

AGENDA ITEM NO. COUNCIL MEETING
APPROVED BY
DEPARTMENT DIRECTOR <i>[Signature]</i>
CITY MANAGER

April 24, 2007

FROM: KEITH BERGTHOLD, Acting Director *[Signature]*  
 Planning and Development Department

BY: DARRELL UNRUH, Planning Manager *[Signature]*  
 Planning Division

SUBJECT: APPROVING THE FINAL MAPS OF TRACT NOS. 5427 and 5686

### KEY RESULT AREA

One Fresno

### RECOMMENDATIONS

1. ADOPT the attached Resolutions:
  - a. Approving the Final Map of Tract No. 5427 and accepting the dedicated public uses therein.
  - b. Approving the Final Map of Tract No. 5686 and accepting the dedicated public uses therein.
2. AUTHORIZE the Public Works Director to execute the:
  - a. Subdivision Agreement.
3. AUTHORIZE the Public Utilities Director to execute the:
  - a. Statement of Covenants Affecting Land Development Providing Special Solid Waste Disposal Services for Certain Lots.
4. AUTHORIZE the Planning and Development Director to execute the:
  - a. Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien.
  - b. Statement of Covenants Affecting Land Development for Acknowledging Right-to-Farm Law.

### EXECUTIVE SUMMARY

The Subdivider, Lennar Fresno Inc., a California Corporation, has filed for approval, the Final Maps of Tract Nos. 5427 and 5686, Phases 1 and 2, respectively, of Vesting Tentative Map No. 5427/UGM. The projects, Tract No. 5427, a 174-lot single-family residential subdivision on 40.7 acres and Tract No. 5686 a 165-lot single-family residential subdivision on 40.3 acres, are located on the north side of East Shields Avenue between North Armstrong Avenues and North Temperance Avenue. The Final Maps are technically correct and conform to the conditionally approved Tentative Map, the Subdivision Map Act and local ordinances; they are consistent with, and implement the 2025 General Plan and McLane Community Plan. The provisions of Sections 66458 and 66474.1 of the Subdivision Map Act and local ordinances require that such final maps be approved by the City Council.

## KEY OBJECTIVE BALANCE

Council action regarding this final map optimizes the three Key Objectives of Customer Satisfaction, Employee Satisfaction, and Financial Management. Affirmative action by the Council will result in timely deliverance of the technical review, processing and filing of the final map as is reasonably expected by the customer. Prudent financial management is demonstrated by the expeditious completion of this final map in as much as the customer has paid to the City a fee for the processing of this final map and that fee is, in turn, funding the operations of the Planning and Development Department. Employee satisfaction is derived from the fact that the staff, who have reviewed and made a recommendation on this final map, have done so in a thorough and professional manner, thereby enhancing the sense of accomplishment in the completion of the final map process.

## PROJECT INFORMATION

PROJECT	The project, Final Maps of Tract No. 5427, a 174-lot (plus 2-outlots) single-family residential subdivision on 40.7 acres and Tract No. 5686, a 165-lot (plus 1-outlot) single-family residential subdivision on 40.3 acres.
LOCATION	North side of East Shields Avenue, between North Armstrong and North Temperance Avenues. <i>(Council District 4, Council Member Westerlund)</i>
SUBDIVIDER	Lennar Fresno Inc., a California Corporation Steve Lutton, Vice President
LAND USE & ZONING	Medium density residential; R-1/UGM (single-family residential/Urban Growth Management Area) is effective pursuant to Rezone Application No. R-04-92.
PLAN CONSISTENCY	The project is consistent with the Medium density residential land use designation of the McLane Community Plan.
COMPLIANCE WITH SUBDIVISION MAP ACT AND LOCAL ORDINANCES	The Final Maps conform to all requirements of the Subdivision Map Act and local subdivision ordinances applicable to the conditions of approval of Vesting Tentative Map No. 5427/UGM; the completion of all public improvement requirements have been guaranteed and applicable fees paid.

