City of FRESNO **REPORT TO THE CITYCOUNCIL**

AGENDA ITEM NO.
COUNCIL MEETING 03- 01-12
APPROVED BY
DEPARTMENT DIRECTOR
CITY MANAGER

March 1, 2012

FROM: MARK SCOTT, Interim Director
Development and Resource Management

MIKE SANCHEZ, Planning Manager
Development Services Division

By: JONATHAN BARTEL, Supervising Engineering Technician
Development Services Division

SUBJECT: **ADOPT A RESOLUTION APPROVING THE FINAL MAP OF TRACT NO. 5951 LOCATED ON THE NORTH SIDE OF WEST HERNDON AVENUE BETWEEN NORTH WARREN AND NORTH WEST AVENUES ACCEPTING THE DEDICATED PUBLIC USES OFFERED THEREIN.**

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution approving the Final Map of Tract No. 5951 and accepting the dedicated public uses offered therein.

EXECUTIVE SUMMARY

The Subdivider, Fresno Westwood Bluffs, LLC, A California Limited Liability Company, has filed for approval, the Final Map of Tract No. 5951 for a 1-lot condominium subdivision, located on the north side of West Herndon Avenue between North Warren and North West Avenues. The proposed Final Map is filed pursuant to Vesting Tentative Map No. 5951/UGM ("Tentative Map") and Conditional Use Permit No. C-06-003 which authorizes a 88-unit senior citizen housing development on 4.38 acres at 20.09 dwelling units per acre.

The Final Map is technically correct and conforms to the approved Vesting Tentative Map No. 5951 and conditions of approval dated March 4, 2009, Conditional Use Permit No. C-06-003 and approved revisions thereto, the Subdivision Map Act (SMA) and the Fresno Municipal Code. The Subdivider has 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. 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 March 4, 2009 adopted Resolution No. 12932 approving Vesting Tentative Map No. 5951/UGM 1-lot condominium subdivision for a 88-unit senior citizen housing development on 4.38 acres at 20.09 dwelling units per acre.

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. 5951/UGM with the 2025 General Plan and the Bullard Community Plan to comply with the provisions of the Subdivision Map Act.

The approval of Vesting Tentative Map No. 5951/UGM on March 4, 2009 established the initial expiration date of such approval to March 4, 2011 which falls within the period July 15, 2009 to January 1, 2012 to qualify for an additional 24-months extension pursuant to SMA Section 66452.22. Accordingly the expiration date of the approval of the tentative map is extended 24-months to March 4, 2013. Additionally, the State of California on July 13, 2011 approved Assembly Bill No. 208 to provide for a 24-month extension of the expiration date of eligible approved tentative maps. As an eligible approved tentative map, the expiration date of the approval of the tentative map has been extended 24-months to March 4, 2015.

The Subdivider has satisfied all other conditions of approval and has paid the miscellaneous and development impact fees due as a condition of approval for the Final Map in the amount of $200.00.

The Subdivider has elected to satisfy the maintenance requirements for the landscaping and irrigation systems within the landscape easements and all other required improvements by a homeowner's association in lieu of annexation into the City's Community Facilities District.

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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 Development and Resource Management Department.

Attachments:

Resolution Approving the Final Map of Tract No. 5951 and Accepting the Dedicated Public Uses Therein
Final Map of Tract No. 5951 and Condominium Plan
Site Plan Exhibit for C-06-003
Report to the Planning Commission – Consideration of Vesting Tentative Map No, 5951 and Related Environmental Finding for Environmental Assessment No. T-5951

RESOLUTION NO._____

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5951 AND ACCEPTING DEDICATED PUBLIC USES THEREIN EXCEPT FOR DEDICATIONS OFFERED SUBJECT TO CITY ACCEPTANCE OF DEVELOPER INSTALLED REQUIRED IMPROVEMENTS

WHEREAS, FRESNO WESTWOOD BLUFFS LLC, a California Limited Liability Company, has offered for approval a Final Map designated as Tract No. 5951 ("map"), pursuant to approved Vesting Tentative Map No. 5951 ("tentative map"); and,

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

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

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

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

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

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

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

1. 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.

* * * *

CITY'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY 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, California, at a regular meeting held on the _____ day of _____, 2012.

AYES:
NOES:
ABSENT:
ABSTAIN:

YVONNE SPENCE, CMC
City Clerk, City Of Fresno

By:_____
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By:_____
Talia Kolluri-Barbick
Deputy City Attorney

Date: 2/16/12

FINAL MAP OF

TRACT NO. 5951

FOR CONDOMINIUM PURPOSES

BEING A SUBDIVISION OF PARCEL C OF PARCEL MAP NO. 2005-21
RECORDED IN BOOK 67 OF PARCEL MAPS AT PAGES 49 & 50, F.C.R.
THIS IS A MAP OF A CONDOMINIUM PROJECT,
AS DEFINED IN SECTION 1351 OF THE CIVIL CODE
OF THE STATE OF CALIFORNIA AND IS FILED PUSUANT TO THE SUBDIVISION MAP ACT
IN THE CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA
SURVEYED AND PLATTED IN OCTOBER 2011 BY YAMABE & HORN ENGINEERING, INC.
CONSISTING OF TWO SHEETS, SHEET ONE OF TWO

