal solid waste collections) from trucks and tractor-trailers weighing more than two tons.

ACCESS

21. Vehicular and/or pedestrian access shall be provided.

OUTDOOR ADVERTISING

22. Signs are not approved for installation as part of this special permit. Submit for separate Sign Review. (Contact Public Services for information at 559/498-1371, Room 3043.) (Include this note on the site plan.)

SPECIAL DEVELOPMENT STANDARDS

23. Approval of this project is contingent upon the submittal of corrected site plans, elevation drawings, floor plans, landscaping and irrigation plans.
24. Include a color and material schedule on the site plan, as well as on the elevations, for the exterior of all buildings and structures.
25. The project shall comply with the mitigation measures addressed in the negative declaration.

**PART E - CITY AND OTHER SERVICES**

FIRE PROTECTION REQUIREMENTS

1. Comply with the attached City of Fresno Fire Department memorandum dated March 15, 2002. Contact the City of Fresno Fire Department at 559-621-4113 for further information.

SOLID WASTE COLLECTION

2. Comply with the attached Solid Waste Division Bin Enclosure Policy. Contact the Solid Waste Division at 559-498-2854 for further information.

FLOOD CONTROL REQUIREMENTS

3. Comply with the attached Fresno Metropolitan Flood Control District memorandum, dated March 23, 2002. Contact Fresno Metropolitan Flood Control District at 559/456-3292 for further information.

**NOTE:** The U.S. Environmental Protection Agency requires that a Notice of Intent for a general National Pollutant Discharge Elimination System permit be filed for all industrial uses listed in Attachment C provided by FMFCD and for any construction site of five or more acres of land. It is the property or business owner's 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.

#### HEALTH DEPARTMENT REQUIREMENTS

4. Comply with the attached County of Fresno, Department of Community Health, memorandum dated March 21, 2002. Contact the Department of Community Health at 559-445-3357.

#### STREET TREE REQUIREMENTS

5. Comply with the attached Public Works Department, memorandum dated March 14, 2002. Contact the City of Fresno, Public Works Department at 559-488-1998, for street tree requirements.

#### REDEVELOPMENT AGENCY

6. Comply with the attached Redevelopment Agency of the City of Fresno, memorandum dated March 15, 2002. Contact the Redevelopment Agency at 559-498-2693.

#### **PART F - MISCELLANEOUS**

Roof-mounted and detached mechanical equipment for commercial and office uses shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line. (Include this note on the site plan.)

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

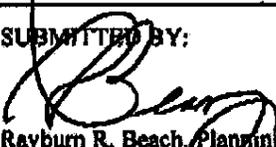
If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological 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.

If animal fossils are uncovered, the Museum of Paleontology, 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.

**All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Development Department Director within 15 days.**

# Attachment B

## Mitigated Negative Declaration

<b>CITY OF FRESNO MITIGATED NEGATIVE DECLARATION</b>		<b>RECEIVED</b>  02 JUL 12 PM 4: 48 CITY CLERK, FRESNO CA
Initial Study and full project description is on file in the City of Fresno Development Department City Hall, 2600 Fresno Street, Room 3043 Fresno, California 93721-3604 (559) 498-4441	Environmental Assessment Number:  <b>C-02-047</b>	
<b>APPLICANT:</b> Pete Mogensen 6011 N. Fresno St. Fresno, CA 93710	Assessor's Parcel Number: 480-030-20u 480-060-22u	
<b>PROJECT DESCRIPTION AND LOCATION:</b> The applicant is applying for Conditional Use Permit No. C-02-047 which would authorize the redevelopment of a public utility service yard. The redevelopment project includes: demolition of several buildings and construction of the following buildings: Building 1: a 31,171 square foot equipment and fabrication repair building; Building 2: a 57,408 square foot two story office building; Building 3: a 27,439 square foot Information Technology & Electric Transmission Maintenance building; Building 4: a 3,300 square foot OM&C Tool Issue and Storage building; and, Building 5: a 3,940 square foot Fleet Maintenance Parts & Storage & G. C. Tool Room. The project also includes installation of Hi-Low Card Readers & Card Reader Turn Stiles, a self-contained Hobe Wash, drive-through self-contained truck wash, CNG compressor & fast-fill station. The site has an area of 39.17 acres, is located at the Southeast and Southwest Corners of California and Orange Avenues, and is zoned M-1; Light Manufacturing.		Filed with: <b>REBECCA E. KLISCH</b> City Clerk 2nd Floor - City Hall 2600 Fresno Street Fresno, California 93721-3603
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>		
<b>INITIAL STUDY PREPARED BY:</b> Ed Paz Planner III		<b>SUBMITTED BY:</b>  Rayburn R. Beach, Planning Manager DEVELOPMENT DEPARTMENT
<b>DATE:</b> July 9, 2002		

**CITY OF FRESNO  
DEVELOPMENT DEPARTMENT**

**ENVIRONMENTAL ASSESSMENT - INITIAL STUDY**

Application No. C-02-047

**PROJECT INFORMATION**

Assessor's Parcel Number	480-050-20u 480-050-20u	Existing Zoning	M-1
Job Address	3530 E. California Avenue	Proposed Zoning	n/a
Street Location	Sec & Swc Orange & California Avenues	Allowable Density	n/a dwelling units per acre
Zone Map Number	2551 / 2552	Proposed Density	n/a dwelling units per acre

**PROJECT DESCRIPTION**

Pacific Gas and Electric Company is applying for a Conditional Use Permit No. C-02-047 which would authorize the redevelopment of a public utility service yard. The redevelopment project includes: demolition of several buildings as indicated on Exhibit A (crosshatched) and the construction of the following buildings: Building 1: a 131,171 square foot equipment and fabrication repair building; Building 2: a 57,408 square foot two story office building; Building 3: a 27,439 square foot Information Technology & Electric Transmission Maintenance building; Building 4: a 3,300 square foot OM&C Tool Issue and Storage building; and Building 5: a 3,940 square foot Fleet Maintenance Parts & Storage & G. C. Tool Room. The project also includes installation of Hi-Low Card Readers & Card Reader Turn Stiles, a self-contained Hobe Wash, drive-through self-contained truck wash, CNG compressor & fast-fill station. The site has an area of 39.17 acres, is located at the Southeast and Southwest Corners of California and Orange Avenue(s), and is zoned M-1; Light Manufacturing. The Roosevelt Community Plan specifies public facility uses for the subject property. The M-1 District is consistent with that designation and permits public utility service yards.

Initial Study - July 11, 2002  
 EA # C-02-047

Page 2 of 10

## ADJACENCIES

	Planned Land Use	Existing Zoning	Existing Use
North	General Commercial & Medium High Density Residential	R-1, R-2, C-M & M-1	Residential, Commercial
South	Light & Heavy Industrial Ponding Basin	M-1 & County Zoning	Light Industrial
East	Light Industrial	M-3 & County Zoning	Light Industrial
West	Heavy Industrial	M-3 & County Zoning	Light Industrial

Staff has reviewed the above, referenced, project proposal and consulted with all affected agencies. Approval of the project may contribute to the creation of certain moderate environmental effects or the project may be adversely impacted by existing environmental situation, as addressed below.

### 1.0 - TOPOGRAPHY, GEOLOGY, AND HYDROLOGY

There are no geologic hazards or unstable soil conditions known to exist on the site. Existing topography will be preserved to the fullest extent practical by limiting earth work to that which is necessary for the development of building sites and improvements (roads, utilities, etc.). 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.

The site is located within a 500-year flood prone area as designated on the latest Flood Insurance Rate Maps. In order to mitigate any potential hazards resulting from possible flooding, the site is subject to compliance with Section 13-160-100 through 13-160-106 of the Fresno Municipal Code (FMC) related to development within the 500-year flood plain.

#### Mitigation Measures:

No mitigation measures are necessary.

### 2.0 - AIR QUALITY

The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), responsible for monitoring and improving local air quality, has developed the San Joaquin Valley 1991 California Clean Air Act; Air Quality Attainment Plan (AQAP). The AQAP continues to project non-attainment for ozone and particulate matter. The AQAP includes a number of strategies to improve air quality including transportation control strategies and vehicle inspection programs.

Fresno County, and the eight counties portion of the San Joaquin Valley, have consistently exceeded

Initial Study - July 11, 2002  
EA # C-02-047

Page 3 of 10

State and Federal ozone and PM-10 standards. Fresno County has been classified as a serious non-attainment area for ozone and particulate matter per federal ambient air quality standards and is classified as a non-attainment area for ozone and particulate matter per state ambient air quality standards. Additionally, the Fresno-Clovis Metropolitan Area has been classified as a maintenance area for carbon monoxide per state and federal ambient air quality standards. The City of Fresno, in addition to the measures proposed by the SJVUAPCD, has implemented measures to improve local air quality including the full implementation of Measure "C" transportation improvements, implementation of air quality sensitive community planning, computerization of all of the City's traffic signals, and improvements to the City's transit system.

The construction phase of the project will be subject to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Regulation VIII, Rule 8020, related to control of dust and fine particulate matter (PM10). This rule mandates the implementation of dust control measures such as cleaning, sprinkling and sweeping of all construction sites to reduce the potential for dust to the lowest possible level.

City Council Resolution No.92-140 certified Environmental Impact Report (EIR) No. 10113 (SCH No. 900212385), completed for the Roosevelt Community Plan, which is on file at the City of Fresno Planning and Development Department. Certain significant unavoidable adverse environmental effects resulting from project implementation have been identified in final EIR No. 10113, including cumulative effects on air quality in the region. The air quality effects resulting from the planned land uses identified in the Roosevelt Community Plan are mitigated to the extent feasible through the mitigation measures identified in EIR No. 10113 as listed below:

- a. The land use and circulation patterns of the Roosevelt Community plan have been arranged to minimize the length and number of vehicular trips;
- b. The circulation policies of the Plan are designed to promote smooth and efficient traffic flow in order to reduce air pollution and provide for a balanced multi modal transportation system concept;
- c. The plan supports implementation of the Air Quality Element of the Fresno General Plan, the Fresno Clean Air Plan and the Fresno County Vehicle Inspection Program and encourages the expansion of the inspection program to other counties in the San Joaquin Air Basin;
- d. The City will continue to refer environmental documents for projects identified as potential sources of air pollution to the Fresno County Air Pollution Control District.

#### 2.4 - Generation of Construction Dust

Clearing of the site would contribute to short-term impacts on air quality in the form of increased dust and particulate matter. However, these impacts are local in nature and would cease upon completion of the project. The construction phase of the project would be subject to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Regulation VIII, Rule 8020, related to control of dust and fine particulate matter (PM10). This rule mandates the implementation of dust control measures such as cleaning, sprinkling and sweeping of all construction sites to reduce the potential for dust to the lowest possible level.

Initial Study - July 11, 2002  
EA # C-02-047

Page 4 of 10

### **Mitigation Measures:**

To mitigate fugitive dust emissions during project construction, the following measures are required:

- a. On-site vehicle speed shall be limited to 15 mph;
- b. All areas with vehicle traffic shall be watered twice daily;
- c. Roads shall be treated with a petroleum-based dust palliative;
- d. Streets adjacent to the project site shall be swept as needed to remove silt, which may have accumulated from construction activities so as to prevent excessive amounts of dust;
- e. All clearing, grading, earth moving, or excavation activities shall cease during periods of wind speed greater than 20 mph average over one hour;
- f. All material transported off-site shall be either sufficiently watered or covered to minimize dust.
- g. Hours of operation of heavy-duty equipment shall be limited from 7:00 a.m. to 7:00 p.m.

Ozone emissions will be mitigated during construction by the following measures:

- h. Equipment engines shall be maintained in good condition and proper tune per manufacturer's specifications;
- i. From August to October, the construction period shall be lengthened so as to minimize the number of vehicles and equipment operating at the same time.

### **Implementation/Verification:**

This mitigation measure, and all other measures relative to construction, shall be implemented by the contractor as specified by the applicant during the construction phase and verified by the Public Works Department, Construction Management Division.

### **3.0 - WATER**

The Water Division of the Public Utilities Department states that this development will not adversely affect the city water system.

### **Mitigation Measures:**

No mitigation measures are necessary.

### **4.0 - FLORA**

There are no native plants found on the project site. The site has shrubbery and various trees sparsely scattered throughout the site. The site is not presently used for agricultural type uses, nor does it contain any unique, rare, nor endangered species. Given that the site is being used as public utility service yard, no adverse environmental effects are expected as a result of this project.

Initial Study - July 11, 2002  
EA # C-02-047

Page 5 of 10

#### **Mitigation Measures:**

No mitigation measures are necessary

#### **5.0 - FAUNA**

The subject site is currently developed with uses commonly found in industrial type settings. There is no significant wildlife population currently inhabiting the site. The landscaping to be installed would provide habitats for certain species of birds and small animals accustomed to an urban environment. No adverse environmental effects are expected as a result of this project.

#### **Mitigation Measures:**

No mitigation measures are necessary.