## BACKGROUND

**Tentative Map Approval:** The Fresno City Planning Commission on December 7, 2005, adopted Resolution No. 12377 conditionally approving Vesting Tentative Map No. 5427/UGM for a 345-lot single-family residential subdivision plus 1-outlot for open space, to be developed at an overall density of 4.0 units/acre. Rezoning Application No. R-04-92 (Ordinance No. 2006-06) imposed specific conditions which resulted in modifications to the tentative map design and conditions. On September 20, 2006, the Planning and Development Director approved a revised tentative map which provided for a modification to internal street circulation patterns, added an outlot for a pedestrian access way to the multi-purpose trail and reduced the number of lots from 345 to 339 single-family residential subdivision plus 3 outlots. The projects are consistent with the medium density designation of the McLane Community Plan and the Revised Tentative Map.

The approval of the Vesting Tentative Map remains effective until December 7, 2007.

**Subdivision Agreement, Securities, Fees & Covenants:** The Subdivider has executed the Subdivision Agreement and has posted securities in the amount of \$5,936,000 for performance and \$2,968,000 for labor and materials to guarantee the installation of the required public improvements. The Subdivider has paid cash in the amount of \$1,990,253.81 for applicable fees and has entered into a covenant to defer the payment of certain sewer connection charges, water connection charges, Urban Growth Management fees and development fees in the amount of \$1,043,836.53 to the time of issuance of Certificates of Occupancy. The Subdivider has also entered into covenants providing for Solid Waste Disposal Services, Fee Deferral and Acknowledging Right-to-Farm Law .

The subdivision documents, securities and resolutions have been reviewed and approved by the City Attorney's office.

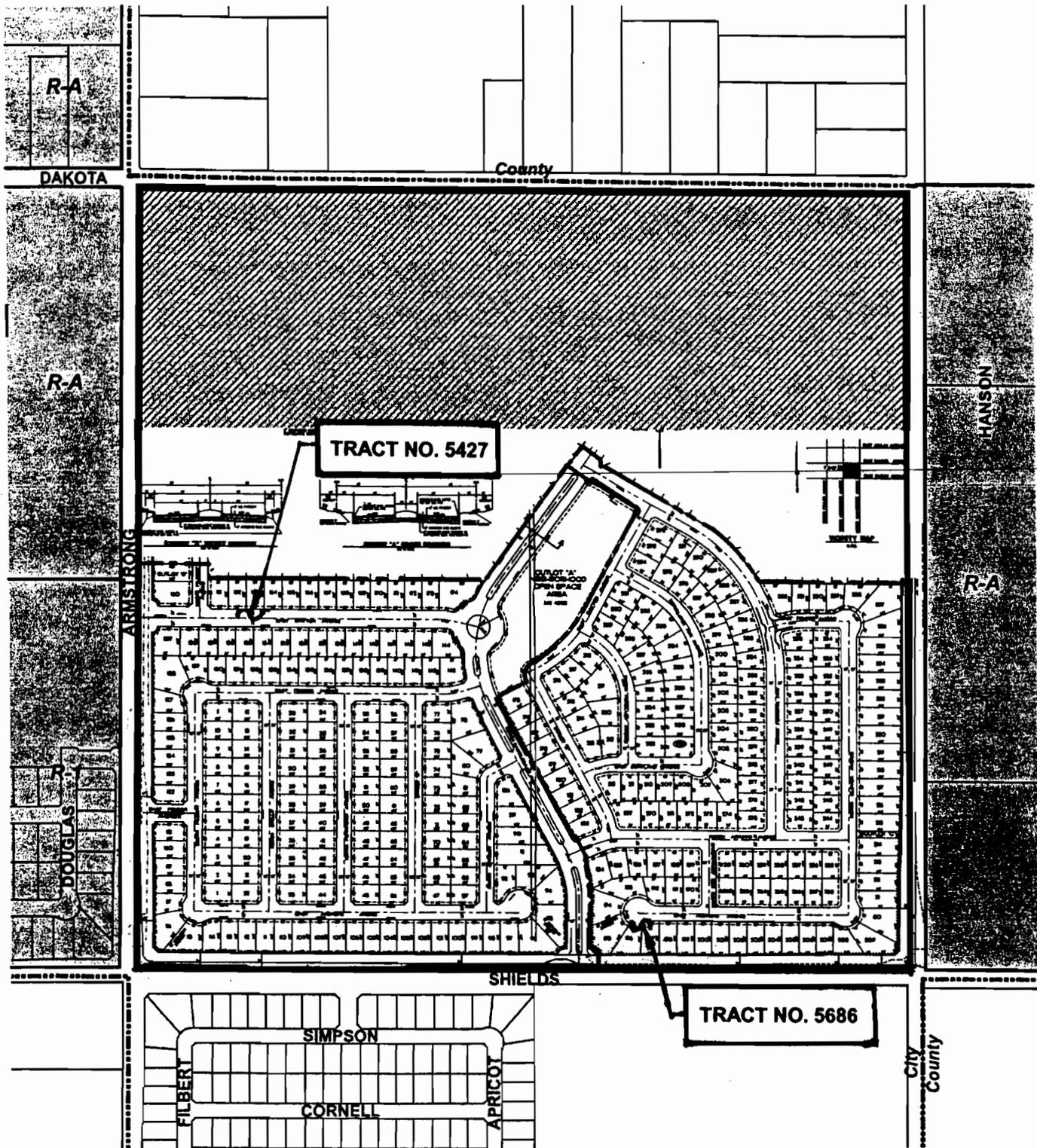
**Maintenance District:** A condition of approval of the Tentative Map is to install and maintain the landscaping and irrigation system in the landscape easements, and to maintain all curbs and gutters, sidewalks, street lights, medians, street furniture, and the public street within the subdivision. The Subdivider has elected to satisfy this maintenance requirement by incorporating such maintenance responsibility into the declaration of covenants, conditions and restrictions (DCC&R) for the homeowner's association. The provisions of the DCC&R relative to the maintenance of public street improvements have been reviewed and approved by the City Attorney.