RECORD TITLE INTEREST STATEMENT:

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

FRESNO WESTWOOD BLUFFS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY WESTWOOD BLUFFS CONWAY FAMILY LP, A CALIFORNIA LIMITED PARTNERSHIP,
ITS CO-MANAGING MEMBER

BY THE MICHEAL J. AND JOAN MARIE CONWAY REVOCABLE FAMILY TRUST DATED DECEMBER 1, 2000,
ITS GENERAL PARTNER

BY: _____
MICHAEL J. CONWAY, JR., CO-TRUSTEE

BY: WESTWOOD BLUFFS HERZOG FAMILY LP, A CALIFORNIA LIMITED PARTNERSHIP,
ITS CO-MANAGING MEMBER

BY: THE PETER G. AND LAURA L. HERZOG REVOCABLE FAMILY TRUST DATED SEPTEMBER 12, 2001,
ITS GENERAL PARTNER

BY: _____
LAURA L. HERZOG, CO-TRUSTEE

UNION BANK OF CALIFORNIA, N.A., AS BENEFICIARY

BY: _____
ROBERT C. GREB, SENIOR VICE PRESIDENT

FRESNO IRRIGATION DISTRICT, AS EASEMENT HOLDER

BY _____
JEFF NEELY, PRESIDENT

BY: _____
GARY R. SERRATO, SECRETARY

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }
COUNTY OF FRESNO }

ON January 31, 2012 BEFORE ME Laurie R. Doyle, NOTARY PUBLIC, PERSONALLY APPEARED LAURA L. HERZOG AND MICHAEL J. CONWAY, JR., WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

Laurie R Doyle
PRINT NAME

SIGNATURE

MY COMMISSION EXPIRES: 10/28/15 COUNTY OF: Fresno

COMMISSION NUMBER: 1954580

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }
COUNTY OF FRESNO / LOS ANGELES }

ON FEBRUARY 1, 2012 BEFORE ME CECILIA O. CRUZ, NOTARY PUBLIC, PERSONALLY APPEARED ROBERT C. GREB, JR. PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND

CECILIA O. CRUZ
PRINT NAME

SIGNATURE

MY COMMISSION EXPIRES: 01/17/2014 COUNTY OF: LOS ANGELES

COMMISSION NUMBER: 1877372

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL "C" OF PARCEL MAP NO. 2005-21, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED JUNE 15, 2007, IN BOOK 67 AT PAGES 49 AND 50 OF PARCEL MAPS, FRESNO COUNTY RECORDS.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

1. THE LAND LIES WITHIN THE BOUNDARIES OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND IS SUBJECT TO PAYMENT OF DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES PER FRESNO METROPOLITAN FLOOD CONTROL DISTRICT BOARD OF DIRECTORS RESOLUTION RECORDED JULY 31, 1995 AS DOC. NO. 95092128, OFFICIAL RECORDS FRESNO COUNTY.
2. DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS, STATING APPURTENANT ACCESS RIGHTS RECORDED APRIL 27, 2005 AS DOC. NO. 2005-0092928, OFFICIAL RECORDS FRESNO COUNTY AND AS AMENDED BY THE DOCUMENT RECORDED JUNE 15, 2007 AS DOC. NO. 2007-0117599, OFFICIAL RECORDS FRESNO COUNTY.
3. SECURED AGREEMENT BETWEEN OWNER, AS DEVELOPER AND CLOVIS UNIFIED SCHOOL DISTRICT RECORDED APRIL 20, 2007 AS DOC. NO. 2007-0079784, OFFICIAL RECORDS FRESNO COUNTY.
4. GRANT OF CONSTRUCTION LICENSE AND ACCESS EASEMENT RECORDED AUGUST 23, 2007 AS DOC. NO. 2007-0159443, OFFICIAL RECORDS FRESNO COUNTY.
5. GRANT OF ACCESS EASEMENT RECORDED AUGUST 23, 2007 AS DOC. NO. 2007-0159444, OFFICIAL RECORDS FRESNO COUNTY.
6. GRANT OF EASEMENT IN FAVOR OF COMCAST OF FRESNO, INC. RECORDED OCTOBER 1, 2009 AS DOC. NO. 2009-0136807, OFFICIAL RECORDS FRESNO COUNTY.
7. GRANT OF EASEMENT IN FAVOR OF COMCAST OF FRESNO, INC. RECORDED FEBRUARY 26, 2010 AS DOC. NO. 2010-0026502, OFFICIAL RECORDS FRESNO COUNTY.
8. DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS ESTABLISHING A PLAN OF CONDOMINIUM OWNERSHIP FOR TRACT NO. 5951, WESTWOOD BLUFFS RECORDED _____, 2012 AS DOC. NO. 2012-_____, OFFICIAL RECORDS FRESNO COUNTY.