#### **6.0 - HUMAN HEALTH**

Aside from temporary dust generation during the construction phases, the project is not expected to create unsafe conditions and would not result in adverse effects on human health. However, in order to mitigate any health impacts resulting from the operation-proposed project and/or during construction, the following requirements will be imposed as conditions to the development of the subject site:

#### **Mitigation Measures:**

1. Prior to occupancy, the applicant may be required to complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Community Health Department, Environmental Health System.
2. The applicant may have to file a statement regarding any proposed above ground petroleum storage tanks with the Central Valley Regional Water Quality Control Board.
3. Prior to issuance of building permits, the applicant shall submit four (4) sets of complete plans and specifications regarding any proposed installation of underground storage tanks to the Fresno County Department of Community Health, Environmental Health System.
4. Prior to occupancy, the applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Exemption form to the Fresno County Department of Community Health, Environmental Health System.
5. 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.

#### **7.0 - NOISE**

The City's primary planning tools for managing noise is the Noise Element and Land Use Element of the General Plan. The major sources of noise in the area are vehicular traffic traveling on California Avenue, Orange Avenue and the railroad. There would be an increase in the noise levels during the construction and operation phases of the project.

Initial Study - July 11, 2002  
EA # C-02-047

Page 6 of 10

During the construction phase of the project, noise would diminish as site construction work is completed and work becomes indoor oriented. Noise would depend on the equipment in use but would generally range from 60 to 80 dB at 50 feet. Final site work would include trucks, landscaping equipment and similar activities. Noise would range from 65 to 75 dB at 50 feet from equipment in use.

Based upon available information, it may be reasonably concluded that the project generated noise levels will remain the same and will not cause a significant increase beyond the anticipated ambient noise levels that will be generated by the urban uses and major street circulation system planned for this community.

#### **Mitigation Measures:**

To mitigate noise levels during the construction phase of the project, staff will condition the project approval subject to compliance with the following:

1. All construction vehicles and equipment should be properly muffled. California State noise standards for delivery motor vehicles shall be met.
2. Construction operations and related travel in the vicinity of the project site to and from the construction area shall be limited between the hours of 7:00 a.m. and 7:00 p.m.

#### **8.0 - LIGHT and GLARE**

To eliminate the glare from any lighting which could affect the surrounding properties and traffic, any proposed lighting shall be hooded and directed so as not to affect adjacent properties and streets. When the perimeter landscaping matures, it will aide in the mitigation of unwanted lighting on the surrounding properties and streets.

#### **Mitigation Measures:**

All lighting shall be hooded and directed away from nearby properties and streets.

#### **9.0 - LAND USE**

The site is zoned M-1 Light Manufacturing. The applicable plan that encompasses the project site is the Roosevelt Community Plan. The Roosevelt Community Plan designates the property for public facility. The proposed project is consistent with the existing zoning district and land use designation of the site.

#### **Mitigation Measures:**

No mitigation measures are necessary.

#### **10.0 - TRANSPORTATION and CIRCULATION**

Since the proposed project is a redevelopment of the existing site and not an expansion, the amount or vehicle trips per day would remain the same. Both California and Orange Avenues are classified

Initial Study - July 11, 2002  
EA # C-02-047

Page 7 of 10

as collector streets and neither street has reached its capacity to date, and the level of expected development in the area would not create a deficiency in the future.

#### **Mitigation Measures:**

Comply with the conditions of approval from the Public Works Department, Traffic Division.

#### **11.0 - URBAN SERVICES**

11.1 The project site is primarily served by Fire Station No. 8 which will be located at Butler Avenue and Cedar Avenue. Both staffing and equipment are considered adequate to provide fire protection in the stations service area. Should a situation arise where additional fire units are necessary, equipment and personnel would be called in from nearby fire stations. The station that would be called on next would be Fire Station No. 7 located at Jensen Avenue and Cherry Avenue.

The City's Master Fire Protection Plan establishes standards including but not limited to minimum fire flow for land uses, fire sprinklers, and occupancy standards. According to the City's Fire Department, both staffing and equipment are considered adequate to provide fire protection for the proposed redevelopment project.

11.4 The subject site is located within Fresno Unified School District enrollment area, which is experiencing overcrowding. The project indirectly contributes to increased student population by creating employment opportunities that support community population growth. The district has adopted school impact fees in accordance with current state law, which will require the development to pay a fee for school facilities per the adopted fee schedule unless waived by the district.

11.5 The City of Fresno's water supply system comprises a dispersed field of production wells, transmission mains, and a series of recharge basins. At present, the City relies on groundwater for its municipal needs. Surface water is used to recharge pumped groundwater. In order to maintain a safe and sufficient supply of water to serve the metropolitan area and to protect the aquifer, the city, in cooperation with other interested agencies and individuals developed a Water Resources Management Plan. The Management Plan identified the need to construct new transmission lines to better transport water from one region to another, to install wellhead treatment units on certain wells, and to improve the balance between water consumption and water recharge.

The Water Division of the Public Works Department has indicated that the development will not have an adverse impact on the City water system. The City of Fresno Water System is available to serve this project.

11.7 The Fresno Metropolitan Flood Control District (FMFCD) is responsible for storm water management within the Fresno-Clovis metropolitan area. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The proposed project would produce storm runoff at a level greater than existing development. FMFCD has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property contributes its pro rata share to the cost of the public drainage system. The District

Initial Study - July 11, 2002  
EA # C-02-047

Page 8 of 10

will need to review the site plan to determine if the existing storm drain system has adequate capacity. If the project produces more runoff than the existing system was designed for, the developer will be required to mitigate the impact of the additional runoff.

Contaminants from construction activities or developed property could enter canals, or the storm drainage system. The percolation of contaminated runoff would affect groundwater quality. If the applicant plans to discharge other than storm drainage into the FMFCD system, then a National Pollution Discharge Elimination System (NPDES) Permit is required and the City and FMFCD must amend their well discharge agreement to include any wells in the area. Thus, to ensure no contaminated runoff enters the FMFCD system, the project applicant must, if necessary, coordinate with the FMFCD regarding additional facilities and obtain the required permits. In addition, any drainage produced on-site due to the increase in impermeable surfaces shall be directed away from the FMFCD ponding basins located adjacent to the site on the east.

#### Mitigation Measures:

1. The project applicant shall coordinate with the FMFCD to obtain an NPDES permit, if required
2. FMFCD will review and approve the final improvement plans.

#### 12.0 - HAZARDS

Some hazards may be associated with the use of construction equipment but this is not expected to be significant and will be mitigated by a surrounding construction fence. The applicant does not anticipate the use of hazardous substances during operation however if hazardous substances are used a Hazardous Materials Business Plan will be required to be submitted.

According to the County of Fresno, Department of Community Health underground storage tanks were removed from the premises. Contamination to soil was subsequently identified and remediation has not been completed. Therefore, prior to any new construction it must be demonstrated that it will not hinder or interfere in any way with the investigation and remediation of contaminated soils which have been confirmed at this site.

The following measures have been applied to the proposed project to mitigate any potential impacts to a less than significant level.

#### Mitigation Measures:

- a. An asbestos and lead based paint survey shall be conducted for every structure prior to demolition and the appropriate removal plan prepared, if applicable.
- b. A geophysical survey and subsurface investigation shall be conducted should the City choose to investigate the presence or absence of any USTs or associated environmental concerns.
- c. Should bury materials be discovered during development of the lots, construction shall cease until the appropriate additional assessment is completed and a removal plan is prepared and approved. This includes any remediation needed with the discovery of USTs on site.

Initial Study - July 11, 2002  
EA # C-02-047

Page 9 of 10

### **13.0 - AESTHETICS**

No public or scenic vista will be obstructed by the development and no valuable vegetation will be removed. The developer notes that an architectural design which is compatible with surrounding developments will be used. This project will conform to city ordinances requiring landscaping, setbacks, and shading. In addition there will be screening of maintenance areas and landscaping of parking areas for buffering and shade.

#### **13.2 - Creation of Aesthetically Offensive Conditions**

During construction of the proposed project, creation of an aesthetically offensive condition can be expected in terms of the general appearance of the site. This condition would be limited to the localized area and would only exist temporarily. However, in order to minimize this condition, staff will apply the following mitigation measures:

#### **Mitigation Measures:**

- a. During the construction phases of the project, the developer shall provide visual screening of the construction site. The screening method shall be determined during project review.
- b. All construction equipment and material must be adequately screened.

### **14.0 - HISTORICAL/ARCHAEOLOGICAL CONSIDERATIONS**

There are no adjacent historical or archaeological sites. To ensure that any possible sites will be protected, the following conditions have been added to this special permit approval:

- a. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
- b. 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.
- c. If animal fossils are uncovered, the Museum of Paleontology, 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.

#### **14.1 - Removal of Historic Building, Disruption of Archaeological Site**

This project, as proposed, may displace several structures that could be considered historic. However none of the buildings are on the National Register of Historic Places nor are they listed on the Local Register of Historic Places.

Initial Study - July 11, 2002  
EA # C-02-047

Page 10 of 10

#### **Mitigation Measures:**

Prior to demolition of any buildings that could be considered historic in nature an inventory / survey should be conducted. The inventory shall be to State of California and Department of Interior Standards.

#### **15.0 - ENERGY**

In consideration of current energy stores and regulatory issues, any increase in the overall community energy use must be minimized. All new buildings in California shall meet energy efficiency requirements of; California Code of Regulations, Title 24 and Appliance Efficiency Regulations, Title 20. Development accomplished in accordance with these regulations should not cause excessive energy consumption with occupancy of the development.

15.2 In consideration of current energy stores and regulatory issues, any increase in the overall community energy use must be minimized. All new buildings in California shall meet energy efficiency requirements of; California Code of Regulations, Title 24 and Appliance Efficiency Regulations, Title 20. In accordance with published guidance and standards from the California Energy Commission (CEC), any and all energy reduction techniques or design principles are warranted. The influence of building orientation (solar orientation), placement of windows, sizing of windows and overhangs, and uses of deciduous trees and vegetation are potentially significant to mitigation of energy use. Improved day lighting to reduce electric lighting costs, passive solar designs to reduce energy costs associated with HVAC, and energy efficient, appliances/equipment are valuable considerations.

#### **DETERMINATION**

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. It is further determined that the proposed project will not have a significant effect on the environment. This is based upon the mitigation measures required as conditions of project approval for the special permit, which have been added to the project as defined, are conditions upon which a negative declaration can be recommended. A MITIGATED NEGATIVE DECLARATION IS APPROPRIATE AND WILL BE PREPARED.

**CITY OF FRESNO**  
**Mitigated Negative Declaration**  
**Monitoring Checklist**  
**EA No. C-02-047**

	MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
2.4	Approval of the proposed project shall be conditioned upon compliance with the San Joaquin Valley Unified Air Pollution Control District, Regulation VIII, Rule 8020, related to the control of dust and fine particulate matter.	Planning and Development Department, Building Section and Public Works Dept., Construction Management Division	Prior to occupancy of any building within the proposed project site	Planning and Development Department, Building Section and Public Works Dept., Construction Management Division
7.1	Approval of the proposed project shall be conditioned upon compliance with the Fresno Municipal Code Noise Ordinance	Planning and Development Department, Planning and Building Divisions	During project construction, operation	Planning and Development Department
11.7	Approval of the proposed shall be subject to providing adequate storm drain facilities	Fresno Metropolitan Flood Control District, Planning and Development Department, Public Utilities Department	Prior to final project approval	Fresno Metropolitan Flood Control District, Planning and Development Department, Public Utilities Department
13.2	Minimize the aesthetically conditions that may be created during construction	Planning and Development Department, Planning Division	During construction	Planning and Development Department, Planning Division
14.1	Minimize the disruption of historical sites	Historic Preservation Commission, Planning and Development Department, Planning Division, Fresno Redevelopment Agency, Fresno City Council	Prior to final project approval	Historic Preservation Commission, Planning and Development Department, Planning Division, Fresno Redevelopment Agency, Fresno City Council

14.2	Minimize the potential impact to existing historical sites	Historic Preservation Commission, Planning and Development Department, Planning Division, Fresno Redevelopment Agency, Fresno City Council	Prior to final project approval	Historic Preservation Commission, Planning and Development Department, Planning Division, Fresno Redevelopment Agency, Fresno City Council
------	--	--	---------------------------------	--

**ENVIRONMENTAL ASSESSMENT CHECKLIST**

[FILE NUMBER]