Another condition of approval of the Tentative Map is to install and maintain the landscaping and Irrigation system in the median islands in North Temperance and East Shields Avenues, east of North Armstrong Avenue, adjacent to Tract Nos. 5427 and 5686. The Subdivider has satisfied this maintenance requirement by annexing the subdivision into the City's Community Facility District No. 2 (CFD-2) which the City Council approved on August 29, 2006.

The Subdivider has executed the covenant for Landscape Maintenance and as a condition of the Subdivision Agreement, is required to provide every prospective purchaser of each lot of the subdivision the "Notice of Special Tax", in accordance with the provision of Section 53341.5 of the California Government Code. The maximum annual assessment is \$71.00 per lot with an annual 3% adjustment plus the increase, if any, in the construction cost index for the San Francisco Region.

**Street Improvements:** All interior streets, shall be dedicated in accordance with the 50-foot, 54-foot and 60-foot standards and will be fully improved with standard curb, gutter, street lighting, permanent pavement, and sidewalks on both sides of the streets.

Attachments:      Vicinity Map  
                         Vesting Tentative Map No. 5427  
                         Revised Vesting Tentative Map No. 5427  
                         Final Map of Tract No. 5427  
                         Final Map of Tract No. 5686  
                         Resolution Approving the Final Map of Tract No. 5427  
                         Resolution Approving the Final Map of Tract No. 5686