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA }
COUNTY OF FRESNO }

ON Feb. 9, 2012 BEFORE ME Norma Cecil, NOTARY PUBLIC, PERSONALLY APPEARED JEFF NEELY AND GARY R. SERRATO, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

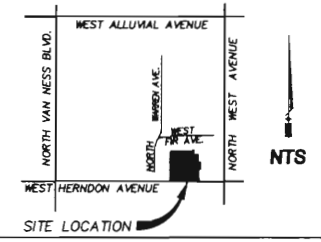
Norma Cecil
PRINT NAME

SIGNATURE

MY COMMISSION EXPIRES: Dec. 26, 2013 COUNTY OF: Fresno

COMMISSION NUMBER: 1874894

VICINITY MAP:



PROFESSIONAL LAND SURVEYOR
HARRY DAVID JAYNE
Exp. 12/31/13
No. 7823
STATE OF CALIFORNIA

SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF FRESNO WESTWOOD BLUFFS, LLC ON OCTOBER 3, 2011. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

HARRY DAVID JAYNE, PLS 7823, EXP. 12-31-2013 — DATE: January 30, 2012

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH.

SCOTT L. MOZIER, PE 54417 — DATE
LICENSE EXPIRES 12-31-2013
CITY ENGINEER

CONSULTING LAND SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

ACTING FOR THE CITY OF FRESNO:
BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS
451 CLOVIS AVENUE, SUITE 200, CLOVIS, CA 93612

BY: _____ DATE
HIMAWAN BRASAU, LS 7800
LICENSE EXPIRES 12-31-2013

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN CONFORMS TO AND IS IN COMPLIANCE WITH THE APPROVED TENTATIVE MAP, AND THE REQUIREMENTS IMPOSED BY THE FRESNO CITY PLANNING COMMISSION AS A CONDITION TO THE ACCEPTANCE OF THE FINAL MAP.

KEITH BERGTHOLD — DATE
SECRETARY OF THE FRESNO CITY PLANNING COMMISSION

CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF FRESNO, BY RESOLUTION NO. _____ ADOPTED ON _____, 2012 APPROVED THE WITHIN MAP AND ACCEPTED ON BEHALF OF THE PUBLIC, ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND APPROVED THE ABANDONMENT OF THOSE PUBLIC STREETS AND/OR PUBLIC EASEMENTS NOT SHOWN ON THE MAP AND NOTED AS ABANDONED BY THE FILING OF THE MAP.

YVONNE SPENCE, CMC
CITY CLERK

BY _____ DEPUTY — DATE

RECORDER'S CERTIFICATE

DOCUMENT NO._____ FEE: $____

FILED THIS _____ DAY OF _____, 2012, AT _____ M.

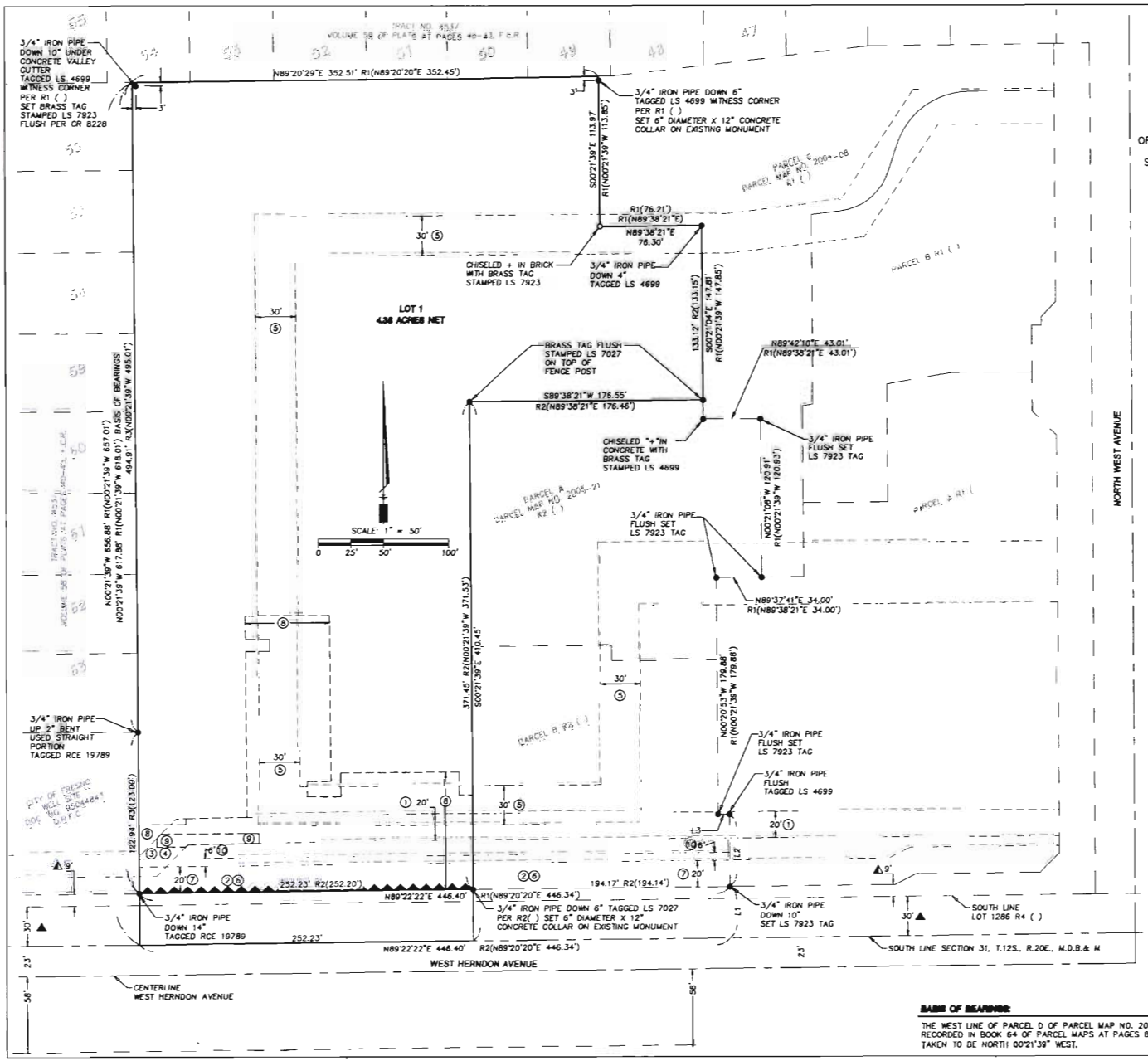
IN VOLUME ____ OF PLATS, AT PAGES _____, AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