Potential Environmental Effects

	1.0	<b>TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS</b>	1	11.7	Availability of storm water drainaga facilities (on or off-site)
+	1.1	Geologic hazards, unstable soil conditions	1	11.8	Availability of adequate park and recreation areas
+	1.2	Adverse change in topography or ground surface relief	1	11.9	Unusually high solid waste generation
+	1.3	Destruction of unique geologic or physical features			
+	1.4	Increased water erosion			
	2.0	<b>AIR QUALITY</b>	1	12.0	<b>HAZARDS</b>
2	2.1	Substantial indirect source of pollution (large vehicle generator)	1	12.1	Risk of explosion or release of hazardous substances
+	2.2	Direct on-site pollution generation	1	12.2	Site subject to flooding
+	2.3	Generation of objectionable odors	1	12.3	Adverse change in course of flow of flood waters
+	2.4	Generation of dust except during construction	1	12.4	Potential hazards from aircraft accidents
+	2.5	Adverse local climatic changes	2	12.5	Potential hazards from landfill and/or toxic waste sites
	3.0	<b>WATER</b>			
+	3.1	Insufficient ground water available for long-term project use		13.0	<b>AEETHETICS</b>
+	3.2	Use of large quantities of ground water	+	13.1	Obstruction to public or scenic vista or view
+	3.3	Wasteful use of ground water	+	13.2	Creation of aesthetically offensive conditions
+	3.4	Pollution of surface or ground water supplies	+	13.3	Removal of street trees or other valuable vegetation
+	3.5	Reduction in ground water recharge	+	13.4	Architectural incompatibility with surrounding area
	4.0	<b>PLANT LIFE</b>			
+	4.1	Reduction of the numbers of any unique, rare, or endangered species	+	14.0	<b>HISTORICAL/ARCHAEOLOGICAL</b>
+	4.2	Reduction in acreage of agricultural crop	+	14.1	Removal of historic building, disruption of archaeological site
+	4.3	Premature or unnecessary conversion of prime agricultural land	+	14.2	Construction or activity incompatible with adjacent historic site
	5.0	<b>ANIMAL LIFE</b>			
+	5.1	Reduction in the numbers of any rare, unique, or endangered species	+	15.0	<b>ENERGY</b>
+	5.2	Deterioration or displacement of valuable wildlife habitat	+	15.1	Use of substantial amounts of fuel or energy
	6.0	<b>HUMAN HEALTH--Potential for causing illnesses</b>	+	15.2	Substantial increase in demand upon existing sources of energy
	7.0	<b>NOISE</b>	+	15.3	Wasteful use of energy
+	7.1	Increases in existing noise levels			
+	7.2	Exposure to high noise levels			
	8.0	<b>LIGHT AND GLARE</b>			
+	8.1	Production of glare, which will adversely affect residential areas			
+	8.2	Exposure of residences to high levels of glare			
	9.0	<b>LAND USE</b>			
+	9.1	Incompatibility with adopted plans and policies			
+	9.2	Acceleration of growth rate			
+	9.3	Induces unplanned growth			
+	9.4	Adverse change in existing or planned area characteristics			
	10.0	<b>TRANSPORTATION AND CIRCULATION</b>			
+	10.1	Generation of vehicle traffic sufficient to cause capacity deficiencies on existing street system			
+	10.2	Cumulative increase in traffic on a major street for which capacity deficiencies are projected			
+	10.3	Specific traffic hazard to motorists, bicyclists, or pedestrians			
+	10.4	Routing of non-residential traffic through residential area			
+	10.5	Insufficient or poorly located parking			
+	10.6	Substantial increase in rail and/or air traffic			
	11.0	<b>URBAN SERVICES</b>			
+	11.1	Availability of fire protection			
+	11.2	Lack of emergency vehicle access			
+	11.3	Adequacy of design for crime prevention			
+	11.4	Overcrowding of school facilities			
+	11.5	Availability of water mains of adequate size			
+	11.6	Availability of sewer line and sewage treatment capacity			

**Explanation of Ratings**

**"0"**      **Insufficient Information**

Insufficient information is available for this category and project to determine the potential environmental effects which may result from the proposed project.

**"1"**      **No Significant Environmental Effect**

In this category, the proposed project will not have an adverse environmental effect, or any such effect is not substantially unusual or of undesirable magnitude. This rating is also utilized in cases where the category is not applicable to the particular project under consideration.

**"2"**      **Moderate Environmental Effect**

In this category, the proposed project could have an adverse environmental effect which is of sufficient magnitude to be of some concern. However, this effect is not substantial enough in itself to require preparation of an Environmental Impact Report, and is mitigable through project changes and conditions.

**"3"**      **Significantly Adverse Environmental Effect**

The environmental effect identified in this category substantiates in itself, or contributes toward, a finding that the proposed project has a potentially significant adverse effect on the environment sufficient to require the preparation of an Environmental Impact Report.



# NOTICE OF DETERMINATION

TO: Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, California 95814

FROM: CITY OF FRESNO  
Development Department  
2800 Fresno Street  
Fresno, California 93721-3604

County Clerk  
County of Fresno  
1100 Van Ness Avenue  
Fresno, California 93721

Subject: Filing of Notice of Determination in compliance with Section 21162 of the Public Resources Code.

Conditional Use Permit Application No. C-02-047

**Project Title**

Ed Paz  
City of Fresno  
Planning and Development Department (559) 621-8277

N/A

State Clearinghouse Number  
(If subjected to Clearinghouse)

Lead Agency  
Contact Person

Area Code/Telephone/Extension

3530 E. California Avenue  
Southeast and southwest corners of California Avenue and Orange Avenue, City of Fresno, County of Fresno  
Project Location (include County)

**Project Description:**

Authorization to allow the redevelopment of the Pacific Gas and Electric service yard, zoned M-1 (Light Manufacturing District).

This is to advise that the City of Fresno, the Lead Agency, has approved the above-described project on July 11, 2002 and has made the following determinations regarding the above-described project:

1. The project (  will  will not ) have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. A Negative Declaration (  was  was not ) made a condition of the approval of the project.
4. A statement of Overriding Considerations (  was  ) was not adopted for this project.
6. Findings (  were  were not ) made pursuant to the provisions of CEQA.

***This is to certify that the above-described Negative Declaration with Comments and responses and record of project approval is available to the General Public at the City of Fresno, Planning and Development Department, 2800 Fresno Street, Room 3043, Fresno, California 93721-3604.***

Rayburn Beach  
Planning Manager, City of Fresno

Date

Date received for filing at OPR:

K:\FORMS\NoticeofDetermination-fm

**CALIFORNIA DEPARTMENT OF FISH AND GAME  
CERTIFICATE OF FEE EXEMPTION**

**DE MINIMIS IMPACT FINDING FOR ENVIRONMENTAL ASSESSMENT NO. A-02-004/R-02-011**

**LEAD AGENCY:**

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

**PROJECT TITLE AND LOCATION:**

Conditional Use Permit C-02-047

The subject site is located at the southeast and southwest corners of California Avenue and Orange Avenue, located in the City of Fresno, County of Fresno (APNs 480-050-20u and 480-060-22u).

**PROJECT DESCRIPTION:**

The proposed project authorizes the redevelopment of a public utility service yard. The project includes: demolitions of several buildings and construction of the following buildings; Building 1: a 31,171 square foot equipment and fabrication repair building; Building 2: a 57,408 square foot two story office building; Building 3: a 27,439 square foot information technology and electric transmission maintenance building; Building 4: a 3,300 square foot OM&C tool issue and storage building; Building 5: a 3,940 square foot fleet maintenance parts and storage and G. C. tool room. The project also includes installation of a Hi-Low card readers and card readers turn stiles, a self-contained drive-through truck wash, CNG compressor and fast-fill station. The site has an area of approximately 39 acres and is zoned M-1; Light Manufacturing.

**FINDING OF EXEMPTION:**

Pursuant to the above-noted environmental assessment, a Mitigated Negative Declaration has been prepared by the lead agency for the proposed project. There is no evidence in the record that the proposed project may have an adverse effect on wildlife resources.

"I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code."

\_\_\_\_\_  
Rayburn R. Beach, Planning Manager  
Current Planning Division

Date: August 19, 2002

Section 711.4, Fish and Game Code



# Attachment C

Agreement Between PG&E and Fresno

LD 2214-20-2250  
2006150 (22-06-107) 7 06 1  
Fresno Service Center  
Public Pedestrian Walkway Easement  
to City of Fresno

RECORDING REQUESTED BY, AND  
WHEN RECORDED RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY  
650 O Street, Mail Bag 23  
Fresno, CA 93760-0001  
Attention: Land Agent

Location: City/Uninc \_\_\_\_\_  
Recording Fee \$0.00 (Government Code Section 27383)  
Document Transfer Tax \$0.00 (Revenue and Taxation Code Section 11922)

\_\_\_\_\_  
Signature of declarant or agent determining tax

(A portion of APN 480-050-20U & 480-060-22U)

**EASEMENT AGREEMENT**  
(Public Pedestrian Walkway Easement to City of Fresno)

This Easement Agreement ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008 (the "Effective Date") by PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called "PG&E", and the CITY OF FRESNO, a Municipal Corporation of the State of California, hereinafter called "Grantee."

**RECITALS**

A. PG&E owns certain real property in fee within the City of Fresno, County of Fresno, State of California, described in EXHIBIT "A1", EXHIBIT "A2", EXHIBIT "A3", EXHIBIT "A4", EXHIBIT "A5" and EXHIBIT "A6", and shown on EXHIBIT "B1", EXHIBIT "B2", EXHIBIT "B3", EXHIBIT "B4", EXHIBIT "B5" and EXHIBIT "B6", all of which are attached hereto and made a part hereof (hereinafter, the "Easement Areas").

B. PG&E has constructed six (6) public pedestrian walkways within the Easement Areas and in connection therewith, and Grantee has requested that PG&E grant an easement, as a condition of its development, for the installation, construction, reconstruction, replacement, repair, maintenance and use of such walkways.

C. PG&E is willing to grant such easement on the terms and subject to the conditions set forth herein.

Now, therefore, in consideration of Grantee's agreement to pay the sum of Zero Dollars (\$ 0.00 ), and for other good and valuable consideration, PG&E and Grantee agree as follows:

1. Grant of Easement: PG&E hereby grants to Grantee, upon the terms and conditions set forth in this Agreement, the following easement:

Public Pedestrian Walkway. A non-exclusive easement to install, construct, reconstruct, repair, replace, maintain and use public pedestrian walkways within said Easement Areas.

2. Limitations on Use.

(a) The Easement Areas, and the public pedestrian walkways permitted to be constructed thereon, are to be used by Grantee only for those uses permitted in Section 1 above, and for no other purpose.

(b) PG&E reserves the right to restrict access to the Easement Areas or any portion or portions thereof in the event of fire, earthquake, storm, riot, civil disturbance, or other casualty or emergency, or in connection with PG&E's response thereto, or if emergency repairs or maintenance are required to PG&E facilities within or in the vicinity of the Easement Areas, or otherwise when PG&E deems it advisable to do so, including in connection with events and emergencies occurring or affecting PG&E's business operations located elsewhere than in the immediate vicinity of the Easement Areas or PG&E's adjacent property.

(c) Grantee shall not erect or construct any building or other structure other than the public pedestrian walkway specifically authorized by this Agreement, nor shall Grantee drill or operate any well, within five (5) feet of any of PG&E's electric or gas facilities.

3. Condition of Easement Areas. Grantee accepts the Easement Areas in its existing physical condition, without warranty by PG&E or any duty or obligation on the part of PG&E to maintain the Easement Areas. Grantee acknowledges that one or more of the following (collectively, "Potential Environmental Hazards") may be located in, on or underlying PG&E's adjacent property and/or the Easement Areas:

(a) electric fields, magnetic fields, electromagnetic fields, electromagnetic radiation, power frequency fields, and extremely low frequency fields, however designated, and whether emitted by electric transmission lines, other distribution equipment or otherwise ("EMFs");

(b) Hazardous Substances (as hereinafter defined). For purposes hereof, the term "Hazardous Substances" means any hazardous or toxic material or waste which is or becomes regulated by Legal Requirements (as hereinafter defined) relating to the protection of human health or safety, or regulating or relating to industrial hygiene or environmental conditions, or the protection of the environment, or pollution or contamination of the air, soil, surface water or

groundwater, including, but not limited to, laws, requirements and regulations pertaining to reporting, licensing, permitting, investigating and remediating emissions, discharges, releases or threatened releases of such substances into the air, surface water, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport or handling of such substances. Without limiting the generality of the foregoing, the term Hazardous Substances includes any material or substance:

(1) now or hereafter defined as a "hazardous substance," "hazardous waste," "hazardous material," "extremely hazardous waste," "restricted hazardous waste" or "toxic substance" or words of similar import under any applicable local, state or federal law or under the regulations adopted or promulgated pursuant thereto, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§9601 *et seq.* ("CERCLA"); the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§6901 *et seq.*; the Clean Air Act, 42 U.S.C. §§7401 *et seq.*; the Clean Water Act, 33 U.S.C. §§1251 *et seq.*; the Toxic Substance Control Act, 15 U.S.C. §§2601 *et seq.*; the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§136 *et seq.*; the Atomic Energy Act of 1954, 42 U.S.C. §§2014 *et seq.*; the Nuclear Waste Policy Act of 1982, 42 U.S.C. §§10101 *et seq.*; the California Hazardous Waste Control Law, Cal. Health and Safety Code §§25100 *et seq.*; the Porter-Cologne Water Quality Control Act, Cal. Water Code §§13000 *et seq.*; the Carpenter-Presley-Tanner Hazardous Substance Account Act (Health and Safety Code §§25300 *et seq.*); and the Medical Waste Management Act (Health and Safety Code §§25015 *et seq.*); or

(2) which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic or otherwise hazardous, and is now or hereafter regulated as a Hazardous Substance by the United States, the State of California, any local governmental authority or any political subdivision thereof, or which cause, or are listed by the State of California as being known to the State of California to cause, cancer or reproductive toxicity; or

(3) the presence of which on the Basement Areas or PG&E's adjacent property poses or threatens to pose a hazard to the health or safety of persons on or about the Basement Areas or PG&E's adjacent property or to the environment; or

(4) which contains gasoline, diesel fuel or other petroleum hydrocarbons; or

(5) which contains lead-based paint or other lead contamination, polychlorinated biphenyls ("PCBs") or asbestos or asbestos-containing materials or urea formaldehyde foam insulation; or

(6) which contains radon gas;

(c) fuel or chemical storage tanks, energized electrical conductors or equipment, or natural gas transmission or distribution pipelines; and

(d) other potentially hazardous substances, materials, products or conditions.