**LEGEND**



Subject Property

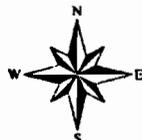


U.G.M. Area

**VICINITY MAP**

**FINAL MAPS OF TRACT NOS. 5427 & 5686  
OF VESTING TENTATIVE MAP NO. 5427/UGM**

Btwn Armstrong, Temperance, Dakota and Shields



NOT TO SCALE

**PLANNING & DEVELOPMENT  
DEPARTMENT**

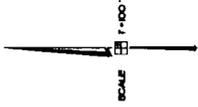
A.P.N.: 310-020-24S

ZONE MAP: 2157

BY/DATE: J.S. / 7-07-05

**VESTING  
TENTATIVE  
TRACT MAP  
NO. 5427**

IN THE CITY OF FRESNO  
FRESNO COUNTY, CALIFORNIA

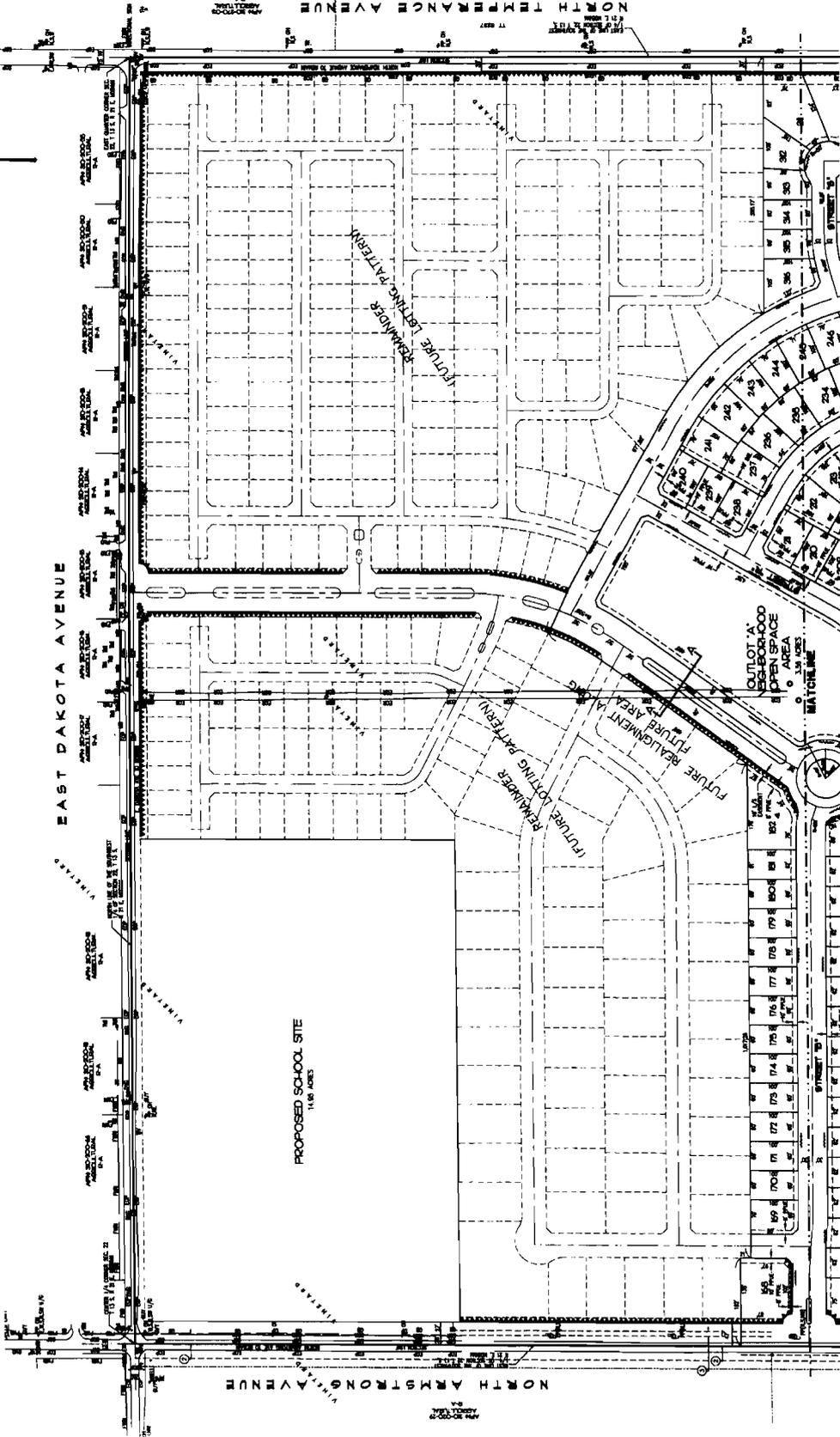


EAST DAKOTA AVENUE

NORTH ARMSTRONG AVENUE

PROPOSED SCHOOL SITE  
14.66 ACRES

NORTH TEMPLE AVENUE



INGELS - BRAUN & ASSOCIATES  
CIVIL ENGINEERING AND LAND SURVEYING  
1000 N. PULASKI AVENUE, SUITE 100  
FRESNO, CALIFORNIA 93726  
PHONE (509) 261-0077 FAX (509) 261-0073  
FRESNO, CALIFORNIA