FRESNO COUNTY RECORDS
PAUL DICTOS, C.P.A., RECORDER

BY: _____
DEPUTY

YAMABE & HORN ENGINEERING, INC.
2985 N. BURL AVE.
SUITE 101
FRESNO, CA 93727
TEL (559) 244-3123
FAX (559) 244-3120



FINAL MAP OF

TRACT NO. 5951

FOR CONDOMINIUM PURPOSES

BEING A SUBDIVISION OF PARCEL C OF PARCEL MAP NO. 2005-21 RECORDED IN BOOK 67 OF PARCEL MAPS AT PAGES 49 & 50, F.C.R.
THIS IS A MAP OF A CONDOMINIUM PROJECT, AS DEFINED IN SECTION 1351 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PUSUANT TO THE SUBDIVISION MAP ACT IN THE CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA
SURVEYED AND PLATTED IN OCTOBER 2011 BY YAMABE & HORN ENGINEERING, INC.
CONSISTING OF TWO SHEETS, SHEET TWO OF TWO

LEGEND

●	MONUMENT FOUND AND ACCEPTED AS NOTED
O	SET BRASS TAG FLUSH STAMPED LS 7923 AS NOTED
R1 ( )	RECORD DATA PER PARCEL MAP NO. 2004-08 RECORDED IN BOOK 64 OF PARCEL MAPS AT PAGES 83-84, F.C.R.
R2 ( )	RECORD DATA PER PARCEL MAP NO. 2005-21 RECORDED IN BOOK 67 OF PARCEL MAPS AT PAGES 49-50, F.C.R.
R3 ( )	RECORD DATA PER MAP OF TRACT NO. 4537 RECORDED IN VOLUME 58 OF PLATS AT PAGES 40-43, F.C.R.
R4 ( )	RECORD DATA PER MAP OF BULLARD LANDS IRRIGATED SUBDIVISION NO. 8, RECORDED IN VOLUME 8 OF PLATS AT PAGE 46, F.C.R
O.R.F.C	OFFICIAL RECORDS FRESNO COUNTY
F.C.R.	FRESNO COUNTY RECORDS
CFR	CALULATED FROM RECORD DATA REFERENCED
CR	CORNER RECORD ON FILE WITH THE FRESNO COUNTY SURVEYOR
▲	EASEMENT OFFERED FOR PUBLIC STREET PURPOSES PER DOC. NO. 91161516, O.R.F.C
▲	DEDICATED FOR PUBLIC STREET PURPOSES PER THE MAP OF BULLARD LANDS IRRIGATED SUBDIVISION NO. 8, RECORDED IN VOL. 8 OF PLATS AT PG. 46, F.C.R.
———	BLUE BORDER INDICATES LIMITS OF SUBDIVISION
— — —	SECTION LINE
— — —	EXISTING PROPERTY LINE
— — —	EASEMENT LINE
— — —	CENTERLINE
▲▲▲▲▲▲▲	RELINQUISHMENT OF DIRECT ACCESS RIGHTS PER R1( )
	EXTENSION OF LINE TO DIMENSION POINT AS SHOWN

EASEMENT LEGEND

① 20 FOOT WIDE FMFCD EASEMENT RECORDED 11/20/1980 IN BOOK 7626, PAGE 212, O.R.F.C. & MODIFICATIONS RECORDED 6/30/1994 AS DOC. NO. 94107017, O.R.F.C.