Grantee shall be solely responsible for the health and safety of, and shall take all necessary precautions to protect, its employees, contractors, consultants, agents and invitees, including:

without limitation, the general public ("Grantee's Representatives") from risks of harm resulting from the Easement Area, but specifically excluding risks of harm from Potential Environmental Hazards which are the sole responsibility of PG&E.

4. Grantee's Covenants. Grantee hereby covenants and agrees:

(a) Construction of Improvements. Grantee and PG&E acknowledge and agree that PG&E has constructed six (6) public pedestrian walkways and improvements ("Improvements") as may be necessary and appropriate for Grantee's permitted use, as specified in Section 1;

(b) Compliance with Laws. Grantee shall, at its sole cost and expense, promptly comply with (a) all laws, statutes, ordinances, rules, regulations, requirements or orders of municipal, state, and federal authorities now in force or that may later be in force, including, but not limited to, those relating to the generation, use, storage, handling, treatment, transportation or disposal of Hazardous Substances, as defined herein, or to health, safety, noise, environmental protection, air quality or water quality; (b) the conditions of any permit, occupancy certificate, license or other approval issued by public officers relating to Grantee's use or occupancy of the Easement Areas; and (c) with any liens, encumbrances, easements, covenants, conditions, restrictions and servitudes (if any) of record, or of which Grantee has notice, which may be applicable to the Easement Areas (collectively, "Legal Requirements"), regardless of when they become effective, insofar as they relate to the use or occupancy of the Easement Areas by Grantee. Grantee shall furnish satisfactory evidence of such compliance upon request by PG&E. The judgment of any court of competent jurisdiction, or the admission of Grantee in any action or proceeding against Grantee, whether or not PG&E is a party in such action or proceeding, that Grantee has violated any Legal Requirement relating to the use or occupancy of the Easement Areas, shall be conclusive of that fact as between PG&E and Grantee.

(c) Notice of Enforcement Proceedings. Grantee agrees to notify PG&E in writing within three (3) business days of any investigation, order or enforcement proceeding which in any way relates to the Easement Areas or PG&E's adjacent property, or to any contamination or suspected contamination on, within or underlying the Easement Areas or PG&E's adjacent property. Such notice shall include a complete copy of any order, complaint, agreement, or other document which may have been issued, executed or proposed, whether draft or final;

(d) Non-Interference. Grantee agrees not to interfere in any way or permit any interference with the use of PG&E's adjacent property by PG&E and other entitled persons. Interference shall include, but not be limited to, any activity by Grantee that places any of PG&E's gas or electric facilities in violation of any of the provisions of General Order Nos. 95 (Overhead Electric), 112E (Gas), and 128 (Underground Electric) of the CPUC or to any other Legal Requirements under which the operations of utility facilities are controlled or regulated. Grantee shall not erect, handle, or operate any tools, machinery, apparatus, equipment, or materials closer to any of PG&E's high-voltage electric conductors than the minimum clearances set forth in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety, which minimum clearances are incorporated herein by reference; but in no event closer than ten (10) feet to any energized electric conductors or appliances. Grantee shall not drill, bore, or excavate within thirty (30) feet of any of PG&E's underground facilities, including, but not limited to, gas

pipelines, valves, regulators, electric conduits, tower footings or foundations. Grantee shall provide notice to Underground Service Alert at 1-800-227-2600 at least two (2) business days prior to commencing any drilling, boring or excavating permitted hereunder to assist Grantee with locating any and all underground facilities, including, but not limited to, gas pipelines, valves, regulators or electric conduits;

(e) Avoiding Dangerous Activities. Grantee agrees to conduct its activities and operations within and on the Easement Areas in such a manner so as not to endanger the Easement Areas or PG&E's adjacent property, PG&E's utility facilities, the environment and human health and safety. Grantee shall not cause or permit any Hazardous Substances, as defined herein, to be brought upon, produced, stored, used, discharged or disposed of on, or in the vicinity of the Easement Areas or PG&E's adjacent property, except in compliance with all applicable Legal Requirements. Grantee shall be responsible for the cost of remediating any discharge or release of Hazardous Substances resulting from or arising in connection with Grantee's use of the Easement Areas, and shall immediately notify PG&E and the appropriate regulatory authorities where required by law, of any such release. If PG&E determines that Grantee's activities in any way endanger the Easement Areas or PG&E's adjacent property, PG&E's utility facilities, the environment, or human health and safety, PG&E may, in PG&E's sole and absolute discretion, require that Grantee halt such activities until appropriate protective measures are taken to PG&E's satisfaction. Grantee shall hold PG&E harmless from any claims resulting from any delay under this paragraph. PG&E's right to halt activities under this paragraph shall not in any way affect or alter Grantee's insurance or indemnity obligations under this Agreement, nor shall it relieve Grantee from any of its obligations hereunder that pertain to health, safety, or the protection of the environment;

(f) Maintenance. Grantee agrees to maintain its Improvements in good condition and repair, and be responsible for the security of, the Improvements installed hereunder;

(g) Repairing Damage. Grantee agrees to repair any damage it may cause to PG&E's facilities and improvements in or around said Easement Areas;

(h) Coordination. Grantee agrees to coordinate all activities regarding the easements granted herein to reasonably minimize any interference and inconvenience with the use by PG&E of the Easement Areas and PG&E's adjacent property, and;

(i) PG&E Right to Cure. Grantee agrees that if Grantee fails to perform any act or other obligation on its part to be performed hereunder, and such failure is not remedied within fifteen (15) days following notice from PG&E (or in the case of an emergency, following such notice, if any, as may be reasonably practicable under the existing circumstances), PG&E may (but without obligation to do so, and without waiving or releasing Grantee from any of its obligations) perform any such act or satisfy such obligation, or otherwise remedy such emergency or such failure on the part of Grantee. All costs incurred by PG&E in responding to or remedying such failure by Grantee shall be payable by Grantee to PG&E on demand.

5. Indemnification; Release.

(a) PG&E shall not be responsible for any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by Grantee, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising from the negligent or intentional acts or omissions of Grantee or any of its officers, officials, employees, agents or volunteers in the performance of this Agreement.

Grantee shall not be responsible for 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 PG&E, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising from the negligent or intentional acts or omissions of PG&E, its affiliates, subsidiaries, or parent company, or PG&E's directors, officers, agents or employees, in the performance of this Agreement.

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

(b) Grantee's use of the Easement Areas shall be at its sole risk and expense. Grantee accepts all risk relating to its occupancy and use of the Easement Areas. PG&E shall not be liable to Grantee for, and Grantee hereby waives and releases PG&E and the other Indemnitees from, any and all liability, whether in contract, tort or on any other basis, for any injury, damage, or loss resulting from or attributable to any occurrence on or about the Easement Areas, the condition of Easement Areas, or the use or occupancy of the Easement Areas, unless, and to the extent, the injury, damage or loss results from or is caused by the negligence or willful misconduct of PG&E, its affiliates, subsidiaries, or parent company, or PG&E's directors, officers, agents, employees, invitees, contractors or subcontractors.

(c) The provisions of this Section 5 shall survive the termination of this Agreement.

6. Additional Facilities. Grantee shall not install any additional facilities or improvements in, on, under or over the Easement Areas without the prior written consent of PG&E, which consent may be granted or withheld in PG&E's sole and absolute discretion, and the prior consent, to the extent required by applicable law or regulation, of the CPUC. Grantee shall submit plans for installation of any proposed additional facilities within the Easement Areas to PG&E for its written approval at the address specified in Section 11.

7. Reserved Rights. PG&E reserves the right to use the Easement Areas for any and all purposes which will not unreasonably interfere with Grantee's Improvements. Without limiting the generality of the foregoing:

(a) PG&E reserves the right to make use of the Easement Areas for such purposes as it may deem necessary or appropriate if, and whenever, in the interest of its service to its patrons or consumers or the public, it shall appear necessary or desirable to do so.

(b) Grantee acknowledges that PG&E may have previously granted, and may in the future grant, certain rights in and across the Easement Areas to others, and the use of the word "grant" in this Agreement shall not be construed as a warranty or covenant by PG&E that there are no such other rights.

(c) Grantee shall not make use of the Easement Areas in any way which will endanger human health or the environment, create a nuisance or otherwise be incompatible with the use of the Easement Areas or PG&E's adjacent property, by PG&E or others entitled to use such property.

(d) This grant is made subject to all applicable provisions of General Order No. 95 (Overhead Electric), General Order 112E (Gas) and General Order No. 128 (Underground Electric) of the CPUC, in like manner as though said provisions were set forth herein.

8. Governmental Approvals. This Agreement shall not become effective, notwithstanding that it may have been executed and delivered by the parties, and Grantee shall not commence construction or other activities hereunder, unless and until the CPUC approves this Agreement and the easements granted and other transactions contemplated hereby (including the adequacy of the compensation to be paid by Grantee), by an order which is final, unconditional and unappealable (including exhaustion of all administrative appeals or remedies before the CPUC). Grantee further acknowledges and agrees that PG&E makes no representation or warranty regarding the prospects for CPUC approval, and Grantee hereby waives all Claims against PG&E which may arise out of the need for such CPUC approval or the failure of the CPUC to grant such approval. This Agreement is made subject to all the provisions of such approval, as more particularly set forth in CPUC Decision D-\_\_\_\_\_ (Application No. \_\_\_\_\_), in like manner as though said provisions were set forth in full herein.

9. Compliance; Insurance. PG&E shall have a right to access and inspect the Easement Areas at any time to confirm Grantee's compliance with Legal Requirements and the provisions of this Agreement. Prior to the Effective Date of this Agreement, Grantee shall procure, and thereafter Grantee shall carry and maintain in effect at all times during the term of the Agreement, with respect to the Easement Areas and the use, occupancy and activities of Grantee and Grantee's Representatives on or about the Easement Areas, the insurance specified in Exhibit C, attached hereto and made a part hereof by this reference, provided that PG&E reserves the right to review and modify from time to time the coverages and limits of coverage required hereunder, as well as the deductibles and/or self-insurance retentions in effect from time to time (but PG&E agrees that it will not increase required coverage limits more often than once in any five-year period). All insurance required under this Agreement shall be effected under valid, enforceable policies issued by insurers of recognized responsibility, as reasonably determined by PG&E, and

shall be written on forms and with insurance carriers acceptable to PG&E. For so long as Grantee is an agency or instrumentality of the United States of America, the State of California or any political subdivision thereof, then Grantee may elect to self-insure for any or all of the required coverage. In addition, Grantee shall act with the same promptness and subject to the same standards of good faith as would apply to a third party insurance company. Grantee is also responsible for causing its agents, contractors and subcontractors to comply with the insurance requirements of this Agreement at all relevant times (provided, however, that Grantee, in the exercise of its reasonable judgment, may permit contractors and subcontractors to maintain coverages and limits lower than those required of Grantee, provided the coverages and limits required by Grantee are commercially reasonable in light of applicable circumstances). Any policy of liability insurance required to be maintained hereunder by Grantee may be maintained under a so-called "blanket policy" insuring other locations and/or other persons and the coverages and amounts of insurance required to be provided hereunder are not thereby impaired or diminished. In addition, liability insurance coverages may be provided under single policies for the full limits, or by a combination of underlying policies with the balance provided by excess or umbrella liability insurance policies.

10. Mechanics' Liens. Grantee shall keep the Easement Areas free and clear of all mechanics', material suppliers' or similar liens, or claims thereof, arising or alleged to arise in connection with any work performed, labor or materials supplied or delivered, or similar activities performed by Grantee or at its request or for its benefit. If any mechanics' liens are placed on the Easement Areas or PG&E's adjacent property in connection with the activities or Improvements set forth in this Agreement, Grantee shall promptly cause such liens to be released and removed from title, either by payment or by recording a lien release bond in the manner specified in California Civil Code Section 3143 or any successor statute.

11. Notice. Any notices or communications hereunder shall be in writing and shall be personally delivered or sent by first class mail, certified or registered, postage prepaid, or sent by national overnight courier, with charges prepaid for next business day delivery, addressed to the addressee party at its address or addresses listed below, or to such other address or addresses for a party as such party may from time to time designate by notice given to the other party. Notices shall be deemed received upon actual receipt by the party being sent the notice, or on the following business day if sent by overnight courier, or on the expiration of three (3) business days after the date of mailing.