TENTATIVE MAP  
FRESNO, CALIFORNIA

Prepared for  
CAMBRIDGE HOMES  
1000 N. PULASKI AVENUE, SUITE 100  
FRESNO, CALIFORNIA 93726  
PHONE (509) 447-8400

Drawn by  
FRESNO, CALIFORNIA  
date  
checked  
DATE  
JOB NO.  
C-0278

SHEET NO.  
**3**  
OF 8 SHEETS  
S.A. CAMPBELL - CADDIST



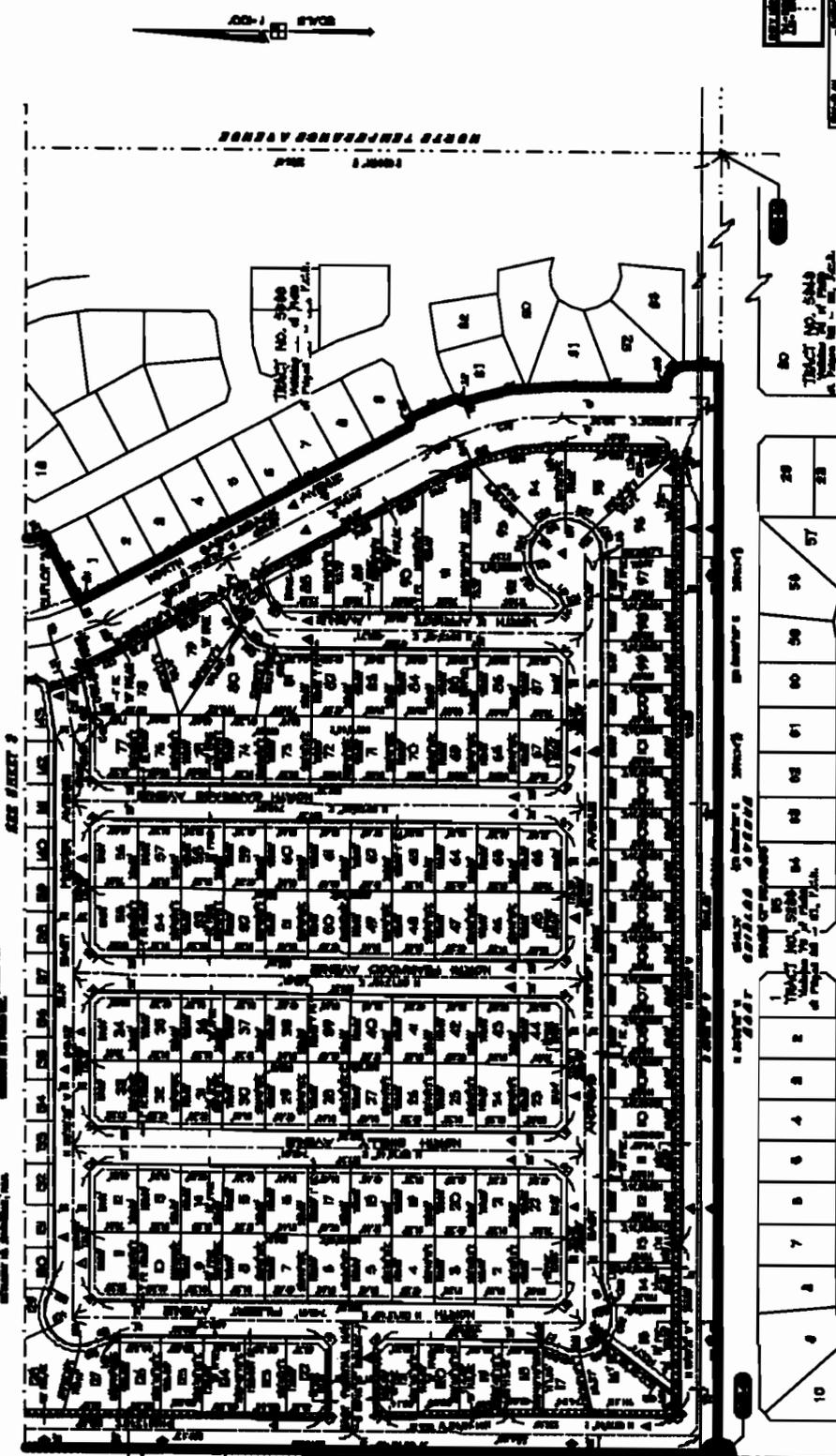


# MAP OF TRACT NO. 5427

FRAMES 1 OF VARIOUS TENTATIVE MAP NO. 5427  
IN THE CITY OF FRESNO  
FRESNO COUNTY, CALIFORNIA  
SURVEYED AND PLANNED BY JEROME T. YAM  
BY ENGINEER - BRADLEY B. ASSOCIATES  
DATE 11-28-2007