② FID EASEMENT FOR PIPELINE PURPOSES RECORDED 11/17/1993 AS DOC. NO. 93177748, O.R.F.C. & MODIFICATIONS RECORDED 02/07/1994 AS DOC. NO. 94020155, O.R.F.C.

③ EASEMENT FOR PIPELINE PURPOSES RECORDED 12/29/1993 AS DOC. NO. 93202415, O.R.F.C.

④ EASEMENT FOR PIPELINE PURPOSES RECORDED 04/11/1995 AS DOC NO. 95043827, O.R.F.C. & MODIFICATIONS RECORDED 04/11/1995 AS DOC. NO. 95043830, O.R.F.C.

⑤ EASEMENT FOR WATER MAIN PURPOSES RECORDED 12/27/2004 AS DOC. NO. 2004-0288076, O.R.F.C.

⑥ AGREEMENT FOR COMMON USE OF EASEMENTS RECORDED 04/18/2005 AS DOC. NO. 2005-0085573, O.R.F.C.

⑦ 20 FOOT WIDE PEDESTRIAN TRAIL AND BICYCLE EASEMENT PER R1( ).

⑧ EASEMENT FOR DRAINAGE FLOODWAY PURPOSES RECORDED 05/29/2007 AS DOC. NO. 2007-0104228, O.R.F.C.

⑨ GRANT OF REVOCABLE LICENSE TO ENCROACH RECORDED 05/30/2007 AS DOC. NO. 2007-0106606, O.R.F.C.

⑩ 6 FOOT PEDESTRIAN AND BICYCLE EASEMENT PER R2( ).

LINE TABLE

	MEASURED		RECORDED	
LINE	BEARING	DISTANCE	BEARING	DISTANCE
L1	N00°21'07"W	39.00'	R2(N00°21'39"W)	R2(39.00'CFR)
L2	N00°21'07"W	55.00'	R1(N00°21'39"W)	R1(55.01')
L3	S89°44'43"W	8.68'	R1(S89°38'21"W)	R1(8.67')

BASIS OF BEARINGS:

THE WEST LINE OF PARCEL D OF PARCEL MAP NO. 2004-08, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 64 OF PARCEL MAPS AT PAGES 83 AND 84, FRESNO COUNTY RECORDS. TAKEN TO BE NORTH 00°21'39" WEST.

YAMABE & HORN ENGINEERING, INC.
2985 N. BURL AVE.
SUITE 101
FRESNO, CA 93727
TEL. (559) 244-3123
FAX (559) 244-3180

CONDOMINIUM PLAN
FOR
WESTWOOD BLUFFS
IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA
CONSISTING OF 4 SHEETS SHEET 1 OF 4

SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA AND THAT THIS PLAN CORRECTLY SHOWS THE BOUNDARIES OF THE LAND AND THE RELATION THERETO OF THE UNITS SHOWN HEREON.

PROFESSIONAL LAND SURVEYOR JOHN E. KLAMM No. 7375 Exp. 12-31-13 STATE OF CALIFORNIA

JOHN E. KLAMM L.S. 7375
TSD ENGINEERING, INC.

1/27/12
DATE

OWNER'S STATEMENT:

THE UNDERSIGNED, FRESNO WESTWOOD BLUFFS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RECORD OWNER OF THE FEE TITLE, PURSUANT TO SECTION 1351(e) OF THE CALIFORNIA CIVIL CODE, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS CONDOMINIUM PLAN.

FRESNO WESTWOOD BLUFFS, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

BY: WESTWOOD BLUFFS CONWAY FAMILY LP,
A CALIFORNIA LIMITED PARTNERSHIP
ITS: CO-MANAGING MEMBER

BY: THE MICHAEL J. AND JOAN MARIE CONWAY REVOCABLE FAMILY TRUST DATED DECEMBER 1, 2000
ITS: GENERAL PARTNER

BY: _____
MICHAEL J. CONWAY, JR., CO-TRUSTEE

BY: WESTWOOD BLUFFS HERZOG FAMILY LP,
A CALIFORNIA LIMITED PARTNERSHIP
ITS CO-MANAGING MEMBER

BY: THE PETER G. AND LAURA L. HERZOG REVOCABLE FAMILY TRUST DATED SEPTEMBER 12, 2001
ITS: GENERAL PARTNER

BY: Laura L. Herzog
LAURA L. HERZOG, CO-TRUSTEE

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA
COUNTY OF Fresno)

ON 1/30/12 BEFORE ME, Mary Costa, Notary
A NOTARY PUBLIC, PERSONALLY APPEARED Michael J. Conway, Jr.