If to PG&E:

Pacific Gas and Electric Company  
Attention: Land Agent  
650 O Street, Mail Bag 23  
Fresno, CA 93760-0001

With a copy to:

Pacific Gas and Electric Company  
P.O. Box 7442, Mail Code B30A  
San Francisco, California 94120  
Attention: Wendy T. Coleman

If to Grantee:

City of Fresno  
2600 Fresno Street  
Fresno, CA 93721  
Attention: James Polsgrove

With a copy to:

City Attorney's Office  
2600 Fresno Street  
Fresno, CA 93721

12. Governing Law. This Agreement shall in all respects be interpreted, enforced, and governed by and under the laws of the State of California.

13. Entire Agreement. This Agreement supersedes all previous oral and written agreements between and representations by or on behalf of the parties and constitutes the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be amended except by a written agreement executed by both parties.

14. Binding Effect. This Agreement and the covenants and agreements contained herein shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, successors and assigns (subject to the provisions of Section 16). No assignment or delegation by Grantee, whether by operation of law or otherwise, shall relieve Grantee of any of its duties, obligations or liabilities hereunder, in whole or in part. The covenants of PG&E hereunder shall run with the land.

15. Assignment. Grantee shall not assign, convey, encumber (other than as may be specifically permitted by the terms of this Agreement), or otherwise transfer the easements and other rights herein conveyed, or any portion thereof or interest herein, without the prior written consent of PG&E. Such consent may be given or withheld by PG&E for any reason or for no reason, provided, however, that notwithstanding the foregoing, PG&E agrees that its consent will not be unreasonably withheld, delayed or conditioned in the case of a proposed transfer or dedication to a governmental agency. Grantee acknowledges and agrees that in any instance where PG&E is required not to unreasonably withhold its consent, it shall be reasonable for PG&E to withhold its consent if any regulatory agency having or asserting jurisdiction over PG&E or the Easement Areas, or having or claiming a right to review and/or approve the proposed transfer, fails to grant approval thereof (or imposes conditions on such approval which are not acceptable to PG&E, in its reasonable discretion). Grantee further acknowledges and agrees that in any instance

where PG&E is required not to unreasonably delay giving or withholding its consent, it shall be reasonable for PG&E to make application for approval to any regulatory agency having or asserting jurisdiction, and to defer the giving or withholding of consent, without liability hereunder for delay, during the pendency and for a reasonable time following the conclusion of any such regulatory proceedings.

16. Attorneys' Fees. Should either party bring an action against the other party, by reason of or alleging the failure of the other party with respect to any or all of its obligations hereunder, whether for declaratory or other relief, then the party which prevails in such action shall be entitled to its reasonable attorneys' fees (of both in-house and outside counsel) and expenses related to such action, in addition to all other recovery or relief. A party shall be deemed to have prevailed in any such action (without limiting the generality of the foregoing) if such action is dismissed upon the payment by the other party of the sums allegedly due or the performance of obligations allegedly not complied with, or if such party obtains substantially the relief sought by it in the action, irrespective of whether such action is prosecuted to judgment. Attorneys' fees shall include, without limitation, fees incurred in discovery, contempt proceedings and bankruptcy litigation, and in any appellate proceeding. The non-prevailing party shall also pay the attorney's fees and costs incurred by the prevailing party in any post-judgment proceedings to collect and enforce the judgment. The covenant in the preceding sentence is separate and several and shall survive the merger of this provision into any judgment on this Agreement.

17. No Waiver. No waiver with respect to any provision of this Agreement shall be effective unless in writing and signed by the party against whom it is asserted. No waiver of any provision of this Agreement by a party shall be construed as a waiver of any subsequent breach or failure of the same term or condition, or as a waiver of any other provision of this Agreement.

18. No Offsets. Grantee acknowledges that PG&E is executing this Agreement in its capacity as the owner of the Easement Areas, and not in its capacity as a public utility company or provider of electricity and natural gas. Notwithstanding anything to the contrary contained herein, no act or omission of Pacific Gas and Electric Company or its employees, agents or contractors as a provider of electricity and natural gas shall abrogate, diminish, or otherwise affect the respective rights, obligations and liabilities of PG&E and Grantee under this Agreement. Further, Grantee covenants not to raise as a defense to its obligations under this Agreement, or assert as a counterclaim or cross-claim in any litigation or arbitration between PG&E and Grantee relating to this Agreement, any claim, loss, damage, cause of action, liability, cost or expense (including, but not limited to, attorneys' fees) arising from or in connection with Pacific Gas and Electric Company's provision of (or failure to provide) electricity and natural gas.

19. No Dedication. Nothing contained in this Agreement shall be deemed to be a gift or dedication of land or rights to the general public. The right of the public or any person, including Grantee, to make any use whatsoever of the Easement Areas or any portion thereof, other than as expressly permitted herein or as expressly allowed by a recorded map, agreement, deed or dedication, is by permission and is subject to the control of PG&E in its sole discretion.

20. No Third Party Beneficiary. This Agreement is solely for the benefit of the parties hereto and their respective successors and permitted assigns, and, except as expressly provided herein, does not confer any rights or remedies on any other person or entity.

21. Captions. The captions in this Agreement are for reference only and shall in no way define or interpret any provision hereof.

22. Time. Except as otherwise expressly provided herein, the parties agree that as to any obligation or action to be performed hereunder, time is of the essence.

23. Severability. If any provision of this Agreement shall be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the full extent permitted by law, provided the material provisions of this Agreement can be determined and effectuated.

24. Counterparts. This Agreement may be executed in identical counterpart copies, each of which shall be an original, but all of which taken together shall constitute one and the same agreement.

25. Other Documents. Each party agrees to sign any additional documents or permit applications which may be reasonably required to effectuate the purpose of this Agreement.

///

///

///

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

PACIFIC GAS AND ELECTRIC COMPANY,  
a California corporation

CITY OF FRESNO,  
a California Municipal Corporation

By: \_\_\_\_\_  
Loren Loo

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

Its: Manager, Land Asset Management  
Technical & Land Services

Its: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

PACIFIC GAS AND ELECTRIC COMPANY,  
a California Corporation

JAMES C. SANCHEZ,  
City Attorney

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

By: \_\_\_\_\_  
Laurie A. Avedisian  
Deputy City Attorney

ATTEST:

Rebecca E. Klisch  
City Clerk, City of Fresno

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

Exhibits A1, A2, A3, A4, A5, A6, B1, B2, B3, B4, B5, B6 and C attached

Area 4, San Joaquin Valley Region, Fresno Division  
Land Service Office: GO  
Operating Department: Electric Transmission  
T14S, R20E, MDB&M  
Sec 14, NW4ofNE4, NE4ofNW4  
PG&E Drawing Number: N/A  
AF: 2214-20-0194, 2214-20-0195, 2214-20-0159  
Ref: 2214-20-1559, 2214-20-1931  
TYPE OF INTEREST: 11c  
SBB Parcel Number: 135-10-15C, Pcl 1 & Pcl 2  
Order #: 7050873  
ICN: 22-06-107  
County: Fresno  
Prepared By: TEP/JJW

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(Here insert name and title of the officer)

personally appeared \_\_\_\_\_

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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
(Notary Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

\_\_\_\_\_  
(Title or description of attached document)

\_\_\_\_\_  
(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

\_\_\_\_\_  
(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)  
 Corporate Officer

\_\_\_\_\_  
(Title)

- Partner(s)  
 Attorney-in-Fact  
 Trustee(s)  
 Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach (his form if required).*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ◆ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ◆ Indicate title or type of attached document, number of pages and date.
  - ◆ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

A.P.N. 480-050-20U (Portion)  
PG&E – Fresno Service Center

**EXHIBIT "A1"**  
**PARCEL 1**  
**SOUTH FOURTH STREET**

**LEGAL DESCRIPTION**

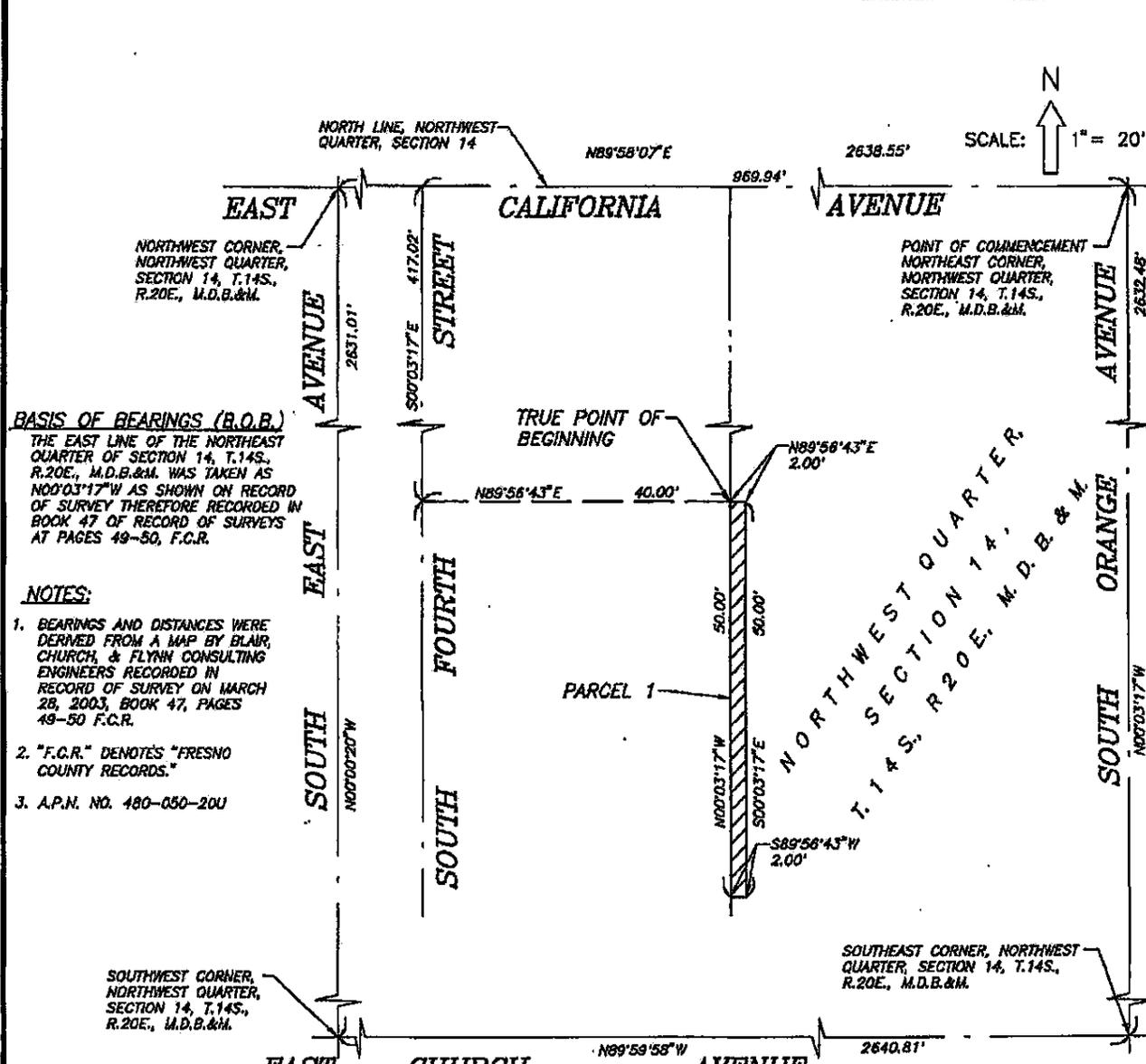
That portion of the Northwest quarter of Section 14, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, lying in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 14; thence South  $89^{\circ}58'07''$  West, along the North line of the Northwest quarter of said Section 14, a distance of 969.94 feet; thence South  $00^{\circ}03'17''$  East, a distance of 417.02 feet; thence North  $89^{\circ}56'43''$  East, a distance of 40.00 feet to a point on the East right-of-way line of Fourth Street, said point being the TRUE POINT OF BEGINNING; thence continuing North  $89^{\circ}56'43''$  East, a distance of 2.00 feet to a point on a line parallel with and 2.00 feet East of said East right-of-way line of Fourth Street; thence South  $00^{\circ}03'17''$  East, along said parallel line, a distance of 50.00 feet; thence South  $89^{\circ}56'43''$  West, a distance of 2.00 feet to a point on said East right-of-way line of Fourth Street; thence North  $00^{\circ}03'17''$  West, along said East right-of-way line, a distance of 50.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 100.00 square feet, more or less.



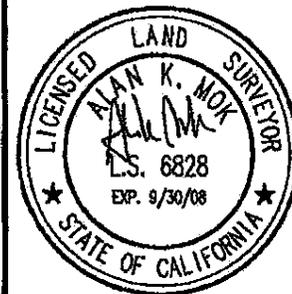
2006 -152  
C-02-047  
15-A-8176



**BASIS OF BEARINGS (B.O.B.)**  
 THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, T.14S., R.20E., M.D.B.&M. WAS TAKEN AS N00°03'17"W AS SHOWN ON RECORD OF SURVEY THEREFORE RECORDED IN BOOK 47 OF RECORD OF SURVEYS AT PAGES 49-50, F.C.R.