**LEGEND**

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TRACT NO. 5428  
TRACT NO. 5429  
TRACT NO. 5426

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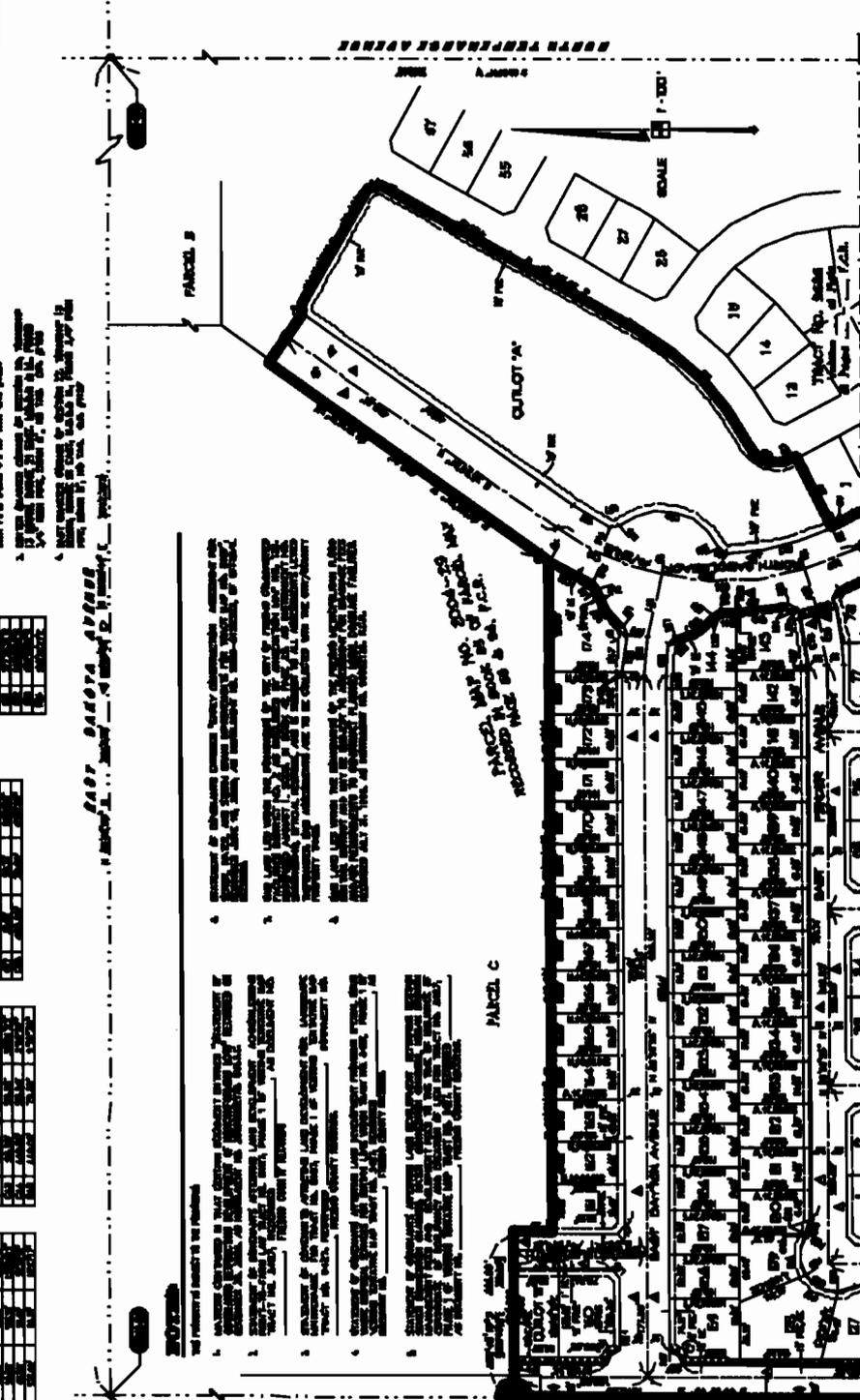
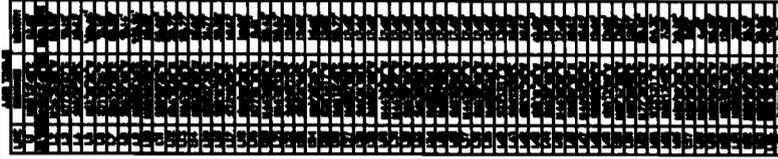
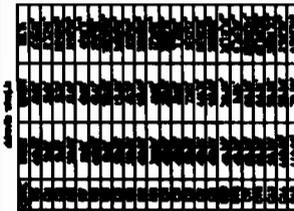
TRACT NO. 5427  
TRACT NO. 5428  
TRACT NO. 5429