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

PRINT NAME Mary Costa SIGNATURE Mary Costa
COUNTY OF Fresno COMMISSION EXPIRES 6/13/14
COMMISSION NUMBER 1889679

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA
COUNTY OF Fresno)

ON January 31 2012 BEFORE ME, Laurie R. Doyle
A NOTARY PUBLIC, PERSONALLY APPEARED Laura L. Herzog

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

PRINT NAME Laurie R. Doyle SIGNATURE _____
COUNTY OF Fresno COMMISSION EXPIRES 10/25/15
COMMISSION NUMBER 1954580

BENEFICIARY'S STATEMENT:

UNION BANK OF CALIFORNIA, N.A. AS BENEFICIARY UNDER THE DEED OF TRUST DATED JUNE 25, 2007, RECORDED JULY 3, 2007 AS INSTRUMENT NO. 2007-128687, OFFICIAL RECORDS OF FRESNO COUNTY, HEREBY CONSENTS TO THE RECORDATION OF THIS CONDOMINIUM PLAN.

UNION BANK OF CALIFORNIA, N.A.

BY: _____
Robert C. Gaeta, Senior Vice President
PRINT NAME AND TITLE

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES)

ON FEBRUARY 1 2012 BEFORE ME, CECILIA O. CRUZ
A NOTARY PUBLIC, PERSONALLY APPEARED ROBERT C. GREB

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

PRINT NAME CECILIA O. CRUZ SIGNATURE _____
COUNTY OF LOS ANGELES COMMISSION EXPIRES 01/17/2014
COMMISSION NUMBER 1877372

NOTES:

1. THE SUBDIVISION DEPICTED HEREON IS SUBJECT TO THE PROVISIONS OF THE DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT, TITLE 6, PART 4, DIVISION 2 OF THE CIVIL CODE.

2. ALL INTERIOR DIMENSIONS SHOWN AND ELEVATIONS NOTED ON THESE SHEETS ARE MEASURED TO THE UNFINISHED INTERIOR PERIMETER WALLS AND UNFINISHED INTERIOR FLOORS AND CEILINGS.

3. ALL EXTERIOR DIMENSIONS SHOWN ON THESE SHEETS ARE MEASURED TO THE EXTERIOR FACE OF THE STUD WALLS.

4. ALL DIMENSIONS AND ELEVATIONS SHOWN ON THESE SHEETS ARE IN FEET AND DECIMALS THEREOF.

5. ALL BUILDING WALLS AND ALL WALLS OF THE UNITS ARE AT RIGHT ANGLES OR 45 DEGREES TO EACH OTHER, UNLESS OTHERWISE SHOWN.

6. ALL BUILDING LOCATION TIES SHOWN TO THE PROJECT BOUNDARIES ARE MEASURED AT RIGHT ANGLES TO SAID BOUNDARIES FROM THE EXTERIOR STUCCO WALLS OF THE BUILDINGS.

7. IN INTERPRETATION OF DEEDS, DECLARATIONS AND PLANS, THE EXISTING PHYSICAL BOUNDARIES OF THE UNIT OR OF A UNIT RECONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE ORIGINAL PLANS THEREOF SHALL BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE DEED, PLAN OR DECLARATION, REGARDLESS OF SETTLING OR LATER MOVEMENT OF THE BUILDING AND REGARDLESS OF MINOR VARIANCE BETWEEN BOUNDARIES SHOWN ON THE PLAN OR IN THE DEED AND DECLARATION AND THOSE OF THE BUILDING.

DEFINITIONS:

THE DEFINITIONS BELOW CORRESPOND TO THOSE IN THE "DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS & EASEMENTS ESTABLISHING A PLAN OF CONDOMINIUM OWNERSHIP TRACT NO. 5951 WESTWOOD BLUFFS" WHICH DEFINES THE "DECLARATION"

1.02 "ASSOCIATION" shall mean WESTWOOD BLUFFS HOMEOWNERS ASSOCIATION, a California non-profit mutual benefit corporation, or its successor, an owner's association as defined in Section 11003.1 of the California Business and Professions Code. The purpose of the ASSOCIATION is to operate THE PROJECT in accordance with the provisions of this DECLARATION.

1.08 "COMMON AREA" shall mean all portions of THE PROJECT except the UNITS, without limiting the generality of the foregoing (unless otherwise specified) : (i) outside perimeter walls, arcades, stairs (except located within a UNIT) , shafts, bearing walls, columns, girders, ceiling joints, sub-floors, unfinished floors, roofs and foundation; smoke, heat and carbon monoxide detectors, (except and excluding those located within the UNITS) all structural projections within a UNIT which are required for the support of CONDOMINIUM BUILDINGS, gas, water and waste pipes, all sewers, all ducts, chutes, conduits, pipes, plumbing, wires, utility meters and other utility installations of the structures wherever located (except the outlets thereof when located within the UNITS) required to provide power, light, telephone, gas, water, sewage, and drainage exterior sprinklers and sprinkler pipes; (ii) the land upon which the structures are located and (iii) the airspace above the structures, all bearing walls, columns, floors, the roof (including space for installation of air-conditioning equipment) , the slab and foundation, common stairways and walkways, trash enclosures, carport spaces, patio and balcony areas, recreational facilities, swimming pool, community room, window glass and the like.