- NOTES:**
1. BEARINGS AND DISTANCES WERE DERIVED FROM A MAP BY BLAIR, CHURCH, & FLYNN CONSULTING ENGINEERS RECORDED IN RECORD OF SURVEY ON MARCH 28, 2003, BOOK 47, PAGES 49-50 F.C.R.
  2. "F.C.R." DENOTES "FRESNO COUNTY RECORDS."
  3. A.P.N. NO. 480-050-20U

- LEGEND**
- CENTER OR SECTION LINE
  - - - PROPERTY OR RIGHT OF WAY LINE
  - ORIGINAL LOT LINES
  - LOT LINE EXTENSION
  - ▨ RIGHT OF WAY TO BE GRANTED FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES



**Blair, Church & Flynn**  
 CONSULTING ENGINEERS

**EXHIBIT "B1"**  
 OCTOBER 6, 2006

403 North Avenue, Suite 200  
 Clovis, California 93612  
 Tel (559) 328-4400  
 Fax (559) 328-1860

REF. & REV. PW FILE NO. PLAT NO. 2958 2008-152 C-02-047	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	DEED OF EASEMENT FOR PUBLIC PEDESTRIAN PURPOSES NORTHWEST QUARTER, SECTION 14, T.14 S., R.20 E., M.D.B.&M.	DR. BY DTB CH. BY _____ DATE 12/7/2006 SCALE AS NOTED
		SHEET NO. 1 OF 6 SHEETS 15-A-8176

A.P.N. 480-050-20U (Portion)  
PG&E – Fresno Service Center

**EXHIBIT "A2"  
PARCEL 2  
EAST CALIFORNIA AVENUE**

**LEGAL DESCRIPTION**

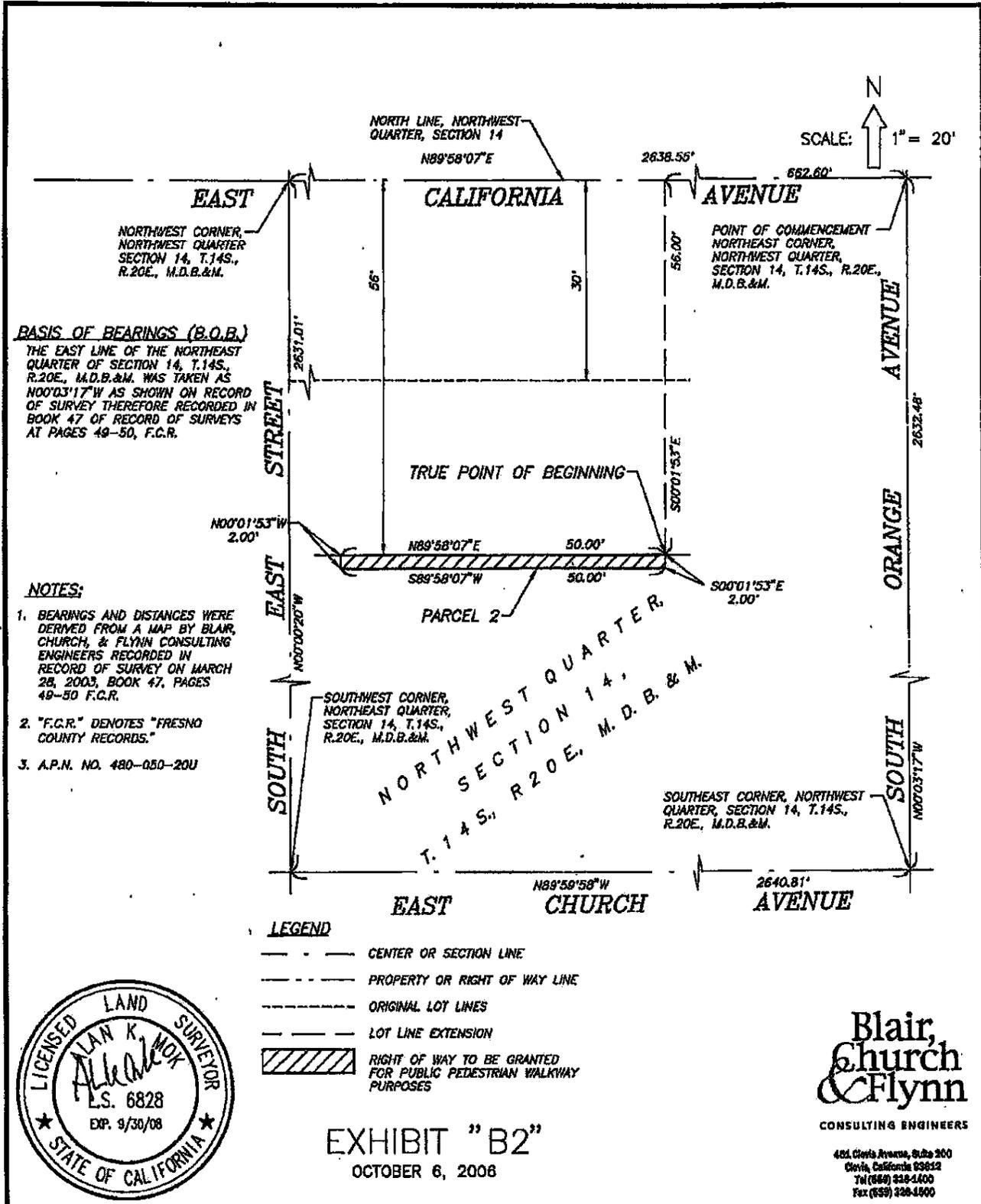
That portion of the Northwest quarter of Section 14, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, lying in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 14; thence South 89°58'07" West, along the North line of the Northwest quarter of said Section 14, a distance of 662.60 feet; thence South 00°01'53" East, a distance of 56.00 feet to a point on the South right-of-way line of California Avenue, said point being the TRUE POINT OF BEGINNING; thence continuing South 00°01'53" East, a distance of 2.00 feet to a point on a line which is parallel with and 2.00 feet South of the South right-of-way line of California Avenue; thence South 89°58'07" West, along said parallel line, a distance of 50.00 feet; thence North 00°01'53" West, a distance of 2.00 feet to a point on said South right-of-way line of California Avenue; thence North 89°58'07" East, along said South right-of-way line, a distance of 50.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 100.00 square feet, more or less.



2006 -152  
C-02-047  
15-A-8176



**BASIS OF BEARINGS (B.O.B.)**  
THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, T.14S., R.20E., M.D.B.&M. WAS TAKEN AS N00°03'17"W AS SHOWN ON RECORD OF SURVEY THEREFORE RECORDED IN BOOK 47 OF RECORD OF SURVEYS AT PAGES 49-50, F.C.R.

- NOTES:**
1. BEARINGS AND DISTANCES WERE DERIVED FROM A MAP BY BLAIR, CHURCH, & FLYNN CONSULTING ENGINEERS RECORDED IN RECORD OF SURVEY ON MARCH 28, 2003, BOOK 47, PAGES 49-50 F.C.R.
  2. "F.C.R." DENOTES "FRESNO COUNTY RECORDS."
  3. A.P.N. NO. 480-050-20U



**EXHIBIT "B2"**  
OCTOBER 6, 2006

**Blair, Church & Flynn**  
CONSULTING ENGINEERS

401. Civic Avenue, Suite 200  
Clerks, California 93612  
Tel (559) 328-4400  
Fax (559) 328-4900

REF. & REV. PW FILE NO. PLAT NO. 2858 2008-152 C-02-047	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	DEED OF EASEMENT FOR PUBLIC PEDESTRIAN PURPOSES NORTHEAST QUARTER, SECTION 14, T.14 S., R.20 E., M.D.B.&M.	DR. BY DTB CH. BY _____ DATE 12/1/2006 SCALE AS NOTED

Drawing: P:\201-0105\Draw-exh\dwg\201105EXH.dwg; CALIFORNIA (2) - BCF.ctb  
 Plot by: dylan Dec. 15, 2006 - 3:36pm

A.P.N. 480-050-20U (Portion)  
PG&E – Fresno Service Center

**EXHIBIT "A3"  
PARCEL 3  
EAST CALIFORNIA AVENUE**

**LEGAL DESCRIPTION**

That portion of the Northwest quarter of Section 14, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, lying in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 14; thence South 89°58'07" West, along the North line of said Northwest quarter, a distance of 148.61 feet; thence South 00°01'53" East, a distance of 56.00 feet to a point on the South right-of-way line of California Avenue, said point being the TRUE POINT OF BEGINNING; thence continuing South 00°01'53" East, a distance of 2.00 feet to a point on a line parallel with and 2.00 feet South of the South right-of-way line of California Avenue; thence South 89°58'07" West, along said parallel line, a distance of 37.00 feet; thence North 00°01'53" West, a distance of 2.00 feet to a point on said South right-of-way line; thence North 89°58'07" East, along said South right-of-way line, a distance of 37.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 74.00 square feet, more or less.



2006 -152  
C-02-047  
15-A-8176

SCALE:  1" = 20'

NORTHWEST CORNER,  
NORTHWEST QUARTER,  
SECTION 14, T.14S.,  
R.20E., M.D.B.&M.

**BASIS OF BEARINGS (B.O.B.)**

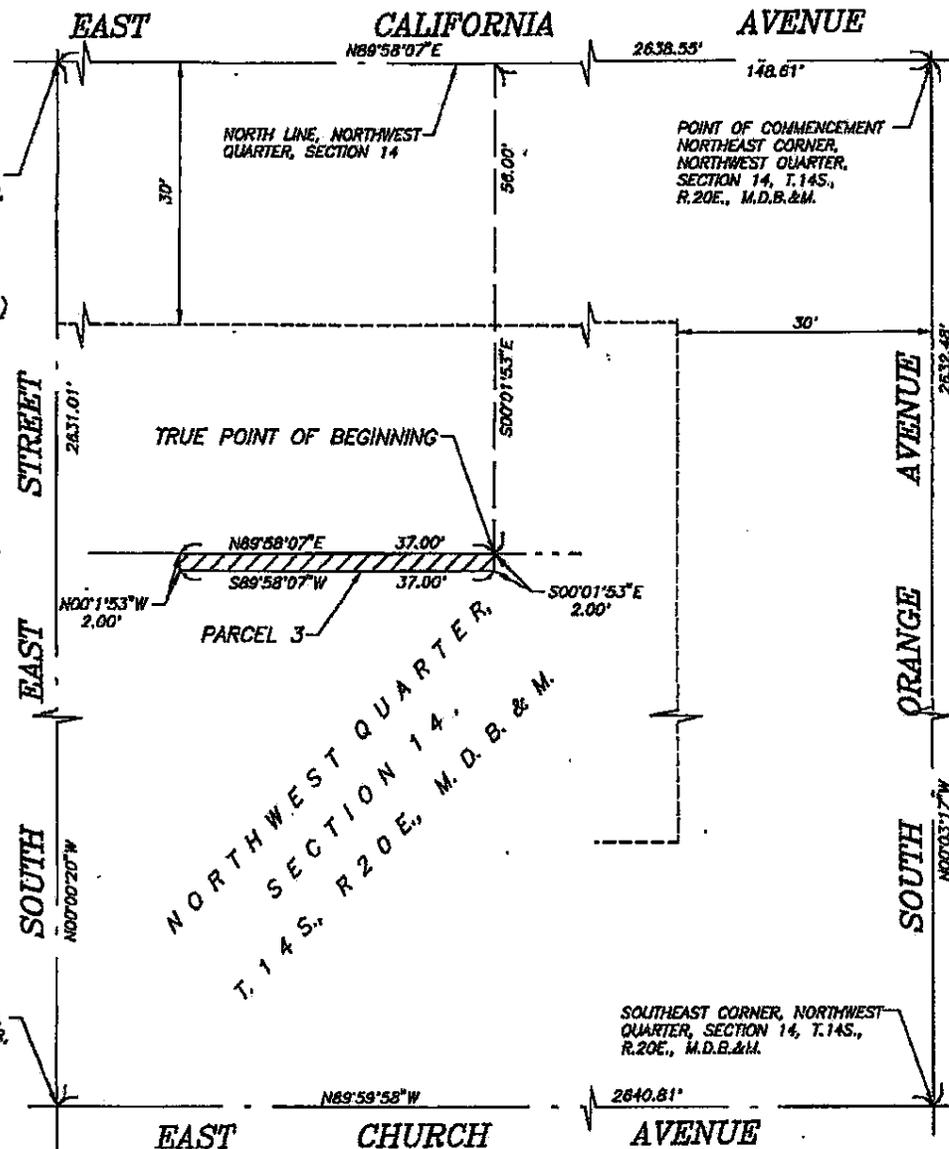
THE EAST LINE OF THE  
NORTHEAST QUARTER OF SECTION  
14, T.14S., R.20E., M.D.B.&M.  
WAS TAKEN AS N00°03'17"W AS  
SHOWN ON RECORD OF SURVEY  
THEREFORE RECORDED IN BOOK  
47 OF RECORD OF SURVEYS AT  
PAGES 49-50, F.C.R.

