

City of  
**FRESNO**  **REPORT TO THE CITY COUNCIL**

February 28, 2013

AGENDA ITEM NO. 1C  
COUNCIL MEETING 02/28/13  
APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER



**FROM:** PATRICK N. WIEMILLER, Director  
Public Works Department

**BY:** SCOTT L. MOZIER, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division 

JONATHAN BARTEL, Supervising Engineering Technician  
Public Works Department, Traffic and Engineering Services Division 

**SUBJECT:** APPROVING THE FINAL MAP OF TRACT NO. 5815 AND ACCEPTING THE DEDICATED PUBLIC USES OFFERED THEREIN (COUNCIL DISTRICT 4)

1. ADOPT A RESOLUTION APPROVING THE FINAL MAP OF TRACT NO. 5815 AND ACCEPTING THE DEDICATED PUBLIC USES OFFERED THEREIN
2. AUTHORIZE THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO EXECUTE THE SUBDIVISION AGREEMENT AND THE COVENANT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS UNDER CFD-11 ON BEHALF OF THE CITY
3. AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES OR HIS DESIGNEE TO EXECUTE THE COVENANT FOR SPECIAL SOLID WASTE DISPOSAL SERVICES AND THE COVENANT DEFERRING PAYMENT OF THE FOWLER INTERIM FEE SURETY TO THE TIME OF OCCUPANCY ON BEHALF OF THE CITY
4. AUTHORIZE THE DEVELOPMENT AND RESOURCE MANAGEMENT DIRECTOR OR HIS DESIGNEE TO EXECUTE THE COVENANT DEFERRING ELIGIBLE DEVELOPMENT IMPACT FEES TO THE TIME OF OCCUPANCY AND THE COVENANT ACKNOWLEDGING RIGHT TO FARM LAW ON BEHALF OF THE CITY

**RECOMMENDATION**

Staff recommends the City Council take the following action:

Adopt a resolution approving the Final Map of Tract No. 5815 and accepting the dedicated public uses offered therein; and to authorize the Public Works Director or his designee to execute the subdivision agreement and the covenant for the maintenance of certain improvements under CFD-11 on behalf of the City, authorize the Director of Public Utilities or his designee to execute the covenant for special solid waste disposal services and the covenant deferring payment of the Fowler interim fee surety to the time of occupancy on behalf of the City and to authorize the Development and Resource Management Director or his designee to execute the covenant deferring eligible development impact fees to the time of building permit and occupancy and the covenant acknowledging right to farm law on behalf of the City.

## REPORT TO THE CITY COUNCIL

Adopt Resolution Approving Final Map of Tract No. 5815

February 28, 2013

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### **EXECUTIVE SUMMARY**

The Subdivider, Pleasant Valley Investments, LC, a Nevada Limited Liability Company, (Chris Williams, Authorized Agent), has filed for approval, the Final Map of Tract No. 5815, Phase 1 of Vesting Tentative Map No. 5447 for a 99-lot single-family residential planned development subdivision located on the northwest corner of North Locan Avenue and East Shields Avenue on 19.38 acres.

The Final Map is technically correct and conforms to the approved Vesting Tentative Map No. 5447 dated February 22, 2006 and approved revisions thereto ("Tentative Map"), the Subdivision Map Act and the Fresno Municipal Code. The Subdivider has signed the subdivision agreement and covenants and has posted all required performance securities, insurance certificates and paid all fees now due to satisfy the conditions of approval of the Tentative Map. The City Attorney's Office has approved all documents as to form and the Risk Management Division has approved all security bonds and insurance certificates. The provisions of Section 66474.1 of the Subdivision Map Act require a final map that is in substantial compliance with the approved tentative map to be approved by the City Council.

### **BACKGROUND**

The Fresno City Planning Commission on February 22, 2006 adopted Resolution No. 12414 approving Vesting Tentative Map No. 5447 (Tentative Map) for a 194-lot single-family residential planned development subdivision on 34.93 net acres at an overall density of 5.6 units per acre. The Fresno City Planning Commission on February 22, 2006 adopted Resolution No. 12415 approving Conditional Use Permit Application No. C-05-43 for a planned development with reduced lot sizes. The Development and Resource Management Department on June 6, 2012 approved a revision to Vesting Tentative Map No. 5447 and Conditional Use Permit Application No. C-05-43 reducing the number of lots from 194 to 174. Attached is the Fresno City Planning Commission report which provides the project details, staff analysis, environmental findings and consistency findings for Vesting Tentative Map No. 5447 with the 2025 General Plan and the McLane Community Plan to comply with the provisions of the Subdivision Map Act. The approval of Vesting Tentative Map No. 5447 will expire on February 22, 2016.

The Final Map has been reviewed and deemed to be technically correct. The Subdivider has satisfied all other conditions of approval by executing the Subdivision Agreement for Tract No. 5815, submitted securities in the total amount of \$2,031,000 to guarantee the completion and acceptance of the public improvements and \$1,015,500 for a payment security and has paid the miscellaneous and development impact fees due as a condition of approval for the Final Map in the amount of \$483,262.20. Covenants have been executed to defer eligible development impact fees totaling \$267,765.63 to the time of issuance of building permit and final occupancy of each unit, for annual CFD-11 assessment notification, and for special solid waste disposal services, for deferring payment of the Fowler interim fee surety to the time of occupancy and for acknowledging right to farm law.

**MAINTENANCE DISTRICT:** A condition of approval of the Tentative Map is to maintain the landscaping and irrigation systems within street and landscaping easements and outlots, concrete curbs and gutters, valley gutters, entrance median curbs, median island and entrance street stamped concrete, sidewalks, curb ramps, street lighting, interior street paving and street name signage within and adjacent to the Final Map in accordance with the adopted standards of the City. The Subdivider has satisfied the maintenance requirement by annexing the subdivision into the City's Community Facility District No. 11 (CFD-11) on November 8, 2012.

REPORT TO THE CITY COUNCIL

Adopt Resolution Approving Final Map of Tract No. 5815

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The Subdivider has executed the covenant for Maintenance of Certain Improvements 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 \$710.67 per lot with an annual 3% adjustment plus the increase, if any, in the construction cost index for the San Francisco Region.

**FISCAL IMPACT**

There will be no impact to the City's General Fund. Affirmative action by the Council will result in timely deliverance of the review and processing of the Final Map as is reasonably expected by the Subdivider. Prudent financial management is demonstrated by the expeditious completion of this Final Map inasmuch as the Subdivider has paid the city a fee for the processing of this Final Map and that fee is, in turn, funding the respective operations of the Public Works Department.

Attachments:

- Resolution Approving the Final Map of Tract No. 5815 and Accepting the Dedicated Public Uses Therein
- Final Map of Tract No. 5815
- Report to the Planning Commission – Consideration of Vesting Tentative Map No. 5447 and Related
- Environmental Finding for Environmental Assessment No. T-5447

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, TO APPROVE THE FINAL MAP OF TRACT NO. 5815  
AND ACCEPTING DEDICATED PUBLIC USES THEREIN EXCEPT  
FOR DEDICATIONS OFFERED SUBJECT TO CITY ACCEPTANCE OF  
DEVELOPER INSTALLED REQUIRED IMPROVEMENTS**

**WHEREAS**, PLEASANT VALLEY INVESTMENTS, LC, a Nevada Limited Liability Company, has offered for approval a Final Map designated as Tract No. 5815, Phase 1 (“map”), pursuant to approved Vesting Tentative Map No. 5447 (“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,

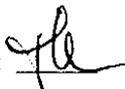
**WHEREAS**, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner 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.

Date Adopted:  
Date Approved:  
Effective Date:  
City Attorney Approval:



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

1. 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.
2. That the map is hereby approved and any and all of the streets, public utility easements, public utility facilities, access rights and all parcels of land and easements offered for dedication on the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to City acceptance of Developer installed improvements, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.

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Date Adopted:  
Date Approved:  
Effective Date:  
City Attorney Approval: \_\_\_\_\_

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2013  
Mayor Approval/No Return: \_\_\_\_\_, 2013  
Mayor Veto: \_\_\_\_\_, 2013  
Council Override Vote: \_\_\_\_\_, 2013

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Talia Kolluri-Barbick  
Deputy City Attorney



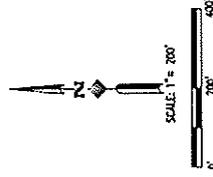
# FINAL MAP OF TRACT NO. 5815

PHASE 1 OF VESTING TENTATIVE MAP NO. 5447  
A PLANNED DEVELOPMENT  
BEING A RESUBDIVISION OF LOT 50 OF THE  
MAP OF EGGER'S COLONY  
RECORDED IN VOLUME 4 OF PLATS, AT PAGE 60  
FRESNO COUNTY RECORDS

IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA  
SOWNERED AND PLANNED BY QUAD KNOFF INC.  
CONSISTING OF 4 SHEETS  
SHEET 2 OF 4

### LEGEND

- ▲ MONUMENT FOUND AND ACCEPTED AS DESCRIBED, UNLESS NOTED OTHERWISE
- (R1) RECORD DATA PER MAP OF TRACT NO. 5217 RECORDED IN VOLUME 18 OF PLATS, AT PAGE 25-26, F.C.R. OR CALCULATED THEREFROM
- (R2) RECORD DATA PER MAP OF EGGER'S COLONY, MAP NO. 148, F.C.R. OR CALCULATED THEREFROM
- (R3) RECORD DATA PER PARCEL MAP NO. 7817 RECORDED IN BOOK 18 OF PARCEL MAPS, AT PAGE 41 F.C.R. OR CALCULATED THEREFROM
- (R4) RECORD AND MEASURED DATA PER GRANT DEED RECORDED NOVEMBER 14, 2008 AS DOCUMENT NO. 2008-0159222, O.R.F.C.
- FB FOUND
- C.R. CORNER RECORD ON FILE WITH THE FRESNO COUNTY SURVEYOR
- F.C.R. FRESNO COUNTY RECORDS
- O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY
- PROPERTY BOUNDARIES LIMITS OF THIS SUBDIVISION
- SECTION LINE
- EXISTING RIGHT OF WAY LINE
- EXHIBIT LINE



### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST BOUNDARY OF THE MAP OF EGGER'S COLONY, MAP NO. 148, RECORDED IN VOLUME 4 OF PLATS, AT PAGE 60, AND THE BOUNDARY BETWEEN TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT SHILOH BASIN AND NEVADA SHORES AS NORTH, 030°00'00" EAST ON THE BOUNDARY BETWEEN TOWNSHIP 13 SOUTH, RANGE 21 EAST, MAPS AT PAGE 41, FRESNO COUNTY RECORDS.



EAST DAKOTA AVENUE (ALIGNMENT)  
S28°44'41" E 248.8' AT P281.52921 E 249.17' (R1)

WEST QUARTER CORNER SECTION 21-12/21.  
TD, 3/4" IRON PIPE, NO TAG, FLUSH.  
717 TIES PER C.R. 1157.

CENTER QUARTER CORNER SECTION 21-12/21.  
TD, 3" BRASS CAP STAMPED COUNTY OF FRESNO, 1978.  
CONCRETE, VERIFIED TIES PER C.R. 7910

1978.25' (1978.49' R1)  
2007.05'22" 248.8' (R1)  
1978.25' (1978.49' R1)

NORTH TEMPRANCE AVENUE  
N00°00'00" E 248.45' (R1)  
N00°00'00" E 248.45' (R1)

NORTH LOCAL AVENUE  
S69°57' (258.89' R1)  
S69°57' (258.89' R1)

FD AND ACCEPTED LS 2931 TAG  
IN CONCRETE PER R1

TRACT NO. 5217  
VOLUME 18 OF PLATS  
AT PAGES 25-26, F.C.R.

SEE SHEET 3  
SEE SHEET 4

CITY OF FRESNO  
PER GRANT DEED  
RECORDED AS DOC. NO.  
2008-0159222

SOUTH QUARTER CORNER SECTION 21-12/21  
CONCRETE, VERIFIED WITH OSTANCES  
AND SET 3 OFFSETS, VERIFIED WITH OSTANCES  
TO SECTIONAL CORNERS ONE-HALF MILE N, S,  
AND W, AND ONE REMAINING TIE PER C.R. 5342

LOT 3, TRACT 28  
MAP OF EGGER'S COLONY, MAP NO. 148  
VOLUME 4 OF PLATS, AT PAGE 60, F.C.R.

SECTIONAL CORNER SECTION  
21-12/21, TD, 1" IRON PIPE, NO TAG,  
FLUSH, VERIFIED TIES PER C.R. 5346.