1.09 "CONDOMINIUM" shall mean the entire property in THE PROJECT conveyed to an OWNER, which is an estate in real property consisting of:
(a) a separate fee simple estate in a UNIT; and
(b) a fractional undivided interest in the COMMON AREA of THE PROJECT

1.10 "CONDOMINIUM BUILDING". A structure containing UNITS, designated herein with a , BUILDING NUMBER, . The land beneath and the airspace surrounding the BUILDING are not included in the parcel designed as a , BUILDING, herein. The CONDOMINIUM BUILDINGS include the UNITS and BUILDING COMMON AREA.

1.12 "DECLARANT" shall mean, FRESNO WESTWOOD BLUFFS, LLC, a California limited liability company, who has made and executed this DECLARATION, their successors and assigns, if such successors and assigns are assigned the rights of DECLARANT under this DECLARATION or if such successor or assign acquires DECLARANT'S interest in THE PROJECT by foreclosure or by deed in lieu of foreclosure of a MORTGAGE.

1.13 "EXCLUSIVE USE COMMON AREA" shall mean and refer to certain portions of the COMMON AREA expressly reserved by the DECLARANT hereby for the exclusive use of a particular UNIT or UNITS in THE PROJECT. Each such EXCLUSIVE USE COMMON AREA shall be identified on the Condominium Plan as follows:

1.13.1 , PATIO, areas within the COMMON AREA adjacent to an OWNER S UNIT are expressly reserved by the DECLARANT hereby for the exclusive use of the UNIT to which they are adjacent. Each such PATIO area is identified on the Condominium Plan by the word , PATIO, , accompanied by the UNIT number which each PATIO serves Each such PATIO is hereby reserved for the exclusive use of the OWNER of the UNIT which the PATIO serves, as depicted on this Condominium Plan

SEE SHEET 2 OF 4 FOR ADDITIONAL DEFINITIONS

RECORDER'S CERTIFICATE:

DOCUMENT NO. _____ FEE: $_____

FILED THIS _____ DAY OF _____, 2012 AT _____M. IN VOLUME _____ OF PLATS, AT PAGES _____ AT THE REQUEST OF TSD ENGINEERING, INC.

FRESNO COUNTY RECORDS
PAUL DICTOS, C.P.A., RECORDER

BY: _____
DEPUTY

31 Natoma Street, Suite #160
Folsom, CA 95630
Phone: (916) 608-0707
Fax: (916) 608-0701

TSD ENGINEERING, INC.
expect more.

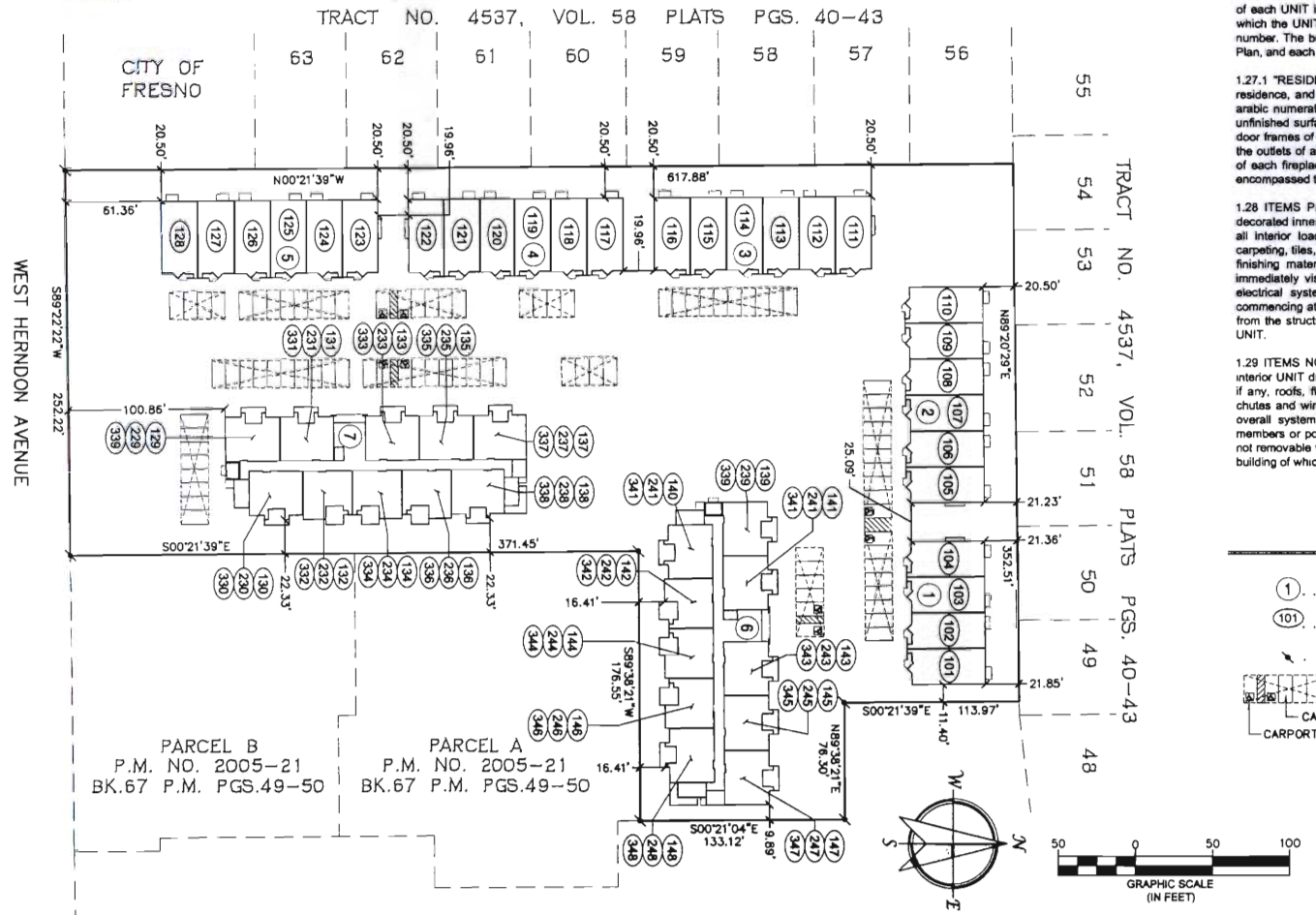
CONDOMINIUM PLAN
FOR
WESTWOOD BLUFFS
IN THE CITY OF FRESNO,
COUNTY OF FRESNO, STATE OF CALIFORNIA
CONSISTING OF 4 SHEETS SHEET 2 OF 4