**NOTES:**

1. BEARINGS AND DISTANCES WERE DERIVED FROM A MAP BY BLAIR, CHURCH, & FLYNN CONSULTING ENGINEERS RECORDED IN RECORD OF SURVEY ON MARCH 28, 2003, BOOK 47, PAGES 49-50 F.C.R.
2. "F.C.R." DENOTES "FRESNO COUNTY RECORDS."
3. A.P.N. NO. 480-050-20U

SOUTHWEST CORNER,  
NORTHWEST QUARTER,  
SECTION 14, T.14S.,  
R.20E., M.D.B.&M.

SOUTHEAST CORNER, NORTHWEST  
QUARTER, SECTION 14, T.14S.,  
R.20E., M.D.B.&M.



**LEGEND**

-  CENTER OR SECTION LINE
-  PROPERTY OR RIGHT OF WAY LINE
-  ORIGINAL LOT LINES
-  LOT LINE EXTENSION
-  RIGHT OF WAY TO BE GRANTED FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES

**EXHIBIT "B3"**

OCTOBER 6, 2006



**Blair,  
Church  
& Flynn**

CONSULTING ENGINEERS

481 Clarks Avenue, Suite 200  
Clovis, California 93612  
Tel (559) 328-4400  
Fax (559) 328-4500

REF. & REV. PW FILE NO. PLAT NO. 2958 2006-152 C-02-047	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	DEED OF EASEMENT FOR PUBLIC PEDESTRIAN PURPOSES NORTHEAST QUARTER, SECTION 14, T.14 S., R.20 E., M.D.B.&M.	DR. BY <u>DTB</u> CH. BY _____ DATE <u>12/7/2006</u> SCALE <u>AS NOTED</u>
		SHEET NO. <u>3</u> OF <u>6</u> SHEETS 15-A-8176

A.P.N. 480-050-20U (Portion)  
PG&E – Fresno Service Center

**EXHIBIT "A4"**  
**PARCEL 4**  
**SOUTH ORANGE AVENUE**

**LEGAL DESCRIPTION**

That portion of the Northwest quarter of Section 14, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, lying in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 14; thence South 00°03'17" East, along the East line of the Northwest quarter of said Section 14, a distance of right-of-way 483.69 feet; thence South 89°56'43" West, a distance of 40.00 feet to a point on the West right-of-way line of Orange Avenue, said point being the TRUE POINT OF BEGINNING; thence South 00°03'17" East, along said West right-of-way line, a distance of 46.00 feet; thence South 89°56'43" West, a distance of 2.00 feet to a point on a line parallel with and 2.00 feet West of said West right-of-way line of Orange Avenue; thence North 00°03'17" West, along said parallel line, a distance of 46.00 feet, thence North 89°56'43" East, a distance of 2.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 92.00 square feet, more or less.



2006 -152  
C-02-047  
15-A-8176

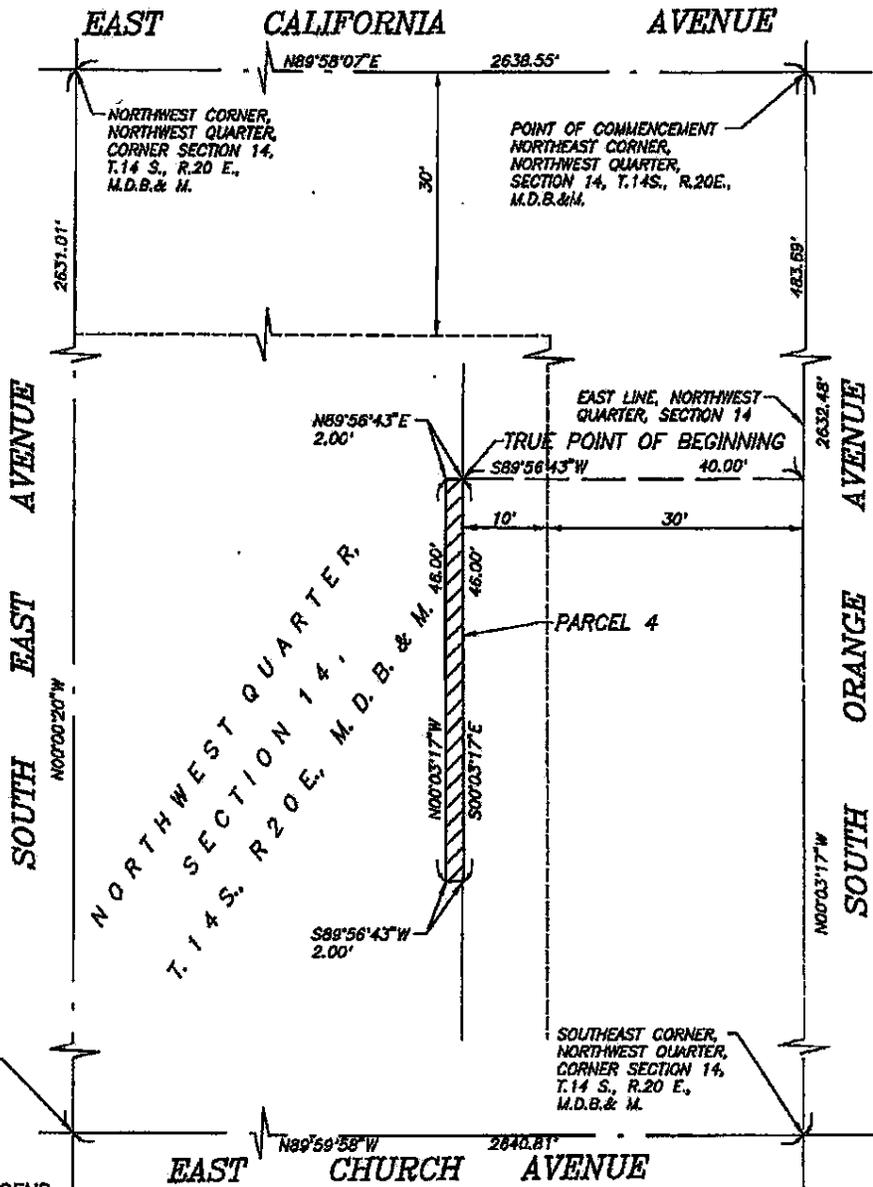
SCALE:  1" = 20'

**BASIS OF BEARINGS (B.O.B.)**

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, T.14S., R.20E., M.D.B.&M. WAS TAKEN AS N00°03'17"W AS SHOWN ON RECORD OF SURVEY THEREFORE RECORDED IN BOOK 47 OF RECORD OF SURVEYS AT PAGES 49-50, F.C.R.

**NOTES:**

1. BEARINGS AND DISTANCES WERE DERIVED FROM A MAP BY BLAIR, CHURCH, & FLYNN CONSULTING ENGINEERS RECORDED IN RECORD OF SURVEY ON MARCH 28, 2003, BOOK 47, PAGES 49-50 F.C.R.
2. "F.C.R." DENOTES "FRESNO COUNTY RECORDS."
3. A.P.N. NO. 480-050-20U



**LEGEND**

-  CENTER OR SECTION LINE
-  PROPERTY OR RIGHT OF WAY LINE
-  ORIGINAL LOT LINES
-  LOT LINE EXTENSION
-  RIGHT OF WAY TO BE GRANTED FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES



**Blair, Church & Flynn**  
CONSULTING ENGINEERS

461 Clovis Avenue, Suite 200  
Clovis, California 93612  
Tel (559) 820-1400  
Fax (559) 328-1600

**EXHIBIT "B4"**

OCTOBER 6, 2008

REF. & REV. PW FILE NO. PLAT NO. 2958 2008-152 C-02-047	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	DEED OF EASEMENT FOR PUBLIC PEDESTRIAN PURPOSES NORTHEAST QUARTER, SECTION 14, T.14 S., R.20 E., M.D.B.&M.	DR. BY <u>DTB</u> CH. BY _____ DATE <u>12/7/2006</u> SCALE <u>AS NOTED</u>
		SHEET NO. <u>4</u> OF <u>6</u> SHEETS <b>15-A-8176</b>

A.P.N. 480-050-20U (Portion)  
PG&E - Fresno Service Center

**EXHIBIT "A5"**  
**PARCEL 5**  
**SOUTH ORANGE AVENUE**

**LEGAL DESCRIPTION**

That portion of the Northwest quarter of Section 14, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, lying in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 14; thence South  $00^{\circ}03'17''$  East, along the East line of the Northwest quarter of said Section 14, a distance of 815.15 feet; thence South  $89^{\circ}56'43''$  West, a distance of 40.00 feet to a point on the West right-of-way line of Orange Avenue, said point being the TRUE POINT OF BEGINNING; thence South  $00^{\circ}03'17''$  East, along said West right-of-way line, a distance of 50.00 feet; thence South  $89^{\circ}56'43''$  West a distance of 2.00 feet to a point on a line which is parallel with and 2.00 feet West of the West right-of-way line of Orange Avenue; thence North  $00^{\circ}03'17''$  West, along said parallel line, a distance of 50.00 feet; thence North  $89^{\circ}56'43''$  East, a distance of 2.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 100.00 square feet, more or less.



2006 -152  
C-02-047  
15-A-8176

SCALE:  1" = 20'

NORTHWEST CORNER,  
NORTHWEST QUARTER,  
SECTION 14, T.14S.,  
R.20E., M.D.B.&M.

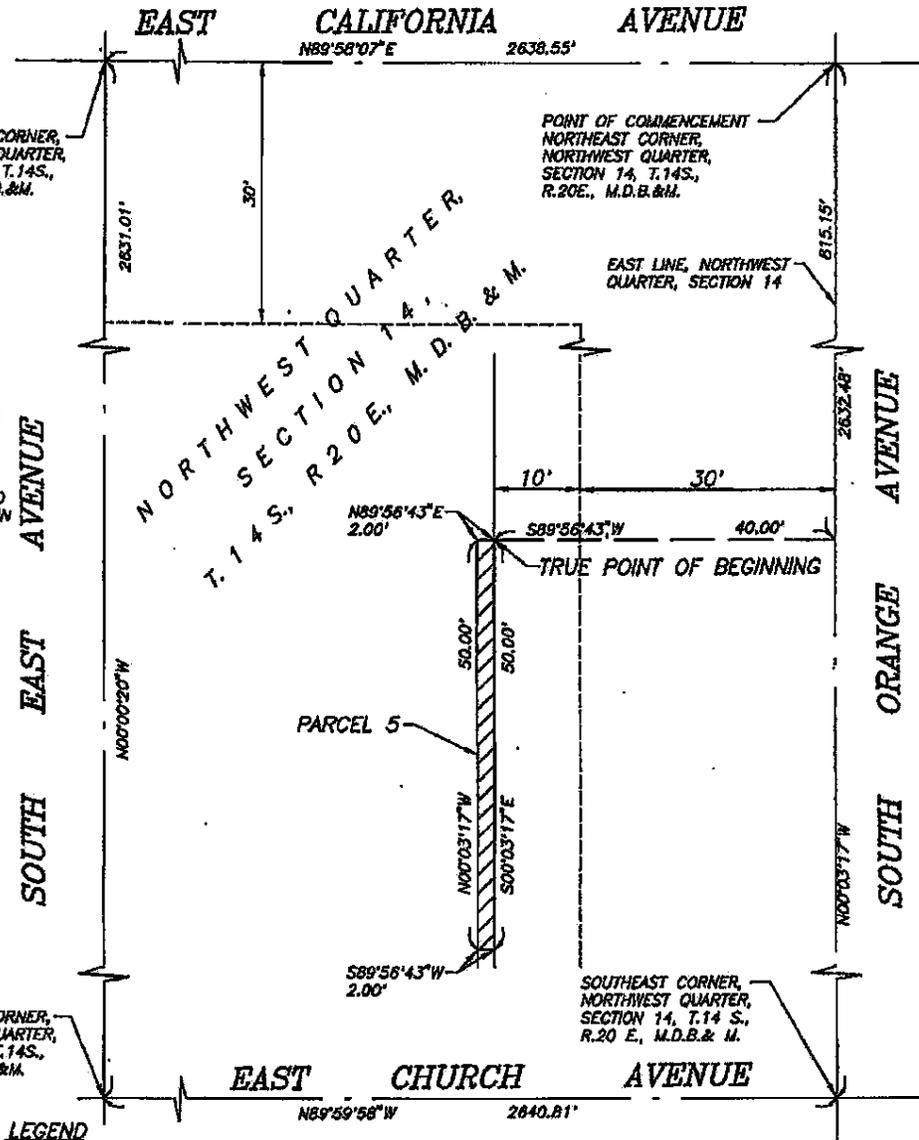
POINT OF COMMENCEMENT  
NORTHWEST CORNER,  
NORTHWEST QUARTER,  
SECTION 14, T.14S.,  
R.20E., M.D.B.&M.

**BASIS OF BEARINGS (B.O.B.)**

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, T.14S., R.20E., M.D.B.&M. WAS TAKEN AS N00°03'17"W AS SHOWN ON RECORD OF SURVEY THEREFORE RECORDED IN BOOK 47 OF RECORD OF SURVEYS AT PAGES 49-50, F.C.R.