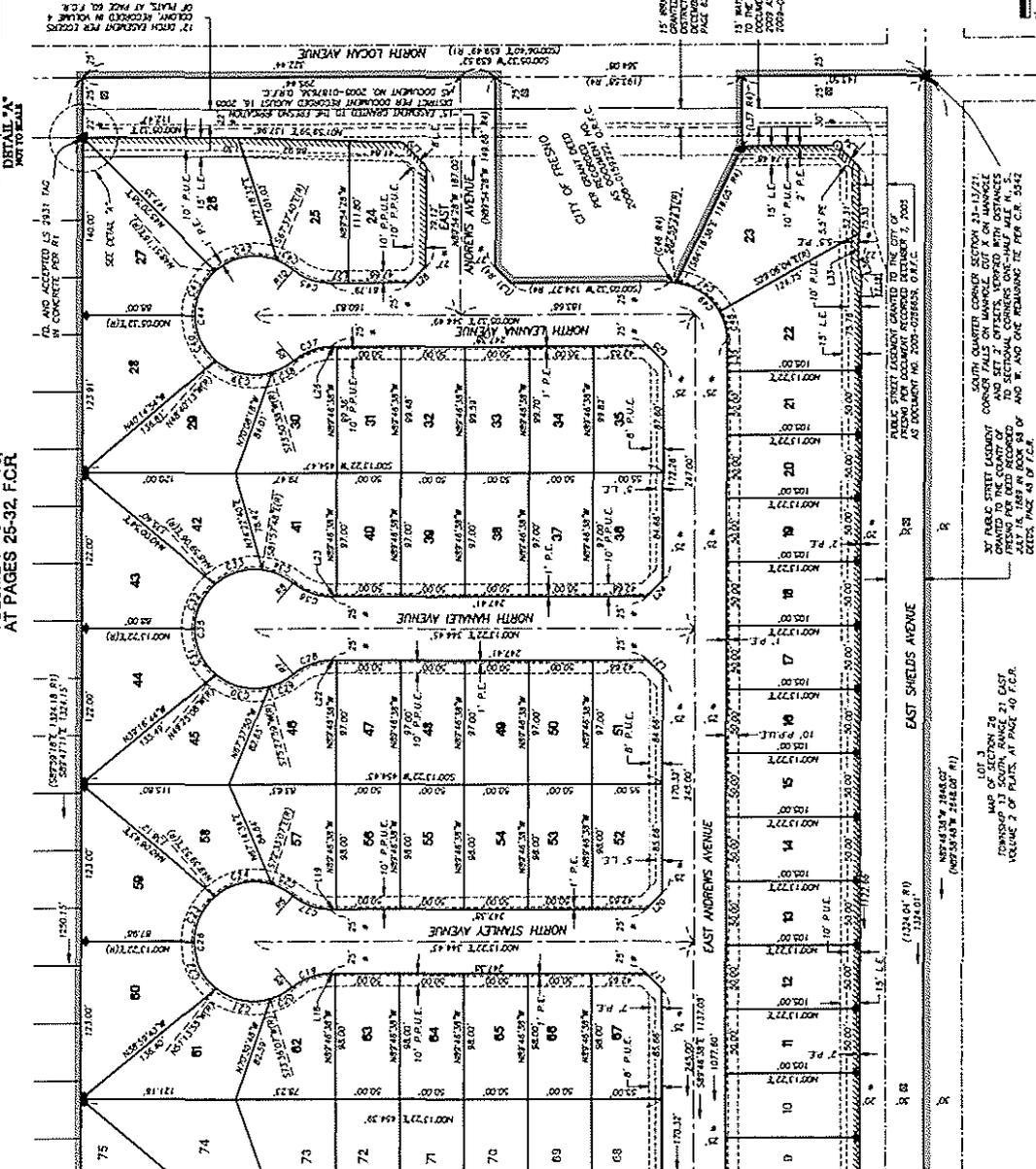


# FINAL MAP OF TRACT NO. 5815

PHASE I OF VESTING TENTATIVE MAP NO. 5447  
 A PLANNED DEVELOPMENT  
 BEING A RESUBDIVISION OF LOT 50 OF THE  
 MAP OF EGGERS COLONY  
 RECORDED IN VOLUME 4 OF PLATS, AT PAGE 60  
 FRESNO COUNTY RECORDS

IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA  
 SUBMITTED AND PLATED IN MAP NO. 2017 BY QUAD KNOPF INC.  
 CONSISTING OF 4 SHEETS  
 SHEET 4 OF 4

TRACT No. 5237  
 VOLUME 74 OF PLATS  
 AT PAGES 25-32, F.C.R.



### LEGEND

- (R) RECORD DATA AND MAP OF PLAT NO. 5237 VOLUME 74 OF PLATS, AT PAGES 25-32, F.C.R. OF CALCULATED THEREFROM
  - (R4) RECORD AND MEASURED DATA PER GRANT DEED RECORDED NOVEMBER 14, 2008 AS DOCUMENT NO. 2008-018927, D.F.L.C.
  - ▲ ADJUSTMENT TO CORNER AND ACCEPTED AS DECORATED UNLESS NOTED OTHERWISE
  - ◆ SET 3/4" X 3/4" IRON PIPE DOWN 1/2" CORNER FROM MARKET LOT CORNER (DISTANCES SHOWN ARE TO TRUE CORNER)
  - SET 3/4" X 3/4" IRON PIPE UP 1/2" CORNER
  - SET 3/4" X 3/4" P.C.C. MONUMENT DOWN 1/2"
  - C.R. COUNTY RECORDS ON FILE WITH FRESNO COUNTY SURVEYOR
  - F.C.R. FRESNO COUNTY RECORDS
  - D.F.L.C. OFFICIAL RECORDS OF FRESNO COUNTY
  - L.L. LEGAL EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
- PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE  
 PLANTING AND AGRICULTURE EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE  
 PEDESTRIAN EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE  
 FRESNO IRRIGATION DISTRICT  
 ROAD  
 RADIAL BEARING  
 INDICATES AREA NOW OFFERED FOR DEDICATION FOR PUBLIC STREET EASEMENT PURPOSES  
 INDICATES AREA DEDICATED FOR ROAD PURPOSES PER MAP OF EGGER'S COLONY, FRESNO COUNTY RECORDS, PAGE 60, F.C.R. OF CALCULATED THEREFROM  
 RULE CORNER INDICATES LIMITS OF THIS SUBDIVISION  
 SECTION LINE  
 EXISTING RIGHT OF WAY  
 REASSESSMENT OF DIRECT ACCESS RIGHTS  
 EASEMENT LINE

### BASE OF BEARING

THE BEARING OF THE SURVEY IS THE CUT LINE OF THE NORTHWEST QUARTER OF SECTION 7A, TOWNSHIP 13 SOUTH, RANGE 31 EAST, MOUNTAIN BLAKE TRACT, MAP NO. 2007 RECORDED IN BOOK 18 OF PLAT MAPS AT PAGE 11, FRESNO COUNTY RECORDS.

### LINE TABLE

LINE	BEARING	DISTANCE	AREA	AREA	AREA
C18	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C19	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C20	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C21	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C22	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C23	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C24	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C25	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C26	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C27	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C28	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C29	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C30	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C31	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C32	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C33	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C34	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C35	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C36	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C37	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C38	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C39	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C40	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C41	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C42	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C43	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C44	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C45	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C46	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C47	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C48	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C49	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C50	S 87° 21' 31" W	47.00	21.83	11.78	10.05

### CURVE TABLE

CURVE	BEARING	DISTANCE	AREA	AREA	AREA
C18	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C19	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C20	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C21	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C22	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C23	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C24	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C25	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C26	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C27	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C28	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C29	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C30	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C31	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C32	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C33	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C34	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C35	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C36	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C37	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C38	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C39	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C40	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C41	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C42	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C43	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C44	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C45	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C46	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C47	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C48	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C49	S 87° 21' 31" W	47.00	21.83	11.78	10.05
C50	S 87° 21' 31" W	47.00	21.83	11.78	10.05

### SECTION TABLE

SECTION	BEARING	DISTANCE	AREA	AREA	AREA
S1	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S2	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S3	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S4	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S5	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S6	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S7	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S8	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S9	S 87° 21' 31" W	47.00	21.83	11.78	10.05
S10	S 87° 21' 31" W	47.00	21.83	11.78	10.05

QUAD KNOPF  
 1120 N. STANLEY AVENUE, SUITE 100  
 FRESNO, CA 93701  
 TEL: (559) 441-1000  
 FAX: (559) 441-1001  
 WWW.QUADKNOPF.COM

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Planning & Development Department

2600 Fresno Street - Third Floor  
Fresno, California 93721-3604  
(559) 621-8277 FAX (559) 498-1012

Nick P. Yovino  
Director

August 29, 2006

Please reply to:  
David Braun  
(559) 621-8038

Woodside Homes  
7675 North Ingram Avenue, #104  
Fresno, CA 93711

SUBJECT: FINAL ACTION BY THE FRESNO CITY COUNCIL REGARDING REZONE APPLICATION NO. R-05-06 LOCATED ON THE NORTH SIDE OF EAST SHIELDS AVENUE BETWEEN NORTH LOCAN AND NORTH TEMPERANCE AVENUES (APN: 310-270-01)

At its regular scheduled meeting on July 18, 2006, the Fresno City Council took the following actions regarding the above-referenced application:

1. Approved the environmental finding of Environmental Assessment No. R-05-06/T-5447/C-05-43 dated January 11, 2006, that the project conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130).
2. Approved Rezone Application No. R-05-06 requesting to rezone approximately 35 acres of property from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential District/Urban Growth Management*) zone district.

On February 22, 2006, the City of Fresno Planning Commission approved the following:

1. Approved Vesting Tentative Tract Map No. 5447/UGM requesting to subdivide approximately 35 acres of property into a 194-lot, single family residential planned development subdivision.
2. Approved Conditional Use Permit Application No. C-05-43 proposing a planned development, which includes reduced lot sizes for the proposed 194-lots of Vesting Tentative Tract Map No. 5447/UGM.

Enclosed is a copy of the Planning Commission Resolutions and City Council Ordinance Bill adopted for the rezone and conditional use permit applications and tentative tract map.

If you have any questions regarding these items please contact me at the number listed above.

Sincerely,

PLANNING DIVISION

David Braun, Planner III

Enclosures: Planning Commission Resolution Nos. 12414 [Tract], 12415 [CUP]  
City Council Ordinance Bill No. 2006-98

Cc: Quad Knopf

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**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 12414**

The Fresno City Planning Commission at its regular meeting on February 22, 2006, adopted the following resolution pursuant to the Subdivision Map Act of the Government Code of the State of California and the Municipal Code of the City of Fresno.

WHEREAS, a Vesting Tentative Map of Tract No. 5447/UGM was filed with the City of Fresno and proposes a 194-lot single-family residential planned development subdivision on 34.93 acres of land located on the north side of East Shields Avenue between North Temperance and North Locan Avenues; and,

WHEREAS, the Planning and Development Department staff recommended approval of the proposed project subject to all conditions of approval contained in the staff report dated February 22, 2006; and,

WHEREAS, the Fresno City Planning Commission conducted a public hearing on February 22, 2006, to review the proposed subdivision and considered the staff report and invited testimony and reviewed the requested subdivision in accordance with the policies of the McLane Community Plan and the 2025 Fresno General Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Vesting Tentative Tract Map No. 5447/UGM may have a significant effect on the environment as identified by the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated January 11, 2006, prepared for Environmental Assessment No. R-05-06/C-05-43/T-5447.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of Vesting Tentative Tract Map No. 5447/UGM is consistent with the adopted 2025 Fresno General Plan and McLane Community Plan and the findings required pursuant to Section 66410 et. seq. of the California Government Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Vesting Tentative Tract Map No. 5447/UGM subject to the Planning and Development Department Conditions of Approval dated February 22, 2006, and the following modifications to those conditions:

1. Conditions No. 68 is modified as follows:

Vacate all the existing streets within the proposed map, with the exception of North Janice Avenue

2. Condition No. 72 is modified as follows:

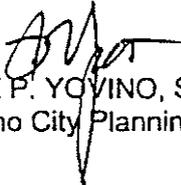
Dedicate 62 feet of property (7 foot residential pattern/20 foot travel lane/8 foot median/ 20 foot travel lane/7 foot residential pattern) and provide medians for traffic calming purposes at the intersections of Shields Avenue/Janice Avenue and Shields Avenue/Applegate Avenue.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner Cherry.

Planning Commission Resolution No. 12414  
Vesting Tentative Tract Map No. 5447/UGM  
February 22, 2006  
Page 2

VOTING:           Ayes - Holt, Cherry, DiBuduo, Torossian, Vang, Vasquez  
                      Noes - None  
                      Not Voting - None  
                      Absent - Kissler

DATED: February 22, 2006

  
NICK P. YOVINO, Secretary  
Fresno City Planning Commission

Resolution No. 12414  
Vesting Tentative Tract Map No. 5447/UGM  
Filed by Woodside Homes  
Action: Approve

DEB:el:\KMaster Files-Tract Maps\T-5447\PC Reso 12414-T-5447

**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 12415**

The Fresno City Planning Commission, at its regular meeting on February 22, 2006, adopted the following resolution relating to Conditional Use Permit Application No. C-05-43.