# MAP OF TRACT NO. 6427

PHASE 3 OF VARIOUS TENTATIVE MAP NO. 6427  
IN THE CITY OF FRESNO  
FRESNO COUNTY, CALIFORNIA

PREPARED AND PLACED BY MONTE, STALE  
BY TRINIA - BAKER & ASSOCIATES  
COMMERCIAL REAL ESTATE SERVICES  
FRESNO, CALIFORNIA 93701

SEE SHEET 2 FOR MAPS  
OF PHASES 1 AND 2



EAST BROADWAY AVENUE

NORTH BROADWAY AVENUE

SCALE 1" = 100'

TRACT NO. 6427  
PHASE 3  
12

- NOTES:**
1. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  2. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  3. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  4. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  5. THE PROPERTY IS SUBJECT TO THE FOLLOWING:

- NOTES:**
1. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  2. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  3. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  4. THE PROPERTY IS SUBJECT TO THE FOLLOWING:
  5. THE PROPERTY IS SUBJECT TO THE FOLLOWING:

PARCEL A

PARCEL B

PARCEL C

OUTLOT

SCALE 1" = 100'

TRACT NO. 6427

PHASE 3

12





**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5427 AND  
ACCEPTING DEDICATED PUBLIC USES THEREIN**

WHEREAS, Lennar Fresno Inc., a California Corporation has offered for approval a Final Map designated as Tract No. 5427, ("map"), pursuant to approved Vesting Tentative Map No. 5427/UGM ("tentative map"); and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Subdivider and the Owners, whose signatures appear on the map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said map; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. That the map is hereby approved and all of the streets, public utility easements, access rights and other public properties and uses offered for dedication on the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to improvement, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.
2. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.

\* \* \* \*

**CLERK'S CERTIFICATE**

STATE OF CALIFORNIA        )  
COUNTY OF FRESNO        )  
CITY OF FRESNO            )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

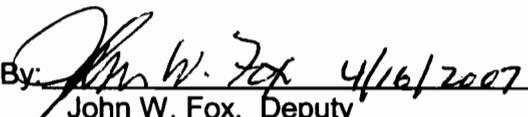
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

REBECCA E. KLISCH, CMC  
City Clerk

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

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By:  \_\_\_\_\_  
John W. Fox, Deputy

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5686 AND  
ACCEPTING DEDICATED PUBLIC USES THEREIN**

WHEREAS, Lennar Fresno Inc., California Corporation has offered for approval a Final Map designated as Tract No. 5686, ("map"), pursuant to approved Vesting Tentative Map No. 5427/UGM ("tentative map"); and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Subdivider and the Owners, whose signatures appear on the map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said map; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. That the map is hereby approved and all of the streets, public utility easements, access rights and other public properties and uses offered for dedication on the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to improvement, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.
2. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.

\* \* \* \*

**CLERK'S CERTIFICATE**

STATE OF CALIFORNIA        )  
COUNTY OF FRESNO        )  
CITY OF FRESNO            )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

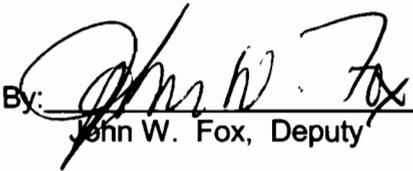
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

REBECCA E. KLISCH, CMC  
City Clerk

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

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By:  \_\_\_\_\_ 4/16/2007  
John W. Fox, Deputy