**NOTES:**

1. BEARINGS AND DISTANCES WERE DERIVED FROM A MAP BY ELAIR, CHURCH, & FLYNN CONSULTING ENGINEERS RECORDED IN RECORD OF SURVEY ON MARCH 28, 2003, BOOK 47, PAGES 49-50 F.C.R.
2. "F.C.R." DENOTES "FRESNO COUNTY RECORDS."
3. A.P.N. NO. 480-050-20U



**LEGEND**

-  CENTER OR SECTION LINE
-  PROPERTY OR RIGHT OF WAY LINE
-  ORIGINAL LOT LINES
-  LOT LINE EXTENSION
-  RIGHT OF WAY TO BE GRANTED FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES



**EXHIBIT "B5"**  
OCTOBER 8, 2008

**Blair,  
Church  
& Flynn**  
CONSULTING ENGINEERS

451 Clark Avenue, Suite 200  
Merced, California 95312  
Tel (559) 326-1400  
Fax (559) 326-1500

REF. & REV. PW FILE NO. PLAT NO. 2958 2006-152 C-02-047	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	DEED OF EASEMENT FOR PUBLIC PEDESTRIAN PURPOSES NORTHWEST QUARTER, SECTION 14, T.14 S., R.20 E., M.D.B.&M.	DR. BY _____ DTB CH. BY _____ DATE 12/7/2006 SCALE AS NOTED
		SHEET NO. 5 OF 6 SHEETS 15-A-8176

A.P.N. 480-060-22U (Portion)  
PG&E – Fresno Service Center

**EXHIBIT "A6"**

**SOUTH ORANGE AVENUE  
PARCEL 6  
LEGAL DESCRIPTION**

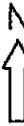
That portion of the Northeast quarter of Section 14, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, lying in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 14; thence South  $00^{\circ}01'47''$  East, along the West line of the Northeast quarter of said Section 14, a distance of 284.47 feet; thence North  $89^{\circ}56'43''$  East, a distance of 40.00 feet to a point on the East right-of-way line of Orange Avenue, said point being the TRUE POINT OF BEGINNING; thence continuing North  $89^{\circ}56'43''$  East, a distance of 2.00 feet to a point on a line parallel with and 2.00 feet East of the East right-of-way line of Orange Avenue; thence South  $00^{\circ}03'17''$  East, along said parallel line, a distance of 48.00 feet; thence South  $89^{\circ}56'43''$  West, a distance of 2.00 feet to a point on said East right-of-way line of Orange Avenue; thence North  $00^{\circ}03'17''$  West, along said East right-of-way line, a distance of 48.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 96.00 square feet, more or less.



2006 -152  
C-02-047  
15-A-8176

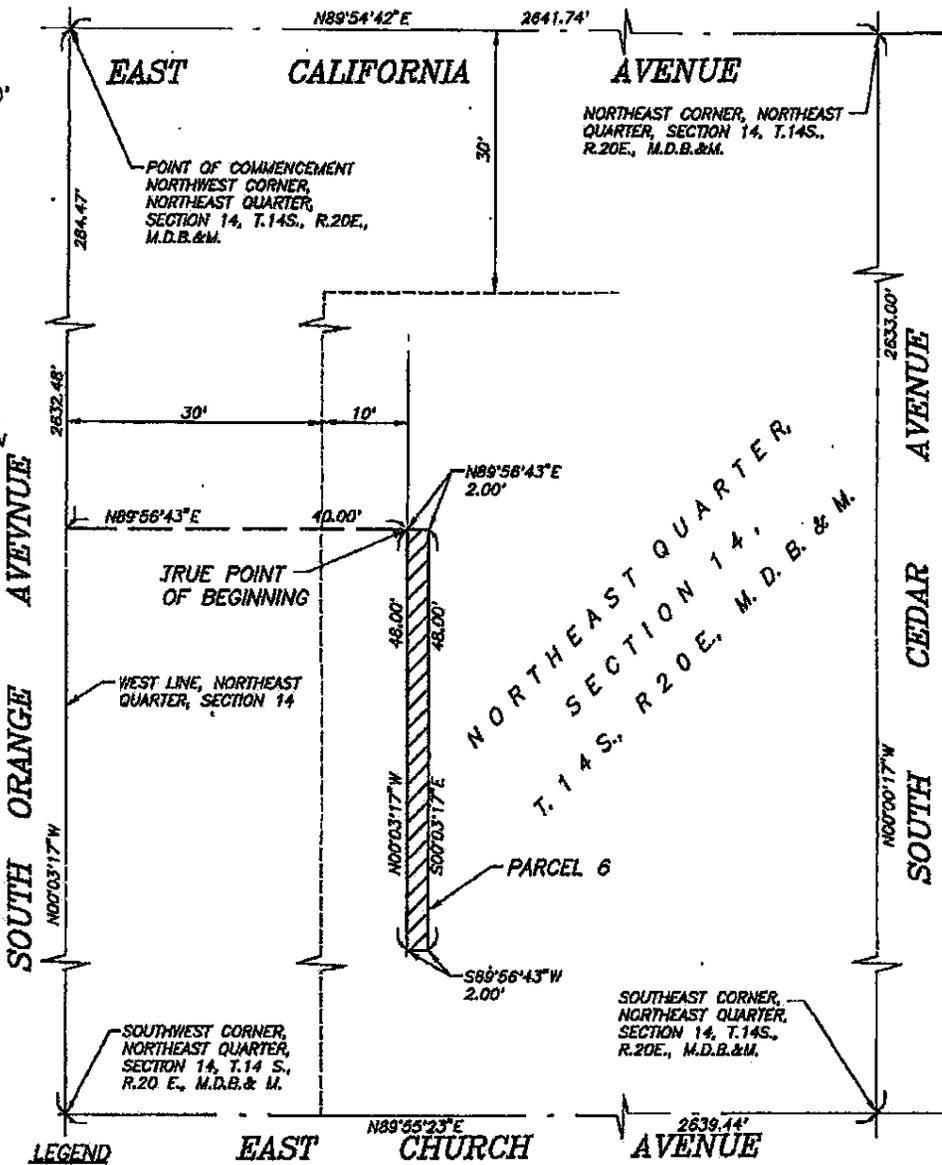
SCALE:  1" = 20'

**BASIS OF BEARINGS (B.O.B.)**

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 14, T.14S., R.20E., M.D.B.&M. WAS TAKEN AS N00°03'17"W AS SHOWN ON RECORD OF SURVEY THEREFORE RECORDED IN BOOK 47 OF RECORD OF SURVEYS AT PAGES 49-50, F.C.R.

**NOTES:**

1. BEARINGS AND DISTANCES WERE DERIVED FROM A MAP BY BLAIR, CHURCH, & FLYNN CONSULTING ENGINEERS RECORDED IN RECORD OF SURVEY ON MARCH 28, 2003, BOOK 47, PAGES 49-50 F.C.R.
2. "F.C.R." DENOTES "FRESNO COUNTY RECORDS."
3. A.P.N. NO. 480-080-22U



LEGEND EAST CHURCH AVENUE

-  CENTER OR SECTION LINE
-  PROPERTY OR RIGHT OF WAY LINE
-  ORIGINAL LOT LINES
-  LOT LINE EXTENSION
-  RIGHT OF WAY TO BE GRANTED FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES



**Blair, Church & Flynn**  
CONSULTING ENGINEERS

**EXHIBIT "B6"**  
OCTOBER 6, 2006

451 Clavis Avenue, Suite 200  
Clovis, California 93222  
Tel (559) 236-1400  
Fax (559) 236-4500

REF. & REV.  
PW FILE NO.  
PLAT NO. 2959  
2006-152  
C-02-047

CITY OF FRESNO  
DEPARTMENT OF PUBLIC WORKS

**DEED OF EASEMENT  
FOR PUBLIC PEDESTRIAN PURPOSES**  
NORTHEAST QUARTER, SECTION 14,  
T.14 S., R.20 E., M.D.B.&M.

PROJ. ID. \_\_\_\_\_  
FUND NO. \_\_\_\_\_  
ORG. NO. \_\_\_\_\_

DR. BY DTB SHEET NO. 6  
CH. BY \_\_\_\_\_ OF 6 SHEETS  
DATE 12/7/2006  
SCALE AS NOTED 15-A-8176

## EXHIBIT C

### INSURANCE REQUIREMENTS

Grantee shall procure, carry and maintain in effect throughout the term of this Agreement the following insurance coverage. Grantee is also responsible for its subcontractors maintaining sufficient limits of the appropriate insurance coverages.

#### A. Workers' Compensation and Employers' Liability

1. Workers' Compensation insurance indicating compliance with any and all applicable labor codes, acts, laws or statutes, state or federal.
2. Employer's Liability insurance shall not be less than One Million Dollars (\$1,000,000) for injury or death, each accident.

#### B. Commercial General Liability

1. Coverage shall be at least as broad as the Insurance Services Office (ISO) Commercial General Liability insurance "occurrence" form with no additional coverage alterations.
2. The limits shall not be less than One Million Dollars (\$1,000,000) per occurrence for bodily injury, property damage and products and completed operations. Defense costs are to be provided outside the policy limits.

#### C. Business Auto

1. Coverage shall be at least as broad as the Insurance Services Office (ISO) Business Auto Coverage form covering Automobile Liability, code 1 "any auto."
2. The limit shall not be less than One Million Dollars (\$1,000,000) each accident for bodily injury and property damage.

#### D. Additional Insurance Provisions

1. Upon the Effective Date of the Easement Agreement Grantee shall furnish PG&E with two (2) sets of certificates of insurance.
2. Documentation shall state that coverage shall not be canceled except after thirty (30) days prior written notice has been given to PG&E.

///

///

3. The documents must be signed by a person authorized by Grantee to bind coverage on its behalf and submitted to:

Pacific Gas and Electric Company  
Insurance Department - B24H  
Post Office Box 770000  
San Francisco, California 94177

Pacific Gas and Electric Company  
650 O Street, Mail Bag 23  
Fresno, CA 93760-0001  
Attention: Land Agent



## Attachment D

Photo of Driveway Approach



**PG&E Gas and Electric  
Advice Filing List  
General Order 96-B, Section IV**

Aglet	Department of the Army	Northern California Power Association
Agnews Developmental Center	Dept of General Services	Occidental Energy Marketing, Inc.
Alcantar & Kahl	Division of Business Advisory Services	OnGrid Solar
Ancillary Services Coalition	Douglas & Liddell	PPL EnergyPlus, LLC
Anderson & Poole	Douglass & Liddell	Pinnacle CNG Company
Arizona Public Service Company	Downey & Brand	Praxair
BART	Duke Energy	R. W. Beck & Associates
BP Energy Company	Duncan, Virgil E.	RCS, Inc.
Barkovich & Yap, Inc.	Dutcher, John	RMC Lonestar
Bartle Wells Associates	Ellison Schneider & Harris LLP	Recon Research
Blue Ridge Gas	Energy Management Services, LLC	SCD Energy Solutions
Braun & Associates	FPL Energy Project Management, Inc.	SCE
C & H Sugar Co.	Foster Farms	SESCO
CA Bldg Industry Association	Foster, Wheeler, Martinez	SMUD
CAISO	Franciscan Mobilehome	SPURR
CLECA Law Office	G. A. Krause & Assoc.	Santa Fe Jets
CSC Energy Services	GLJ Publications	Seattle City Light
	Goodin, MacBride, Squeri, Schlotz & Ritchie	Sempra Utilities
California Cotton Ginners & Growers Assn	Green Power Institute	Sequoia Union HS Dist
California Energy Commission	Hanna & Morton	Sierra Pacific Power Company
California League of Food Processors	Heeg, Peggy A.	Silicon Valley Power
California Public Utilities Commission	Hitachi	Smurfit Stone Container Corp
Calpine	Hogan Manufacturing, Inc.	Southern California Edison Company
Cameron McKenna	Imperial Irrigation District	St. Paul Assoc.
Cardinal Cogen	Innercite	Sunshine Design
Casner, Steve	International Power Technology	Sutherland, Asbill & Brennan
Cerox	Intestate Gas Services, Inc.	TFS Energy
Chamberlain, Eric	J. R. Wood, Inc.	Tabors Caramanis & Associates
Chevron Company	JTM, Inc.	Tecogen, Inc.
Chris, King	Los Angeles Dept of Water & Power	Tioga Energy
City of Glendale	Luce, Forward, Hamilton & Scripps LLP	TransCanada
City of Palo Alto	MBMC, Inc.	Turlock Irrigation District
City of San Jose	MRW & Associates	U S Borax, Inc.
Clean Energy Fuels	Manatt Phelps Phillips	United Cogen
Coast Economic Consulting	Matthew V. Brady & Associates	Utility Cost Management
Commerce Energy	McKenzie & Associates	Utility Resource Network
Commercial Energy	Meek, Daniel W.	Utility Specialists
Constellation	Merced Irrigation District	Vandenberg Air Force
Constellation New Energy	Mirant	Verizon
Consumer Federation of California	Modesto Irrigation District	Wellhead Electric Company
Crossborder Energy	Morgan Stanley	Western Manufactured Housing Communities Association (WMA)
		White & Case
Davis Wright Tremaine LLP	Morrison & Foerster	eMeter Corporation
Day Carter Murphy	New United Motor Mfg., Inc.	
Defense Energy Support Center	Norris & Wong Associates	
Department of Water Resources	North Coast SolarResources	