CONDITIONAL USE REQUESTED: 194-lot single family residential planned development subdivision with modified lot sizes and building setbacks.

PROPERTY LOCATION: 310-270-01

PROPOERTY DESCRIPTION: North side of East Shields Avenue between North Locan and North Temperance Avenues

EXISTING/PROPOSED ZONING: R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

WHEREAS, the Fresno City Planning Commission during its February 22, 2006 meeting, reviewed and considered the subject conditional use permit application relative to the staff report and the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated January 11, 2006, issued for the project.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Conditional Use Permit No. C-05-43 may have a significant effect on the environment as identified by the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated January 11, 2006.

BE IT FURTHER RESOLVED, that the Fresno City Planning Commission, as a result of its inspections, investigations and studies made by itself and in its behalf, and of testimonies offered at said hearing, has established that approval of the special permit would be in accordance with applicable provisions of the Fresno Municipal Code, including the determination that all findings have been made relative to the issuance of a conditional use permit for the proposed project.

BE IT FURTHER RESOLVED that Conditional Use Permit Application No. C-05-43 is approved, subject to the following conditions, incorporated in said conditional use permit file:

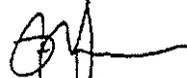
1. Development shall take place in substantial conformance with Exhibits A, B-1 thru B-24, E-1 thru E-36 dated February 22, 2006.
2. Development shall take place in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-05-43 dated February 22, 2006.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Holt, seconded by Commissioner Cherry.

VOTING:           Ayes - Holt, Cherry, Dibuduo, Torossian, Vang, Vasquez  
                      Noes - None  
                      Not Voting - None  
                      Absent - Kissler

Planning Commission Resolution No. 12415  
Conditional Use Permit No. C-05-43  
February 22, 2006  
Page 2

DATED: February 22, 2006



NICK P. YOVINO, Secretary  
Fresno City Planning Commission

Resolution No. 12415  
Conditional Use Permit No. C-05-43  
Filed by Woodside Homes  
Action: Approve

K:\MASTER FILES - TRACT MAPS\TRACT 5447\R-05-06\C-05-43 PC RESO.DOC

Recording Requested by:  
City Clerk, Fresno, California  
No Fee-Govt. Code 6103

Return to City Clerk, Fresno

Space above this line reserved for Fresno County Recorder's Office

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Westerlund SECONDED BY Dages

BILL NO. B-101

ORDINANCE NO. 2006-98

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING  
THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE  
ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE  
FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE  
CITY OF FRESNO

WHEREAS, Rezone Application No. R-05-06 has been filed by Woodside Homes, property owner, with the City of Fresno to rezone property as described hereinbelow; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 22nd day of February, 2006, to consider Rezone Application No. R-05-06 and related Environmental Assessment No. R-05-06/C-05-43/T-5447, during which the Commission recommended to the Council of the City of Fresno approval of the subject environmental assessment and rezone application amending the City's Zoning Ordinance on real property described hereinbelow from the R-AUGM (*Single Family Residential-Agricultural/Urban Growth Management*) to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 18th day of July, 2006, received the recommendation of the Planning Commission.

Adopted 7/18/06  
Approved 7/18/06  
Effective 8/16/06

2006-98

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS  
FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that the rezoning may have a significant effect on the environment as identified by the Finding of Environmental Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated January 11, 2006, prepared for Environmental Assessment No. R-05-06/C-05-43/T-5447. Accordingly, Environmental Assessment No. R-05-06/C-05-43/T-5447 is hereby approved.

SECTION 2. The Council finds the requested R-1/UGM zone district is consistent with the existing medium density residential land use designation of the 2025 Fresno General Plan and McLane Community Plan.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the R-AUGM (*Single Family Residential-Agricultural/Urban Growth Management*) to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district:

Lots 50 and 51 of Eggers Colony, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in book 4 page 60 of plats, Fresno County Records

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.



CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 18th day of July, 2006, by the following vote:

Ayes: Calhoun, Dages, Sterling, Westerlund, Duncan  
Noes: Boyajian  
Absent: Perea  
Abstain: None

REBECCA E. KLISCH  
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By John W. Fox  
Deputy

Rezone Application No. R-05-06  
Filed by Woodside Homes.  
Assessor's Parcel No. 312-270-01

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**REPORT TO THE PLANNING COMMISSION**

February 22, 2006

FROM: STAFF, Planning Division  
Planning and Development Department

AGENDA ITEM NO. COMMISSION MEETING
APPROVED BY
DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-05-06, VESTING TENTATIVE TRACT MAP NO. 5447/UGM, CONDITIONAL USE PERMIT APPLICATION NO. C-05-43 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. R-05-06/T-5427/C-05-43

**MODIFICATIONS TO CONDITIONS OF APPROVAL**

Staff recommends the following modification to the conditions of approval of Vesting Tentative Tract Map No. 5447/UGM:

- 1. Conditions No. 68 is modified as follows:

Vacate all the existing streets within the proposed map, with the exception of North Janice Avenue

- 2. Condition No. 72 is modified as follows:

Dedicate 62 feet of property (7 foot residential pattern/20 foot travel lane/8 foot median/ 20 foot travel lane/7 foot residential pattern) and provide medians for traffic calming purposes at the intersections of Shields Avenue/Janice Avenue and Shields Avenue/Applegate Avenue .

**RECOMMENDATION**

Staff recommends approval of the following modification to the conditions of approval for Vesting Tentative Tract Map No. 5447/UGM.

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**REPORT TO THE PLANNING COMMISSION**

AGENDA ITEM NO. IX-C  
COMMISSION MEETING 2/22/06

February 22, 2006

FROM: STAFF, Planning Division  
Planning and Development Department

APPROVED BY  
  
DEPARTMENT DIRECTOR

SUBJECT: CONSIDERATION OF REZONE APPLICATION NO. R-05-06, VESTING TENTATIVE TRACT MAP NO. 5447/UGM, CONDITIONAL USE PERMIT APPLICATION NO. C-05-43 AND ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. R-05-06/T-5447/C-05-43

**EXECUTIVE SUMMARY**

Rezone Application No. R-05-06 proposes to change the zone district from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district for approximately 34.93 acres (net) of property located on the north side of East Shields Avenue between North Temperance and North Locan Avenues. The applicant, Woodside Homes, has also filed Vesting Tentative Tract Map No. 5447/UGM proposing to subdivide the subject property into a 199-lot single family residential subdivision at an overall density of 5.7 units per acre. Conditional Use Permit Application No. C-05-43 proposes to develop the project as a planned development with reduced lot sizes and building setbacks and common open space. **The applications would bring the subject property into conformance with the 2025 Fresno General Plan and the McLane Community Plan.** The rezone and conditional use permit applications and subdivision map are supported by staff.

**PROJECT INFORMATION**

PROJECT	A 199-lot single-family residential planned development subdivision on 34.93 acres (net) of property to be developed at an overall density of 5.7 dwelling units per acre
APPLICANT	Woodside Homes (Engineer: Quad Knopf)
LOCATION	North side of East Shields Avenue between North Locan and North Temperance Avenues <b>(Council District 4, Councilmember Westerlund)</b>
SITE SIZE	34.93 acres (net)
LAND USE	Existing - Vacant Proposed - Single Family Residential
ZONING	Existing - R-A/UGM ( <i>Single Family Residential Agricultural /Urban Growth Management</i> ) Proposed - R-1/UGM ( <i>Single Family Residential/Urban Growth Management</i> )
PLAN DESIGNATION AND CONSISTENCY	The proposed R-1/UGM zone district and 199-lot single family residential subdivision is consistent with the 2025 Fresno General Plan and McLane Community Plan designation of the site for medium density residential planned land uses

- ENVIRONMENTAL FINDING** Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 dated January 11, 2006
- PLAN COMMITTEE RECOMMENDATION** The subject property is located within the boundaries of the McLane Community Plan. The Central Eastern Implementation Committee, was recently formed for the McLane Community Plan area, however, it was formed after the date of acceptance of the map.
- STAFF RECOMMENDATION** Recommend approval of rezone application and approve vesting tentative tract map and conditional use permit subject to compliance with the Conditions of Approval for T-5447/UGM dated February 22, 2006 and Conditions of Approval for C-05-43 dated February 22, 2006.

**BORDERING PROPERTY INFORMATION**

	<b>Planned Land Use</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>
<b>North</b>	Medium Density Residential	<b>R-1/UGM</b> <i>(Single Family Residential/Urban Growth Management)</i>	Vacant <i>(Future Single Family Residential)</i>
<b>South</b>	Medium Low Density Residential Elementary School Neighborhood Park	<b>AE-20 (County of Fresno)</b> <i>Exclusive Twenty Acre Agricultural</i>	Vacant Agricultural Land <i>(Tentative Tract Map No. 5592 is scheduled to be heard by the Planning Commission on Feb. 22, 2006)</i>
<b>East</b>	Not in city sphere of influence	<b>AE-20 (County of Fresno)</b> <i>Exclusive Twenty Acre Agricultural</i>	Agricultural –vacant
<b>West</b>	Medium Density Residential	<b>R-1/UGM</b> <i>(Single Family Residential/Urban Growth Management)</i>	Vacant <i>(Future single family residential)</i>

**ENVIRONMENTAL FINDING**

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. The proposed project has been determined to be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not

cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). Therefore, staff has issued a finding that the project proposal is in conformance to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated January 11, 2006, which incorporates a MEIR Mitigation Monitoring Checklist. This environmental finding was properly published on January 12, 2006, with no comments received.

## **BACKGROUND / ANALYSIS**

The applicant, Woodside Homes, has filed Rezone Application No. R-05-06, Conditional Use Permit Application No. C-05-43 and Vesting Tentative Tract Map No. 5447/UGM for approximately 34.93 (net) acres of property located on the north side of East Shields Avenue between North Temperance and North Locan Avenues. The rezone application proposes to reclassify the subject property from the R-A/UGM (*Single Family Residential - Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district. Vesting Tentative Tract Map No. 5447/UGM proposes to subdivide the 34.93-acre site into a 199-lot single family residential planned development subdivision at an overall density of 5.7 dwelling units per acre. Conditional Use Permit Application No. C-05-43 proposes to allow for the development of the subdivision as a planned development with modified building setbacks and lot sizes.

On November 19, 2002, the City Council, through Resolution No. 2002-379, adopted the 2025 Fresno General Plan which also adopted the McLane Community Plan. The McLane Community Plan designates the subject property for medium (4.99-10.37 dwelling units per acre) density residential land uses. The applicant wishes to pursue development of the subject property with 199 single family homes. The requested R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district is considered consistent with the medium density residential land use designation. Furthermore, the proposed development with a density of 5.7 dwelling units per acre demonstrates that the project site will be developed within the overall density of dwelling units anticipated by the 2025 Fresno General Plan and McLane Community Plan.

### **Conditional Use Permit Application No. C-05-43**

Conditional Use Permit Application No. C-04-43 was filed in conjunction with Vesting Tentative Tract Map No. 5447 to allow the subdivision to be developed as a 199-lot planned development with public streets. The lots range in size from 4,250 to over 12,000 square feet with the majority of the lots being between 5,000 and 7,000 square feet. The conditional use permit provides for the modification of the rear and front yard setback standards of the R-1 zone district and the establishment of site and building design criteria.

The R-1 zone district development standards, Fresno Municipal Code (FMC), Section 12-211, specify a minimum lot area requirement of 6,000 square feet. The district standards also specify a minimum front yard of 20 feet, a rear yard of 20 feet and a side yard of 5 feet. However, the planned development conditional use permit provisions of FMC Section 12-306-N-21 allow for the modification of these standards with the approval of a unified design and development plan. This special permit application proposes to modify the development standards to allow for a minimum front yard of 15 feet and rear yard of 15 feet. The lots will all maintain a minimum five foot side yard on both sides of the unit. All lots are proposed to maintain the maximum building height requirements of the R-1 zone district.

The planned development helps meet several of the goals of the 2025 Fresno General Plan. One of these goals, Goal Number 5 of the 2025 Fresno General Plan indicates that the city supports the "Landscape of Choice-Principles and Strategies" as defined in Appendix A. Appendix A of the 2025 Fresno General Plan provides guiding principles for the Land Use Element of the 2025 Fresno General Plan by promoting development that utilizes urban land use as efficiently as possible. One such objective, Land Use/Residential Objective C-10, is aimed at "Promoting the development of more compact, pedestrian friendly, single-family residential projects to aid in the conservation of resources such as land, energy, and material." Since this project allows for the development of more compact single-family residences, it will help to accomplish this objective. In short, the proposed project is different from conventional subdivisions given that it provides shared open space and smaller lot sizes leading to a unique sense of community that is not commonly found in conventional single family developments.

Staff supports this proposed planned development subject to the project providing common open space, a pedestrian accessway to North Temperance Avenue, enhanced landscaping/surface materials/fencing treatments at the major street entryways and traffic calming measures on internal local streets.

#### **Subdivision Design/Streets and Access Points**

This subdivision is proposed to have two access points to East Shields Avenue and one access point to North Locan Avenue. The subdivision also proposes a street connection to the approved subdivision to the north (Tentative Tract No. 5237). The Public Works Department, Transportation Planning Section has reviewed the rezone application, conditional use permit and tentative tract map. Public Works staff has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic generated, subject to the dedication and improvement of adjacent portions of East Shields, North Locan and North Temperance Avenues to their ultimate planned width.

#### **Landscaping/Open Space/Walls**

Given that the proposed subdivision abuts planned collector and arterial streets, the developer will be required to install 15 feet of landscaping along East Shields (arterial) and North Locan Avenues (collector). In addition, the applicant will be required to install a solid wall at the rear of the required landscape setback, which will mitigate the adverse effect of noise generated by vehicles traveling on the adjacent major streets.

The proposed subdivision abuts a planned expressway street (Temperance Avenue). In order to meet the Expressway Area (EA) zone district standards, the developer is required to install 26 feet of landscaping along North Temperance Avenue. It is noted that there is a requirement for a pedestrian accessway from the subdivision to Temperance Avenue to allow for pedestrian access from the subdivision to the multi-purpose trail on the west side of North Temperance Avenue.

In addition, the applicant will be required to install a solid wall at the rear of the required landscape setback, which will mitigate the adverse effect of noise generated by vehicles traveling on the adjacent major street. The wall along Temperance and Shields Avenues shall be designed in accordance with the acoustical analysis prepared by Brown-Buntin Associates dated February 1, 2005, which addresses the noise impacts resulting from vehicle traffic on Temperance and Shields Avenues in this area.

Staff is also requiring the project to provide additional landscaping and wrap-around walls at the entry points of the subdivision from the adjacent major streets, improving the visual image. Furthermore, the

project will be required to incorporate a walkway of a minimum of 23 feet which will connect this subdivision with North Temperance Avenue thus allowing residents living in the subdivision to access the multi-purpose trail on the west side of North Temperance Avenue and the future park site on the southeast corner of North Temperance and East Shields Avenues. The pedestrian walkway will help meet several of the goals of the 2025 Fresno General Plan, including Goal No. 10 which states that we (i.e. the City along with developers) "provide quality open space, park and recreational facilities..." and also Policy F-3-i which states that "the location of park and recreation sites should be central and accessible to the population served, while preserving the integrity of the surrounding neighborhood."

### **McLane Community Plan**

The subject property is located within the boundaries of the McLane Community Plan. The Central Eastern Implementation Committee recently formed a committee for the McLane Community Plan area, however it was formed after the date of acceptance of the map.

### **Public Services**

#### *Water Resources and Public Water Supply*

The Water Division of the Department of Public Utilities has determined that there is an adequate source of water available to serve the project with the implementation of the UGM service delivery requirements and environmental impact mitigation measures. The nearest presently available water service line is located in Shields Avenue at Armstrong Avenue.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent flood control service is available for this project upon construction of required facilities.

Implementation of the 2025 Fresno General Plan policies, mitigation measures of Master Environmental Impact Report No. 10130, the Water Resources Management Plan, and the mitigation measures identified by the project environmental assessment/initial study will provide an adequate, reliable and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

#### *Sewage Collection System Capacity*

The Cities of Fresno and Clovis share jointly in the treatment capacity of the Fresno-Clovis Regional Wastewater Treatment and Reclamation Facility. In 1998, the treatment capacity was expanded to accommodate up to 80 million gallons per day, and was upgraded with modernized equipment to safeguard against equipment failures. However, in an attempt to serve the anticipated 790,000 metropolitan area population for the year 2025, one or more sub-regional treatment and reclamation facilities will be required.

While the proposed project may presently be accommodated by the Fowler Avenue Trunk Sewer, previous public facility and environmental analyses have projected that the Fowler Avenue Trunk Sewer does not have sufficient design capacity to accommodate the sewage flows that could be generated by full development of the McLane Community Plan area and the Southeast Growth Area.

To address this concern, the City of Fresno is pursuing several options to increase sewage collection and treatment capacity for the eastern portion of the metropolitan area. The North Avenue Trunk Sewer has been constructed to serve the easterly and southerly areas and supplement the other trunk sewers' capacity to accommodate development of the east and southeast areas. The City of Fresno has

negotiated a temporary exchange of sewer capacity with the City of Clovis for its Fowler trunk sewer capacity. This temporary exchange of capacity is conditioned upon Fresno replacing capacity exchanged in the Fowler trunk sewer with capacity in future facilities to be determined. Necessary and appropriate fees to provide for the replacement of said Fowler trunk capacity exchange have not yet been adopted by the City Council. Mitigation measures and tract map conditions of approval will include a requirement that the developer pay an "Interim Fee Surety." Any amount paid above and beyond the required fee surety shall be refunded once the fee has been adopted.

#### **Clovis Unified School District**

The project site is served by the Clovis Unified School District and is within the attendance boundaries of Temperance-Kutner Elementary School (North Armstrong and East Olive Avenues), Reyburn Intermediate School and Clovis East High School. Reyburn Intermediate School and Clovis East High School are both located in the Reagan Educational Complex which is bound by East Ashlan, East Gettysburg, North Locan and North DeWolf Avenues.

Because of the rapid growth occurring within the district's boundaries, the school district has advised the city that future adjustments of school attendance areas could occur such that students residing in the proposed project will attend an elementary school other than Temperance-Kutner and that students may attend more than one elementary school during their elementary school years. Furthermore, the school district has adopted development fees in accordance with current state law and currently levies a development fee based on square footage, which the project site will be subject to at the time of development.

#### **Circulation Element Plan Policies and Major Street System Traffic Capacity**

The 2025 Fresno General Plan designates North Locan Avenue as a collector street, with an 84-foot right-of-way width and East Shields Avenue as an arterial street, with a 110-foot right-of-way width and North Temperance Avenue as an expressway street, which typically requires a minimum 124-foot right-of-way. The applicant will be required to dedicate and construct improvements on East Shields, North Locan and North Temperance Avenues. Other improvements include the construction of curb, gutter, sidewalk, and transition paving within the limits of the tract; construction of an underground street lighting system; and relinquishment of access rights to North Temperance, North Locan and East Shields Avenues for all residential lots adjacent to these major street frontages. These street improvements are outlined in more detail in the Vesting Tentative Tract Map No. 5447/UGM Conditions of Approval dated February 22, 2006.

A Traffic Impact Study (TIS) was prepared for the proposed project by Peters Engineering Group dated November 16, 2004. The traffic study analyzed a 240-lot single family residential planned development subdivision on the 34.93-acre project site which was the project proposed on the subject property at that time. That project was expected to generate an average of 2,328 vehicle trips per day (VTD), which includes 182 a.m. and 243 p.m. peak hour trips.

The traffic study analyzed the intersections of East Dakota and North Temperance Avenues, East Shields and North Armstrong Avenues, East Clinton and North Temperance Avenues, East McKinley and North Temperance Avenues and East Shields and North Temperance Avenues. In addition, the study analyzed the project's impact on the State Route 180 Interchanges with Chestnut Avenue and Fowler Avenue and the State Route 168 Interchange with McKinley Avenue.

An important goal is to maintain acceptable levels of service along the highway and street network. To accomplish this, local agencies adopt minimum levels of service (LOS) in an attempt to control congestion that may result as new development occurs. Caltrans' minimum LOS is C except where prohibitive, according to information specified in Caltrans' *A Guide For Traffic Impact Studies*. The City of Fresno's minimum LOS design standard is LOS D. Traffic impacts are considered to occur whenever the LOS exceeds D on the City street system, or C on the State highway system

The results of the study determined that all intersections that were analyzed are operating at acceptable levels of service at this time, with the exception of the westbound approach to the intersection of Shields and Temperance Avenues which is currently operating at a LOS E during the a.m. peak hour. In addition, the study projected that all intersections and road segments will continue to operate at an acceptable level of service in the year 2025, with the eventual signalization and widening of the intersections to City standards. This assumption is based on the recommendation that all studied intersections along Temperance Avenue be designed with dual left turn lanes on each approach. The study also required the installation of a traffic signal at the intersection of Shields and Temperance Avenues.

Because the immediately surrounding properties are not developed, the planned major street and intersection improvements have not yet been completed as required by adopted plans, policies and development standards. However, the proposed project as well as other urban land uses developed as planned by the 2025 Fresno General Plan will be required to construct the planned major street system consistent with the public facility and service delivery requirements of the Urban Growth Management Program. In addition, the developer of this project, in accordance with the mitigation measures of Master Environmental Impact Report (No. 10130) certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections.

#### **State Department of Transportation (Caltrans)**

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has commented that the project is not expected to create significant impacts to the State Highway System.

#### **Tentative Tract Map Findings**

The Subdivision Map Act (California Government Code Section 66400 et. seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 General Plan (there is not an applicable specific plan), because the 2025 Fresno General Plan and the McLane Community Plan designates the site for medium density residential

land uses and the project design meets the density and zoning ordinance criteria for development in these plan designations.

2. This site is physically suitable for the proposed type and density of development, because conditions of approval will ensure adequate access and drainage on and off the site.
3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because of the urbanized nature of the area in which the site is located.
4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will insure that the subdivision conforms with City health and safety standards.
5. The proposed subdivision design will not conflict with public easements within or through the site, because conditions of approval will assure noninterference with any existing or proposed public easements.
6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed lots.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance.

Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

**Conditional Use Permit Findings**

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the conditions of approval noted below, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code (FMC) can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.	
<i>a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,</i>	
<b>Finding a.</b>	The subject site has an adequate amount of space to meet all applicable requirements of the Code and as established in the Special Permit conditions of approval dated February 22, 2006, including yards, spaces, walls and fences, parking, landscaping and other required features.
<i>b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,</i>	

<p><b>Finding b:</b></p>	<p>Staff from the Public Works Department, Transportation Planning Section has determined that the proposed development can be accommodated by the adjacent streets and the proposed project will be conditioned upon improvement of the adjacent major streets to their ultimate width.</p>
<p><i>c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.</i></p>	
<p><b>Finding c:</b></p>	<p>The staff of the Planning and Development Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related tentative tract map application review and conditional use permit application review process.</p>

Action by the Planning Commission regarding the rezone application will be a recommendation to the City Council. Planning Commission action on the proposed tentative tract map and conditional use permit, unless appealed to the Council, is final.

**CONCLUSION / RECOMMENDATION**

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the McLane Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Vesting Tentative Tract Map No. 5447/UGM is appropriate for the project site, subject to the conditions listed below. Therefore, staff recommends that the Planning Commission:

1. RECOMMEND APPROVAL of the environmental finding for Environmental Assessment No. R-05-06/C-05-43/T-5447 dated January 11, 2006 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130).
2. RECOMMEND APPROVAL to the City Council of Rezone Application No. R-05-06 which proposes to rezone the project site from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.
3. APPROVE Vesting Tentative Tract Map No. 5447/UGM subject to compliance with the Conditions of Approval dated February 22, 2006.
4. APPROVE Conditional Use Permit Application No. C-05-43 subject to compliance with the Conditions of Approval and Exhibits A, B-1 thru B-24, E-1 thru E-36 dated February 22, 2006.

REPORT TO THE PLANNING COMMISSION

Rezone Application No. R-05-06

Conditional Use Permit No. C-05-43

Vesting Tentative Tract Map No. 5447/UGM

February 22, 2006

Page 10

Attachments: Vicinity Map

Aerial Photo

Exhibit A, Vesting Tentative Tract Map No. 5447/UGM dated August 26, 2005

Exhibit B, Building Elevations

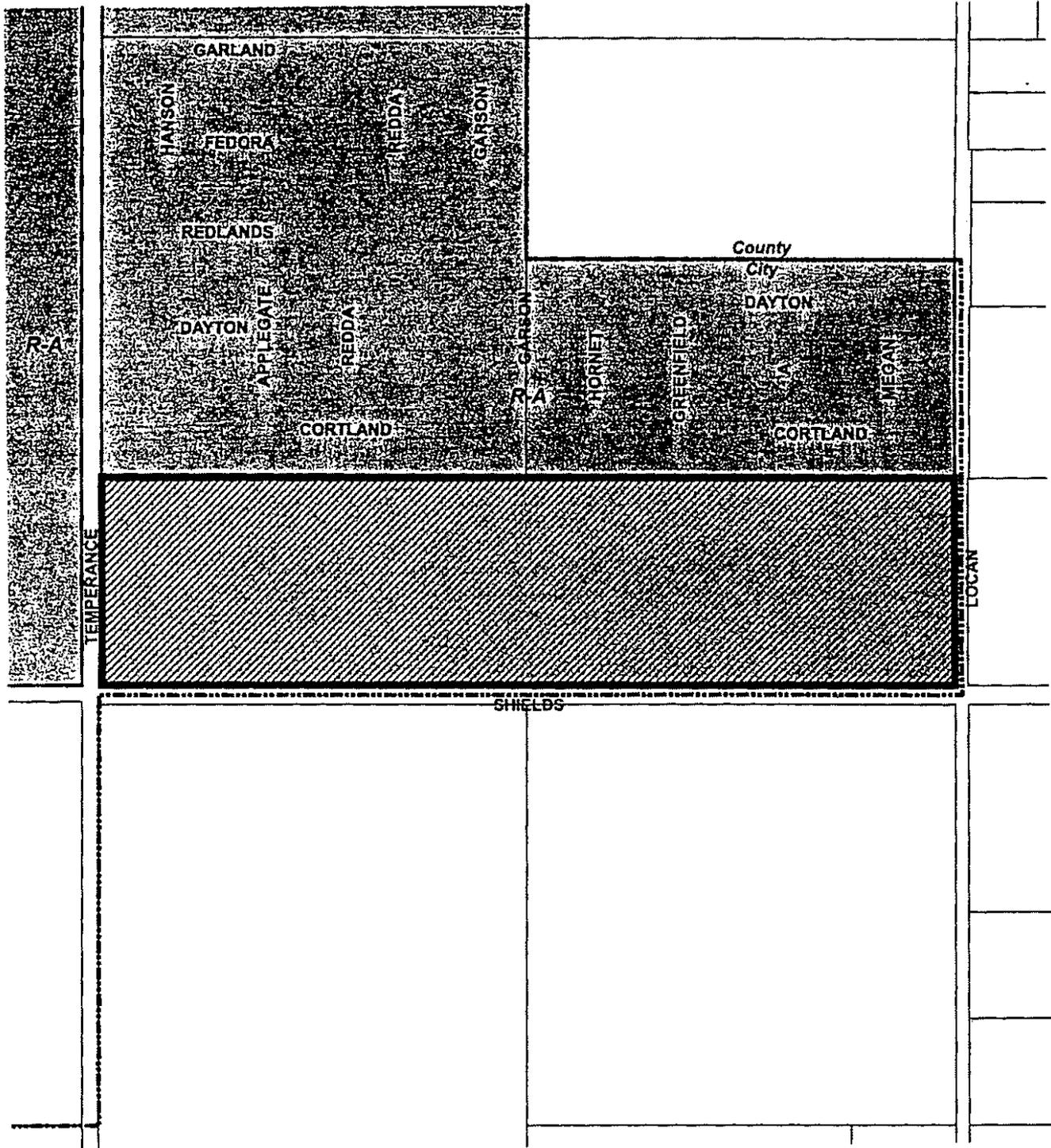
Exhibit C, Floor Plans

Exhibit D, Letter from Caltrans dated February 16, 2006

Conditions of Approval for T-5447/UGM dated February 22, 2006

Conditions of Approval for C-05-43 dated February 22, 2006

Environmental Assessment No. R-05-06/C-05-43/T-5447, Finding of Conformity to the  
2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)  
dated January 11, 2006



**LEGEND**



Subject Property



U.G.M. Area

**VICINITY MAP**

VESTING TENTATIVE TRACT MAP NO. 5447/UGM

REZONE APPLICATION NO. R-05-006  
From RR (County) to R-1/UGM

CONDITIONAL USE PERMIT NO. C-05-043  
North of Shields Ave., west of Locan Ave.

**PLANNING & DEVELOPMENT DEPARTMENT**



NOT TO SCALE

A.P.N.: 310-270-01

ZONE MAP: 2157

BY/DATE: J.S. / 5-16-05

T-5427  
Lennar

# Subject Property T-5447 - Woodside

T-5239  
Bonadelle

T-5224  
Dunmore

E Shields Ave

N Lagoon Ave

Not in City  
Sphere of  
Influence

N Temperance Ave





**DEPARTMENT OF TRANSPORTATION**  
1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-6666  
FAX (559) 488-4088  
TTY (559) 488-4066

## Exhibit D



*Flex your power!  
Be energy efficient!*

February 16, 2006

2131-IGR/CEQA  
6-FRE-180-65.5+/-  
C-05-43, R-05-06 & T-5447  
PLEASANT VALLEY  
INVESTMENTS LLC

Mr. Dave Braun  
City of Fresno Development Department  
2600 Fresno Street  
Fresno, CA 93721

Dear Mr. Braun:

We have reviewed the use permit, rezone, map and traffic study for the proposed single-family project located on the north side of East Shields between North Temperance and North Locan Avenues. We understand from City staff that the project now includes 199 single-family residential lots, down from 256. Caltrans has the following comments:

This letter supercedes our letter of June 1, 2005.

Caltrans has determined that trips generated from this development will impact the State Route (SR) 180 interchanges at Fowler and Temperance Avenues. The TIS did not conduct an operational analysis of the two interchanges; however, the study did provide a select zone trace of the project's trips to these two locations. The trace indicated that the development would likely have a modest impact to State facilities.

The Freeway 180 extension has been delayed due to a lack of funds. This delay could mean that the extension will not be construction until 2012, possibly longer if there are additional funding shortfalls.

The City should consider a transit alternative for this project. There is sufficient residential development in this area of Fresno to support transit, and early planning could make such an alternative feasible. Caltrans recommends that this project be routed to Fresno Area Express (FAX) staff for their review and comment. Please see Attachment Number 1 for other recommended transportation alternatives.

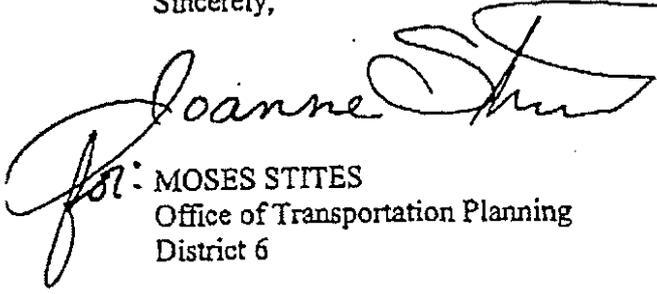
We request that this letter be made a part of the permanent record for this project and that a copy of our letter be included in the staff reports for both the City Council and the Planning

Mr. Dave Braun  
February 16, 2006  
Page 2

Commission. This will provide the decision-making body and the general public with a complete and accurate environmental evaluation for the project.

If you have any questions, please call me at (559) 445-6666.

Sincerely,



Joanne Stites

MOSES STITES  
Office of Transportation Planning  
District 6

Enclosure

C: Mr. John Rowland, P.E., Peters Engineering  
Ms. Barbara Goodwin, Executive Director, Council of Fresno County Governments

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**CITY OF FRESNO  
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

February 22, 2006  
(Revised June 06, 2012)

**VESTING TENTATIVE TRACT MAP NO. 5447/UGM  
"A PLANNED DEVELOPMENT"**

**North side of East Shields Avenue between North Locan and North Temperance Avenues**

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

**NOTICE TO PROJECT APPLICANT**

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

**GENERAL CONDITIONS**

1. Upon conditional approval of Revised Vesting Tentative Tract Map No. 5447/UGM entitled "~~Exhibit A~~", dated ~~August 26, 2005~~ May 23, 2012, the subdivider may prepare a Final Map in accordance with the approved tentative map. Related Rezone Application No. R-05-06 shall be approved by the City Council to become effective prior to Final Map approval.
2. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
3. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.
4. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans

5. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
6. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, Subdivision of Real Property; Resolution No. 68-187, City Policy with Respect to Subdivisions; and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
7. The developer/owner shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water service, sewerage, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
8. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
9. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title, or interest and the nature of their interest per State law.
10. Relinquish access rights to North Locan Avenue, North Temperance Avenue and East Shields Avenue from all residential lots which abut these streets. Ref. Section 12-1011-f-3 of the Fresno Municipal Code.
11. Prior to final map approval, the owner of the subject property shall execute a "Right to Farm" covenant with the City of Fresno. Said covenant is to run with the land and shall acknowledge and agree that the subject property is in or near agricultural districts located in the County of Fresno and that the residents of said property should be prepared to accept the inconveniences and discomfort associated with normal farm activities. The "Right to Farm" covenant shall be recorded prior to or concurrent with the recording of the Final Map of Tentative Tract No. 5447/UGM.

#### Landscaping and Walls

12. Provide a 26-foot landscaped easement (and irrigation system) along the rear property line of all lots which back-onto North Temperance Avenue. Provide a 15-foot landscaped easement (and irrigation system) along the side or rear property lines of all lots which side-onto or back-onto East Shields Avenue and North Locan Avenue. Ref. Section 12-1011-f-3 of the Fresno

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

13. Maintenance of the required easements and/or common open space areas within the subdivision ~~along North Temperance, East Shields and North Locan Avenues~~ may be the responsibility of the City's Community Facilities District No. 2 subject to approval by the Public Works Department. Contact the Public Works Department, Engineering Services Division, for information regarding the City's District and comply with the requirements noted in the memorandum from the Public Works Department, Engineering Services Division, dated June 16, 2005. The property owner shall petition the City for annexation to the City's District prior to Final Map approval.
14. If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. **The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.**
15. Should the City Council not approve the annexation of such landscape areas into Community Facilities District No. 2, the property owner/developer shall create a homeowner's association for the maintenance of the landscape areas. The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review two weeks prior to Final Map approval. Said documents shall be recorded with the Final Map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the owner's association for landscaping and other provisions as stated in the Development Department Guidelines for preparation of CC&Rs dated ~~January 11, 1985~~ September 01, 1994.
16. Improvement plans for all required landscaping and irrigation systems shall be submitted to the Planning and Development Department for review prior to Final Map approval.
17. Construct a 6-foot high solid masonry wall along the rear or side property lines of all lots which back onto or side onto North Locan and East Shields Avenues (solid wall to meet the requirements of Section 12-306-H, Fresno Municipal Code). Construct an 8-foot high solid masonry wall (or approved combination of solid wall and earth berm) along the rear property lines of all lots which back onto North Temperance Avenue. These walls as well as additional flanking walls are required pursuant to the acoustical analysis prepared by Brown and Buntin Associates dated February 1, 2005. Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and

Development Department for review prior to Final Map approval.

18. Provide 2-5 percent of the total project area with common passive/active open space comprised of pocket parks, tot lots, trails, and landscaped areas beyond minimum major street setbacks. The exact amount of required open space shall be as determined by the Planning and Development Director.
  - a) The developer/subdivider shall provide a minimum 5-foot wide landscape strip (and irrigation system) on the street side yard of Lot 1 of Final Map No. 5447; and, a minimum 8-foot wide landscape strip (and irrigation system) at the end of all other interior blocks within the Phase I portion of the tract (i.e., Lots 32, 33, 45, 46, 58, 59 of Final Map No. 5447) Furthermore, the developer/subdivider shall provide a minimum 5-foot wide landscape strip (and irrigation system) at the end of all interior blocks within the Phase II portion of the tract (i.e., Lots 35, 36, 51, 52, 67, 68, 83, 84 & 99 of Final Map No. 5815).
    - i) The landscape strip/buffer shall be located adjacent to the "sidewalk pattern" within the public street rights-of-way and between the adjacent sidewalk and any proposed fences which may be proposed to be erected on a respective lot. The required landscape strip shall incorporate street trees to shade the adjacent sidewalks and landscaping which is compliant with the City of Fresno "Anti-Graffiti" Landscaped Buffer Development and Planting Standards.
      - NOTE: The required landscape strips at the end of interior blocks shall either be designated as Landscape Easements and incorporated into the Community Facilities District (if approved by the Public Works Department) pursuant to the requirements included herein or shall be maintained by the property owner of the lot on which they are a part.
  - b) Proposed Outlot "B" of Vesting Tentative Tract Map No. 5447/UGM shall be dedicated and utilized for common open space purposes.
19. The major street entryways shall contain enhanced landscaping and stamped concrete, paving stones, brick, flagstone, or other contrasting paving material to clearly demarcate the three intersections to the proposed development. Identify material on Exhibit "A" (of the CUP). Note that painted lines and/or speed bumps are not acceptable. Said contrasting paving material are intended to act as traffic calming devices, without providing speed bumps.
  - a) Provide a minimum 10-foot wide landscape strip (and irrigation system) on the street side yard of Lot 1 of Final Map No. 5815 and a minimum 8-foot wide landscape strip (and irrigation system) on the street side yard of Lot 24 of Final Map No. 5815.
20. Traffic calming measures including bulb-outs, roundabouts, contrasting pavement treatment and varied street alignments and lengths shall be provided on the internal local streets.
21. Provide a minimum 23-foot wide pedestrian accessway between North Hansen Avenue and North Temperance Avenue.
  - a) Proposed Outlot "A" of Vesting Tentative Tract Map No. 5447/UGM shall be dedicated and

utilized for common open space/pedestrian paseo purposes.

### Building Setbacks

22. Building setbacks shall be in accordance with Exhibit "A" of Conditional Use Permit Application No. C-05-43.

### Information

23. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the Clovis Unified School District in accordance with the school district's adopted schedule of fees. Comply with the attached memorandum from the Clovis Unified School District dated June 1, 2005.
24. Contact the United States Postal Service, Fresno Office, for the location and type of mailboxes to be installed in this subdivision.
25. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps" any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.
26. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
27. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
28. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: 559-268-0109; after hours the contact phone number is 559-488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number 916-653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number: 805-644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation measures.
29. If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be

conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.

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

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

- a. A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b. A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c. Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.

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

31. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
32. The subdivider shall obtain any and all permits required for the removal or demolition of any building or structure located within the subdivision boundaries. The developer shall also obtain any and all permits required for the closure of any septic tank, cesspool, or water well. All permits shall be obtained prior to commencement of such work in accordance with Chapter 13 of the Fresno Municipal Code.

#### SOLID WASTE

33. Solid waste disposal for the subdivision shall be provided by the City of Fresno. The method of collection to be utilized in this tract shall be subject to approval of the Solid Waste Manager. See the attached memorandum from the Solid Waste Division dated October 4, 2005.

### PARK SERVICE

34. Comply with the attached memorandum from the Department of Public Works dated September 28, 2005.

#### *Urban Growth Management Requirements*

35. The subdivider shall be required to pay the appropriate UGM Park Capital Fee at the time of final map approval. Fee payment may be deferred until time of building permit issuance in accordance with the requirements of Section 12-4.509-C-3 of the Fresno Municipal Code.

### FIRE SERVICE

36. Fire service will be provided by City of Fresno Fire Station No. 10. Provide residential fire hydrants and fire flows per Public Works Standards with two sources of water.
37. Access is not acceptable as shown. Provide a second point of access for North Hansen Avenue or fire sprinkler all structures on Lots ~~29-36~~ 23-29 of Final Map No. 5447; unless otherwise or alternatively approved by the City of Fresno Fire Department. Fire sprinklered houses require a minimum 1.5 inch water line.

#### *Urban Growth Management Requirements*

38. The subdivider shall be required to pay the appropriate Fire Station Capital Fee at the time of final map approval. Fee payment may be deferred until time of building permit issuance in accordance with the requirements of Section 12-4.509-C-3 of the Fresno Municipal Code.

### STREETS AND RIGHTS-OF-WAY

39. The subdivider shall furnish to the city acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code and the State Subdivision Map Act.
40. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (i.e., fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement. A minimum 6-foot wide sidewalk is required along Locan, Shields and Temperance Avenues.
41. All of the required street improvements shall be constructed and/or installed in accordance with the City of Fresno Standard Specifications (2002 Edition).

42. The subdivider shall install all existing and proposed utility systems underground in accordance with Fresno Municipal Code Section 12-1011, 8-801 and Resolution No. 78-522/88-229.
43. The subdivider shall construct an underground street lighting system per Public Works Standards E-1 and E-2 within the limits of the tract. Spacing and design shall conform to Public Works Standards for local streets. Height, type, spacing, etc., of standards and luminaires shall be in accordance with Resolutions No. 68-187, 78-522, 81-219 and 88-229 or any modification thereto approved by the City Traffic Engineer prior to Final Map approval. Upon completion of the work by the subdivider and acceptance of the work by the City, the street lighting system shall be dedicated to the City. Submit engineered construction plans to the Public Works Department for approval.
44. All dead-end streets created by this subdivision shall be properly barricaded in accordance with City standards within seven days from the time the streets are surfaced or as directed by the Engineer.
45. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
46. All required signing and striping shall be done and paid for by the developer/owner. Submit the following plans, as applicable, in a single package to the planning and development department for review and approval: Street construction, Signing, Striping, Traffic Signal, Streetlight and Trail Lighting plans.

#### **MAJOR STREETS**

##### North Locan Avenue (Collector):

47. Dedicate 47-55 feet of property from section line for public street purposes, within the limits of this development to meet the current City of Fresno Collector Standards.
48. Construct concrete curb, gutter and 6-foot wide sidewalk to Public Works Standard P-5. The sidewalk pattern shall be constructed to a 10-foot residential pattern.
49. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.
50. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for collector streets.
51. Relinquish direct vehicular access rights to North Locan Avenue from all lots within this subdivision.

East Shields Avenue (Arterial):

52. Dedicate ~~55-62~~ 50-57 feet of property from section line for public street purposes, within the limits of this development to meet the current City of Fresno Arterial Standards. The right-of-way dedication above 57 feet shall be adjacent to the intersection with Temperance Avenue for the construction of westbound dual left turns.
53. Construct concrete curb, gutter and 6-foot wide sidewalk to Public Works Standard P-5. The sidewalk pattern shall be constructed to a 10-foot residential pattern.
54. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.
55. Construct an 80 foot bus bay curb and gutter at the northwest corner of Locan and Shields Avenues to Public Works Standard P-73 complete with a 10 foot monolithic sidewalk
56. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-7 for arterial streets.
57. Relinquish direct vehicular access rights to East Shields Avenue from all lots within this subdivision.

North Temperance Avenue (Expressway)

58. Dedicate 76-78 feet of property from section line for public street purposes, within the limits of this development to meet the current modified City of Fresno Expressway Standards.
59. Construct concrete curb, gutter and 6-foot wide sidewalk to Public Works Standard P-5. The parkway shall be constructed to a ten foot pattern.
60. Construct expressway barrier fencing per Public Works Standard P-74 and P-75.
61. Construct 20 feet of permanent pavement within the limits of the tract and transition paving as necessary.
62. Construct an 80 foot bus bay curb and gutter at the northeast corner of Temperance and Shields Avenues to Public Works Standard P-73 complete with a 10 foot monolithic sidewalk
63. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-10 for expressway streets.
64. Relinquish direct vehicular access rights to North Temperance Avenue from all lots within this tract.

## INTERIOR STREETS

65. Design and construct all curb, gutter, sidewalk (both sides), permanent paving, cul-de-sacs, and underground street lighting systems on all interior local streets to Public Works Standards. Sidewalk patterns shall comply with Public Works API Standards for 50-foot, 54-foot and 60-foot streets.
- 66a. Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with Public Works Standard P-44.
- 66b. Relinquish direct vehicular access rights to North Janice Avenue from all double frontage lots within the proposed subdivision (i.e., Lots 92-99 of Final Tract Map No. 5815).
  - a) A minimum 10-foot wide landscape area shall be provided along the North Janice Avenue frontage of all double frontage lots within the proposed subdivision.
  - b) Construct a six-foot high solid masonry wall (at finished grade of proposed site), or City of Fresno approved equivalent 2-ply or double-sided wood fence (in accordance with City of Fresno Development and Resource Management Department Fence Detail "F-1"), at the rear of the 10-foot wide landscape area required along the North Janice Avenue frontage of all double frontage lots within the proposed subdivision.

### *Specific Requirements*

67. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
68. Vacate all underlying existing streets with the proposed map.
69. Relinquish direct vehicular access rights to the west side of proposed Lot 199 1 and the south side of proposed Lot 24 ~~and the north side of proposed Lot 173~~ of Final Map No. 5815.
70. The intersection of Shields Avenue and Janice Avenue shall be designed with a full median opening to allow for left turns-in and left turns-out.
71. The intersection of Shields Avenue and Applegate Avenue shall be limited to right-in and right-out turns.
72. Dedicate a minimum ~~62~~ 60 feet of property (7 foot residential pattern/~~20~~ 18 foot travel lane/~~8~~ 10 foot median/~~20~~ 18 foot travel lane/7 foot residential pattern) and provide medians for traffic calming purposes at the intersections of ~~Temperance~~ Shields Avenue with Applegate and Janice Avenues in accordance with Public Works Standard P-86.
73. Provide a corner cut-off area at the intersections of Applegate Avenue/Shields Avenue, Janice Avenue/Shields Avenue and Andrews Avenue/Locan Avenue in accordance with Section 12-306-H-3-d of the FMC. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection. At the intersections of

streets, this distance is 30 feet. The corner cut-off area shall be landscaped (including an irrigation system), and may be included within the City's Community Facilities District.

74. The developer shall enter into an agreement with the Fresno Irrigation District (FID) providing for piping the canals and submit an executed copy of the agreement or commitment letter from FID to the Planning and Development Department. All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe constructed perpendicular to the street. Submit engineered plans to the Public Works Department, Engineering Division for review and approval.
75. Construct transition paving on Shields Avenue, east of Locan Avenue, as necessary, based on a 50 MPH speed design.

#### Locan Avenue (Collector)

76. Dedicate and construct two 17-foot center section travel lanes with 250 foot left turn lanes at all major intersections, within the limits of the subdivision. An additional 6 feet of paving shall be required adjacent to the 250 foot left turn lanes. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 45 MPH design speed.
77. Design and construct a Major Street Bridge at the intersections of Locan Avenue and the Gould No. 97 Canal. Public Works will apply this requirement to a minimum of four other subdivisions with each subdivision being responsible for a fee no greater than 1/5 of the cost of said bridge. Bridge construction shall occur prior to close out of this subdivision or at such time that the City Engineer deems it necessary, whichever occurs first.

#### *Urban Growth Management Requirements*

78. This Map is in UGM major street zone D-1/E-2; therefore pay all applicable UGM Fees

#### *Traffic Signal Mitigation Impact Fee*

79. Pay Traffic Signal Mitigation Impact Fees at the time of building permit issuance based on the trip generation rate as set forth in the latest edition of the ITE Generation Manual. The fee amount is \$414.69 per single family unit.

#### East Shields Avenue (Arterial):

80. Dedicate and construct two 17-foot center section travel lanes and a raised concrete median island with 250 foot left turn pockets at all major intersections, within the limits of the subdivision and continuing west to a point ¼ mile west of Temperance Avenue. Construct dual left turn lanes at the intersection of Shields and Temperance Avenues. Details of said street shall be depicted on the approved tentative tract map. Dedication shall be sufficient to accommodate arterial standards and any other grading or transitions as necessary based on a 55 MPH design speed.

81. Install a signal pole with a 150-watt safety light to Public Works Standards at the northwest corner of Shields and Locan Avenues.

Temperance Avenue (Expressway):

82. Dedicate and construct two 17-foot center section travel lanes and construct a raised concrete median with 250 foot left turn pockets at all major intersections within the limits of this subdivision. Provide dual-left turns at Temperance and Shields Avenues. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 55 MPH design speed.
83. Design and construct a Major Street Bridge at the intersections of Temperance Avenue and the Gould No. 97 Canal. Public Works will apply this requirement to a minimum of four other subdivisions with each subdivision being responsible for a fee no greater than 1/5 of the cost of said bridge. Bridge construction shall occur prior to close out of this subdivision or at such time that the City Engineer deems it necessary, whichever occurs first.
84. Signalize the intersection of Temperance and Shields Avenue, complete with actuation, signal preemption, and left turn phasing.
85. Dedicate and construct transition paving on Temperance Avenue, south of Shields Avenue, as necessary based on a 55 MPH design speed.

SANITARY SEWER SERVICE

The nearest existing sewer main is a 24-inch sewer main in East Shields Avenue at North Armstrong Avenue. The following conditions are required to provide sanitary sewer service to the tract.

86. Construct a 24-inch and 18-inch sewer main in East Shields Avenue from North Armstrong Avenue east to North Temperance Avenue.
87. Construct a 12-inch sewer main in East Shields Avenue from North Temperance Avenue east to North Locan Avenue.
88. Construct a 12-inch sanitary sewer main in North Temperance Avenue, from East Shields Avenue north across the project frontage.
89. Construct a 10-inch sanitary sewer main in North Locan Avenue from East Shields Avenue north across the project frontage.
90. Sanitary sewer main connections shall not be allowed to North Temperance Avenue through easements.
91. Sanitary sewer mains shall be extended within the proposed tract to provide sewer service to each lot created.

92. Separate sewer house branches shall be provided to each lot created within the subdivision.
93. All public sewer facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.
94. A preliminary sewer layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approval prior to submittal or acceptance of the developer's final map and engineered plan and profile improvement drawing for City review.
95. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approval for proposed additions to the sanitary sewer system.
96. Abandon all existing on-site private sanitary sewer systems.

#### *Urban Growth Management Requirements*

97. Sewer lateral charges are due and shall be paid for the project.
98. Oversize sewer charges are due and shall be paid for the project
99. Wastewater Facilities Charges are due and shall be paid for the project.
100. The developer shall pay appropriate and reasonable costs as established hereinafter by City Council for Fowler trunk sewer capacity allocated to this project. The developer shall, for the interim period, pay a fee of \$574 per living unit or living unit equivalent. Once the fee has been determined, the developer will receive a refund for any fees paid in excess of the adopted fee. Or, the proposed project shall not be permitted service to the existing Fowler trunk sewer and must, therefore, construct a separate sewer pipeline from the project to an approved discharge location with adequate reserve capacity as determined by the City.

#### WATER SERVICE

There is an existing 16-inch water main in East Shields Avenue at North Armstrong Avenue to serve the project. The following conditions are required to provide water service to the tract. Water mains shall be installed before street improvements and paving.

101. Construct a 16-inch water main (including installation of City fire hydrants) in East Shields Avenue from North Armstrong to North Locan Avenue.
102. Construct a 16-inch water main (including installation of City fire hydrants) in North Temperance Avenue from East Shields Avenue north across the project frontage.
103. Construct a 14-inch water main (including installation of City fire hydrants) in North Locan Avenue from East Shields Avenue north across the project frontage

104. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide water service to each lot created.
105. Separate water services with meter boxes shall be provided to each lot created.
106. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.
107. All public water facilities shall be constructed in accordance with City of Fresno standards, specifications, and policies.
108. Construct a water supply well(s) on a site(s) dedicated to the City of Fresno. The well(s) shall be capable of producing a flow amount to meet a total demand of 600 gallons per minute, sufficient to serve peak water demand for the project and for fire suppression purposes, or an alternative flow amount that is acceptable to the Public Utilities Director and Fire Department Chief (or their designees). Well sites shall be of a size and at a location acceptable to the Water Systems Manager. The cost of acquiring the well site and construction of the well shall be reimbursed from UGM Water Supply Well Service Area Fund 501s, in accordance with established UGM policies.
  - a) Proposed Outlot "C" of Vesting Tentative Tract Map No. 5447/UGM shall be dedicated and utilized for City of Fresno water well site purposes.
109. Water well construction shall include wellhead treatment facilities, if required. The cost of constructing wellhead treatment facilities shall be reimbursed from UGM Wellhead Treatment Service Area Fund 501s, in accordance with established UGM policies.
110. Dedicate a water supply and treatment site for installation of an above-ground water storage and treatment facility that will be installed and/or constructed by the City. The site shall be of size and at a location acceptable to the Water Systems Manager for such purposes. The cost of acquiring the site shall be reimbursed from UGM Water Supply Well Service Area 501s, in accordance with established UGM policies.
111. Existing on-site wells within the boundaries of the proposed development shall be sealed and abandoned in compliance with the California Well Standards, Bulletin 74-90 or current revisions, issued by California Department of Water Resources, and City of Fresno standards.
112. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.
113. Installation of public fire hydrant(s) is required in accordance with City Standards.

*Urban Growth Management Requirements*

114. Payment of appropriate water connection charges at the time of final map approval subject to deferral to building permit issuance as appropriate.
115. Payment for installation of wet tie(s), water service(s) and/or meter(s) is required
116. Pay UGM water fees for Water Service Area No. 501S.

**URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)**

117. The developer of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to vesting tentative tract maps.
118. The developer will be responsible for the relocation or reconstruction of any existing improvements or facilities necessary to construct any of the required UGM improvements.

*Right-of-Way Acquisition*

119. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
120. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.
121. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
122. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
123. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees,

appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

#### FLOOD CONTROL AND DRAINAGE

124. The subdivider shall be required to pay any applicable storm drainage fees to comply with Fresno Municipal Code Chapter 13, Article 13.
125. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements, which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letter to the Planning and Development Department dated June 21, 2005.
126. Any temporary ponding basins constructed or enlarged to provide service to the subdivision shall be fenced in accordance with City standards within seven days from the time the basin becomes operational or as directed by the City Engineer. Temporary ponding basins will be created through a covenant between the City and the Developer prior to Final Map approval. Maintenance of the temporary ponding basin shall be by the Developer until permanent service for the entire subdivision is provided.

#### SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

127. The developer/owner shall comply with the requirements in the letter from the San Joaquin Valley Air Pollution Control District dated June 1, 2005, for Vesting Tentative Tract Map No. 5447/UGM.

#### FRESNO IRRIGATION DISTRICT

128. Comply with the attached correspondence from the Fresno Irrigation District dated May 19, 2005.

#### FRESNO COUNTY HEALTH

129. Comply with the attached correspondence from the Fresno County Department of Community Health dated May 27, 2005.

#### PACIFIC GAS AND ELECTRIC (PG & E)

130. Comply with the attached correspondence from the Pacific Gas and Electric Company dated June 2, 2005.

#### DEVELOPMENT FEES AND CHARGES

131. This project is subject to the following development fees and charges:

**PARKS DEPARTMENT**

**FEE / RATE**

- |   |               |
|---|---------------|
| a. Street Tree Landscape Plan Review fee                  | \$56.00       |
| b. Street Tree Installation fee<br>City-installed tree    | \$129.00/tree |
| c. Street Tree Inspection fee<br>Developer-installed tree | \$30.00/tree  |
| d. Maintenance District Plan Review fee                   | \$176.00      |
| e. Maintenance District Inspection fee                    | \$305.00      |
| f. Reinspection fee                                       | \$29.00       |

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

**FEE / RATE**

- |  |   |
|--|---|
| g. Metropolitan Flood Control District fee | * Contact FMFCD for new fees.<br>Rates increased March 1, 2004. |
|--|---|

**SEWER CONNECTION CHARGES**

**FEE RATE**

- |   |                                    |
|---|------------------------------------|
| h. Lateral Sewer Charge                       | \$0.10/sq. ft. (to 100-foot depth) |
| i. Oversize Charge                            | \$0.05/sq. ft. (to 100-foot depth) |
| j. Trunk Sewer Charge<br>Service Area: Fowler | \$344/living unit                  |
| k. Wastewater Facilities Charge               | \$2,119/living unit                |
| l. Copper Avenue Sewer Lift Station Charge    | n/a                                |
| m. Fowler Trunk Sewer Interim Fee Surety      | \$1,000/living unit                |
| n. House Branch Sewer Charge                  | n/a                                |
| o. Millbrook Overlay Sewer                    | n/a                                |

**WATER CONNECTION CHARGES**

**FEE RATE**

- |                              |  |
|------------------------------|--|
| p. Service Connection Charge | Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule. |
| q. Frontage Charge           | \$6.50/lineal foot   |

r.	Transmission Grid Main Charge	\$643/gross acre
s.	Transmission Grid Main Bond Debt Service Charge	\$243/gross acre
t.	UGM Water Supply Fee Service Area: 501S	\$582/living unit
u.	Well Head Treatment Fee Service Area: 501	\$238/living unit
v.	Recharge Fee Service Area: 501	\$75/living unit
w.	1994 Bond Debt Service Service Area: 501	\$244/living unit

**DEVELOPMENT IMPACT FEE**

x.	Northeast Fresno Policing Area	n/a
y.	Traffic Signal Charge	\$414.69/living unit

**URBAN GROWTH MANAGEMENT**

**FEE RATE/CHARGE\***

z.	UGM Fire Station Capital Fee Service Area: Undesignated	\$800/gross acre
aa.	UGM Park Fee Service Area: 2	\$2392/gross acre
bb.	Major Street Charge Service Area: D-1/E-2	\$3161/adj. acre
cc.	Major Street Bridge Charge Service Area: D-1/E-4	\$304/adj. acre
dd.	UGM Grade Separation Fee	n/a
ee.	Trunk Sewer Charge Service Area: Fowler	n/a
ff.*	Street Acquisition/Construction Charge	n/a

**CITY OF FRESNO  
PLANNING AND DEVELOPMENT DEPARTMENT**

**SPECIAL PERMIT  
CONDITIONS OF APPROVAL**

Conditional Use Permit Application No. C-05-43

February 22, 2006  
Revised June 06, 2012

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**PART A - PROJECT INFORMATION**

1. Assessor's Parcel No. 310-270-01
2. Job Address: No address
3. Street Location: North side of East Shields Avenue between North Locan and North Temperance Avenues
4. Existing/Proposed Zoning: R-A/UGM - R-1/UGM zoning proposed under related Rezone Application No. R-05-06
5. Zone Map No. 2157
6. Project Description: Development of a 174 499-lot single family residential planned development subdivision with reduced lot widths and setbacks.

**PART B - GENERAL CONDITIONS AND REQUIREMENTS**

~~The Fresno City Planning Commission on February 22, 2005, will consider the special permit application subject to the enclosed list of conditions and Exhibits A, B-1 thru B-24 and E-1 thru E-36 dated February 22, 2006.~~

The Development and Resource Management Department, on June 06, 2012, approved the revised special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E" & "F" dated May 23, 2012.

This project was 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.

A notice of a finding of conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 was published on January 12, 2006, providing any interested party with an appeal period of 20 days. Notice of the hearing for the special permit was mailed to surrounding property owners on February 10, 2006.

Building permits will not be issued for this project until the Planning Commission and City Council have acted on the project.

**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 upon final approval.

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 Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.**

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. Outdoor sales and display areas are not permitted as part of this application. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on all ~~original~~ revised site plan exhibits dated ~~February 22, 2006~~ May 23, 2012, 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 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 David Braun at 559/621-8038.**

#### 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 notice; 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 Public Works Department, Transportation Division, David Padilla at 559/621-8798.

##### 1. STREET DEDICATIONS AND ENCROACHMENT PERMITS

Identify 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 public right-of-way. Also, identify the required 4-foot minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.

#### North Locan Avenue (Collector):

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

East Shields Avenue (Arterial):

- b. Dedicate ~~55-62~~ 50-57 feet of property from section line for public street purposes, within the limits of this development to meet the current City of Fresno Arterial Standards. The right-of-way dedication above 57 feet shall be adjacent to the intersection with Temperance Avenue for the construction of westbound dual left turns.

North Temperance Avenue (Expressway)

- c. Dedicate 76-78 feet of property from section line for public street purposes, within the limits of this development to meet the current modified City of Fresno Expressway Standards.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public right-of-way is prohibited unless an encroachment permit is approved by the Public Works Department, Engineering Division, Special Districts/Project and Right-of-Way Section, 559/621-88693. Encroachment permits must be approved **prior** to issuance of building permits.

2. STREET IMPROVEMENTS

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a STREET WORK PERMIT **prior** to commencement of work. Contact the Public Works Department Engineering Services Section at 559/621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or grade off-site concrete improvements as determined by the Public Works Department Construction Management Division at 559/621-5500.

North Locan Avenue (Collector):

- a. Construct concrete curb, gutter and 6-foot wide sidewalk to Public Works Standard P-5. The sidewalk pattern shall be constructed to a 10-foot residential pattern.
- b. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.
- c. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-8 for collector streets.
- d. Relinquish direct vehicular access rights to North Locan Avenue from all lots within this subdivision.

East Shields Avenue (Arterial):

- e. Construct concrete curb, gutter and 6-foot wide sidewalk to Public Works Standard P-5. The sidewalk pattern shall be constructed to a 10-foot residential pattern.
- f. Construct 20 feet of permanent paving (measured from face of curb) within the limits of this subdivision.
- g. Construct an 80 foot bus bay curb and gutter at the northwest corner of Locan and Shields Avenues to Public Works Standard P-73 complete with a 10 foot monolithic sidewalk
- h. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-7 for arterial streets.
- i. Relinquish direct vehicular access rights to East Shields Avenue from all lots within this subdivision.

North Temperance Avenue (Expressway)

- j. Construct concrete curb, gutter and 6-foot wide sidewalk to Public Works Standard P-5. The parkway shall be constructed to a ten foot pattern.
- k. Construct expressway barrier fencing per Public Works Standard P-74 and P-75.
- l. Construct 20 feet of permanent pavement within the limits of the tract and transition paving as necessary.
- m. Construct an 80 foot bus bay curb and gutter at the northeast corner of Temperance and Shields Avenues to Public Works Standard P-73 complete with a 10 foot monolithic sidewalk.
- n. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-10 for expressway streets.
- o. Relinquish direct vehicular access rights to North Temperance Avenue from all lots within this tract.

INTERIOR STREETS

- p. Design and construct all curb, gutter, sidewalk (both sides), permanent paving, cul-de-sacs, and underground street lighting systems on all interior local streets to Public Works Standards. Sidewalk patterns shall comply with Public Works API Standards for 50-foot and 54-foot streets.
- q. Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with Public Works Standard P-44.

- r. Relinquish direct vehicular access rights to North Janice Avenue from all double frontage lots within the proposed subdivision (i.e., Lots 92-99 of Final Tract Map No. 5815).
  - a) A minimum 10-foot wide landscape area shall be provided along the North Janice Avenue frontage of all double frontage lots within the proposed subdivision.
  - b) Construct a six-foot high solid masonry wall (at finished grade of proposed site), or City of Fresno approved equivalent 2-ply or double-sided wood fence (in accordance with City of Fresno Development and Resource Management Department Fence Detail "F-1"), at the rear of the 10-foot wide landscape area required along the North Janice Avenue frontage of all double frontage lots within the proposed subdivision.

### 3. SPECIFIC REQUIREMENTS

- a. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
- b. Vacate all underlying existing streets with the proposed map.
- c. Relinquish direct vehicular access rights to the west side of proposed Lot 199 1 and the south side of proposed Lot 24 and the north side of proposed Lot 173 of Final Map No. 5815.
- d. The intersection of Shields Avenue and Janice Avenue shall be designed with a full median opening to allow for left turns-in and left turns-out.
- e. The intersection of Shields Avenue and Applegate Avenue shall be limited to right-in and right-out turns.
- f. Dedicate a minimum ~~62~~ 60 feet of property (7 foot residential pattern/~~20~~ 18 foot travel lane/~~8~~ 10 foot median/ ~~20~~ 18 foot travel lane/7 foot residential pattern) and provide medians for traffic calming purposes at the intersections of ~~Temperance~~ Shields Avenue with Applegate and Janice Avenues in accordance with Public Works Standard P-86.
- g. Provide a corner cut-off area at the intersections of Applegate Avenue/Shields Avenue, Janice Avenue/Shields Avenue and Andrews Avenue/Locan Avenue in accordance with Section 12-306-H-3-d of the FMC. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection. At the intersections of streets, this distance is 30 feet. The corner cut-off area shall be landscaped (including an irrigation system), and may be included within the City's Community Facilities District.

### 4. SEWER CONNECTION CHARGES

The following Sewer Connection Charges are due and shall be paid for this project.

- a. Sewer Lateral Charge

- b. Oversize Sewer Charge
- c. Trunk Sewer Charge: Fowler
- d. Wastewater Facilities Charge (Residential Only)

5. WATER CONNECTION CHARGES

The following Water Charges are due and shall be paid for this Project:

- a. Payment for installation of water service(s) and/or meter(s) is required.
- b. Water connection Charges are due and shall be paid by the developer/owner.

6. IRRIGATION DITCH/CANAL REQUIREMENTS

The developer shall enter into an agreement with the Fresno Irrigation District (FID) providing for piping the canals and submit an executed copy of the agreement or commitment letter from FID to the Planning and Development Department. All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe constructed perpendicular to the street. Submit engineered plans to the Public Works Department, Engineering Division for review and approval.

7. URBAN GROWTH MANAGEMENT (UGM) REQUIREMENTS AND FEES

Submittal of engineered construction plans to Public Works for approval must be made **prior** to issuance of building permits. Contact David Padilla at 559/621-8798 or Greg Jenness at 559/621-8812 for questions regarding the UGM construction requirements.

- a. This tentative tract map is in UGM major street zone D-1/E-2; therefore will be required to pay all applicable UGM fees.
- b. Applicable UGM Fees for this project are detailed in the conditions of approval for Vesting Tentative Tract Map No. 5447/UGM.

East Shields Avenue (Arterial):

- c. Dedicate and construct two 17-foot center section travel lanes and a raised concrete median island with 250 foot left turn pockets at all major intersections, within the limits of the subdivision and continuing west to a point ¼ mile west of Temperance Avenue. Construct dual left turn lanes at the intersection of Shields and Temperance Avenues. Details of said street shall be depicted on the approved tentative tract map. Dedication shall be sufficient to accommodate arterial standards and any other grading or transitions as necessary based on a 55 MPH design speed.
- d. Install a signal pole with a 150-watt safety light to Public Works Standards at the northwest corner of Shields and Locan Avenues.

Temperance Avenue (Expressway):

- e. Dedicate and construct two 17-foot center section travel lanes and construct a raised concrete median with 250 foot left turn pockets at all major intersections within the limits of this subdivision. Provide dual-left turns at Temperance and Shields Avenues. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a 55 MPH design speed.
- f. Design and construct a Major Street Bridge at the intersections of Temperance Avenue and the Gould No. 97 Canal. Public Works will apply this requirement to a minimum of four other subdivisions with each subdivision being responsible for a fee no greater than 1/5 of the cost of said bridge. Bridge construction shall occur prior to close out of this subdivision or at such time that the City Engineer deems it necessary, whichever occurs first.
- g. Signalize the intersection of Temperance and Shields Avenue, complete with actuation, signal preemption, and left turn phasing.
- h. Dedicate and construct transition paving on Temperance Avenue, south of Shields Avenue, as necessary based on a 55 MPH design speed.

**PART D - PLANNING/ZONING REQUIREMENTS**

PLANNING

1. Development is subject to, and consistent with, the following plans and policies:
  - 2025 Fresno General Plan
  - McLane Community Plan

ZONING

2. Existing zoning is R-A/UGM; development is proposed in accordance with the R-1/UGM zoning requested under related Rezone Application No. R-05-06. Approval of this special permit is subject to approval of the zone district amendment and compliance with any conditions of zoning approval.

BUILDING HEIGHT

3. ~~The maximum allowable building height is two stories, not to exceed 30 feet. All proposed units are less than 30 feet in height.~~

No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

- NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Development and Resource Management Department. However, no roof structure or any space above the height limit shall

be allowed for the purpose of providing additional living or floor space.

- a) No accessory building erected on the subject property shall have a height greater than one story, not to exceed 12 feet in height. All accessory buildings on the subject property are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

#### BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

4. Setbacks shall be in accordance with Exhibit "A" dated ~~February 22, 2006~~ May 23, 2012. Front and rear yard building setbacks shall be a minimum of 15 feet.
5. Provide the following minimum landscaped areas:
  - a. Provide a 15-foot landscape easement (and irrigation system) along the property lines of all lots which back-onto or side-onto East Shields and North Locan Avenues.
  - b. Provide a 26-foot landscape easement (and irrigation system) along the property lines of all lots which back-onto or side-onto North Temperance Avenues.
  - c. Provide landscaping within required landscape strips and common open space areas in accordance with the Conditions of Approval dated June 06, 2012 for Revised Vesting Tentative Tract Map No. 5447/UGM.
6. Median Island Landscaping: None Required.
7. Provide one medium size tree for each 60 feet of street frontage or one per lot whichever is greater. Trees shall be planted as required 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.
8. 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 Planning and Development Department. (Put this note on the site and landscape plans.)
9. 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.
10. Landscaping in the front yard must be in place before issuance of the certificate of occupancy. (Include this note on the site plan and landscape 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.

### SPACE BETWEEN BUILDINGS

12. Provide lot areas and building setbacks as shown on Exhibit "A" dated ~~February 22, 2006~~ May 23, 2012.

### FENCES, HEDGES, AND WALLS

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.

- 13a. Construct a solid masonry wall along the rear or side property lines of all lots which back onto or side onto East Shields, North Locan and North Temperance Avenues (solid wall to meet the requirements of Section 12-306-H, Fresno Municipal Code). The walls shall be constructed in accordance with the Acoustical Analysis prepared by Brown-Buntin Associates dated February 1, 2005. Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and Development Department for review prior to Final Map approval. Construction plans for required walls showing architectural appearance and location of all walls shall be submitted to the Planning and Development Department for review prior to Final Map approval.
- 13b. Construct a six-foot high solid masonry wall (at finished grade of proposed site), or City of Fresno approved equivalent 2-ply or double-sided wood fence (in accordance with City of Fresno Development and Resource Management Department Fence Detail "F-1"), at the rear of the 10-foot wide landscape area required along the North Janice Avenue frontage of all double frontage lots within the proposed subdivision (i.e., Lots 92-99 of Final Tract Map No. 5815)..

### ACCESS

14. Vehicular and/or pedestrian access is provided as shown on attached Exhibit "A" dated ~~February 22, 2006~~ May 23, 2012.

### OUTDOOR ADVERTISING

15. Signs other than directional signs, if applicable are not approved for installation as part of this special permit. Submit for separate Master Sign Program or Sign Review Application. Applications and requirements for submittal are available at the Planning Division's Public Front Counter. (Include this note on the site plan.)

## **PART E - CITY AND OTHER SERVICES**

### FIRE PROTECTION REQUIREMENTS

1. Comply with the attached requirements of the Fire Department dated September 20, 2005; except as may be modified within the Conditions of Approval dated June 06, 2012 for Revised Vesting Tentative Tract Map No. 5447/UGM. (Contact Fire Prevention, 559/621-4141 for further information.)

### SOLID WASTE COLLECTION

2. Development shall be in accordance with attached memorandum from the Solid Waste Division dated October 4, 2005. Contact Solid Waste Management Division, Public Utilities Department at 559/621-1811, between 8 a.m. and 9 a.m. regarding this issue.

### FLOOD CONTROL REQUIREMENTS

3. Comply with the attached Fresno Metropolitan Flood Control District memorandum, dated June 21, 2005. (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.

### SCHOOL FEES

4. Comply with the attached correspondence from the Clovis Unified School District dated June 1, 2005. (Contact Clovis Unified School District.) Provide proof of payment (or no fee required) prior to issuance of building permits.

### STREET TREE REQUIREMENTS

5. Provide street trees per the attached memorandum from the Public Works Department dated September 28, 2005.

### SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

6. Comply with attached correspondence from the San Joaquin Valley Air Pollution Control District dated June 1, 2005, and attached policies on dust and ozone mitigation.

## **PART F - MISCELLANEOUS**

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits (dated September 7, 2005) and the following:

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

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

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.

**All discretionary conditions of approval will ultimately be deemed mandatory upon final approval of this conditional use permit.**

**CITY OF FRESNO - ENVIRONMENTAL ASSESSMENT INITIAL STUDY  
FINDING OF CONFORMITY / MEIR NO. 10130**

RECEIVED  
DATE RECEIVED FOR FILING:

Pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) the project described below is determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan

2006 JAN 12 PM 4:40  
CITY CLERK, FRESNO CA

Initial study is on file in the Planning and Development Department, City Hall,  
2600 Fresno Street, Fresno, California 93721  
(559) 621-8277

<b>Applicant:</b> Woodside Homes 7675 N. Ingram Avenue #104 Fresno, CA 93711	<b>Initial Study Prepared By:</b> David Braun, Planner III January 11, 2006
<b>Environmental Assessment Number:</b> Rezone Application No. R-05-06 Vesting Tentative Tract Map No. 5447/UGM Conditional Use Permit Application No. C-05-43	<b>Project Location (including APN):</b> North side of East Shields Avenue between North Temperance and North Locan Avenues (APN: 310-270-01)

**Project Description:**

Rezone Application No. R-05-06 proposes to rezone 34.93 (net) acres of property located on the north side of East Shields Avenue between North Locan and North Temperance Avenues, from the R-A/UGM (*Single Family Residential-Agricultural /Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district. Vesting Tentative Tract Map No. 5447/UGM and Conditional Use Permit Application No. C-05-43 propose to subdivide the subject property into a 199-lot single family residential planned development subdivision to be developed at a density of 5.7 dwelling units per acre. The property is within the jurisdictions of the McLane Community Plan and the 2025 Fresno General Plan. Both plans designate the property for medium density residential planned land uses (4.99 to 10.37 units per acre). The subject site is currently vacant and is predominantly surrounded by agricultural/rural residential properties.

**Conformance to Master Environmental Impact Report (MEIR NO. 10130):**

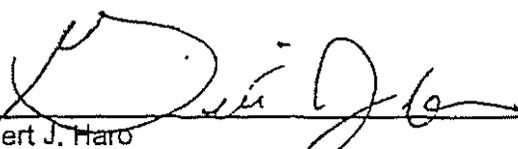
As previously indicated, the recently adopted 2025 Fresno General Plan designates the subject parcel for medium density residential planned land use. The requested R-1/UGM zone district conforms to the medium density residential land use designation as indicated by the 2025 Fresno General Plan.

The Planning and Development Department staff has prepared an initial study and environmental checklist and evaluated the requested rezoning in accordance with the land use and environmental policies and provisions of the 2025 Fresno General Plan and the related Master Environmental Impact Report (MEIR) No. 10130. The subject property is proposed to be developed with single-family residential uses at an intensity and scale that is permitted by the planned land use and proposed zoning designations for the site. Thus, the rezoning will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. Moreover, it is not expected that the existing and future development, per the requested rezoning, will adversely impact existing city service systems or the traffic circulation system that serves the subject parcels. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a).

Per Section 21157.1 of the California Public Resources Code (California Environmental Quality Act), it may be determined that a subsequent project falls within the scope of a MEIR, provided that the project does not cause significant impacts on the environment that were not previously examined by the MEIR. Relative to this specific project proposal, the environmental impacts noted in the MEIR, per the 2025 Fresno General Plan land use designations, include impacts associated with the medium density residential land use designation specified for the subject parcel. Based on this initial study, the project does not change the land use indicated

for the subject parcel and will not generate additional significant effects not previously identified by the MEI. and no new additional mitigation measures are required. Therefore, the project proposal is within the scope of the MEIR as defined by Section 15177 of the CEQA Guidelines.

Moreover, as lead agency for this project, the Planning and Development Department, per Section 15177 (d) of the CEQA Guidelines, has determined that all feasible mitigation measures from MEIR No. 10130 shall apply to the project proposal as noted in the attached mitigation monitoring checklist. Public notice has been provided regarding staff's finding in a manner prescribed by this section of the Guidelines and by Section 21092 of the California Public Resources Code (CEQA provisions).

  
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Gilbert J. Haro  
Planning Manager, City of Fresno

01.12.06  
Date

Attachments: Environmental Checklist for Environmental Assessment No. R-05-06/T-5447/C-05-43  
Mitigation Monitoring Checklist (MEIR No. 10130) for Environmental Assessment  
No. R-05-06/T-5447/C-05-43