LEGAL DESCRIPTION:
REAL PROPERTY IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 1, AS SHOWN ON TRACT NO. 5951 FOR CONDOMINIUM PURPOSES, FILED _____, 2012 IN VOLUME ____ OF PLATS, AT PAGES _____, FRESNO COUNTY RECORDS.

BASIS OF BEARINGS (HORIZONTAL DATUM):
THE BASIS OF BEARINGS FOR THIS CONDOMINIUM PLAN IS THE WEST LINE OF LOT 1, GIVEN AS N00°21'39"W, AS SHOWN ON TRACT NO. 5951 FOR CONDOMINIUM PURPOSES, FILED _____, 2012 IN VOLUME ____ OF PLATS, AT PAGES _____, FRESNO COUNTY RECORDS.

BASIS OF ELEVATIONS (VERTICAL DATUM):
THE BASIS OF ELEVATIONS FOR THIS PLAN IS TEMPORARY BENCHMARK 3005, BEING A CHISELED SQUARE ON CURB, WEST SIDE OF MEDIAN ISLAND, 250' NORTH OF WEST HERNDON AVENUE, HAVING AN ELEVATION OF 334.048 FEET, AS SHOWN ON THE GRADING PLAN FOR WESTWOOD BLUFFS.



DEFINITIONS:
1.13.2 , BALCONY, area within the COMMON AREA adjacent to UNIT it serves. Such BALCONY area is identified on the Condominium Plan the word , BALCONY, , accompanied by said UNIT number, as depicted on the Condominium Plan. Such BALCONY is hereby reserved for the exclusive use of the OWNER of UNIT to which it serves.

1.18 "OWNER" shall mean and refer to the record owner or owners, if more than one, (including DECLARANT) (or the Vendee under a Contract of Sale) of a CONDOMINIUM in THE PROJECT, excluding those persons or entities having such interest merely as security for the performance of an obligation.

1.25 "STRUCTURES". Any building housing one or more CONDOMINIUMS in THE PROJECT.

1.26 "THE PROJECT" shall mean and refer to THE PROPERTY to be subdivided or converted into a CONDOMINIUM PROJECT, including COMMON AREA and individual UNITS.

1.27 "UNIT" shall mean and refer to the elements of a CONDOMINIUM, which are not owned in common with the OWNERS of other CONDOMINIUMS in THE PROJECT. The designation of each UNIT in THE PROJECT consists of the number of the CONDOMINIUM BUILDING in which the UNIT is located (buildings numbered consecutively 1 to 7) followed by the UNIT number. The boundaries of each UNIT shall be as shown and described on the Condominium Plan, and each UNIT shall consist of a residential element, described as follows:

1.27.1 "RESIDENTIAL ELEMENT" shall mean that portion of a UNIT designed for use as a residence, and shall be identified on the Condominium Plan by the letter , R, preceding the arabic numeral designation of the UNIT of which it is a part and shall consist of the interior unfinished surfaces of the perimeter walls, floors, ceilings, windows, window frames, doors and door frames of each RESIDENTIAL ELEMENT and the space encompassed thereby, including the outlets of all utility installations therein and also including the interior surfaces of the firebox of each fireplace extending from the floor to the top of each fireplace, if any, and the space encompassed thereby, which adjoins the RESIDENTIAL ELEMENT.

1.28 ITEMS PART OF A UNIT. The following are part of the UNIT which they serve: the decorated inner surface of the exterior and interior walls (including decorated inner surfaces of all interior load-bearing walls) , floors and ceilings consisting of wallpaper, paint, plaster, carpeting, tiles, and all other
finishing materials fixed or installed as part of the physical structure of the UNIT and all immediately visible fixtures, complete heating and air-conditioning systems, mechanical, and electrical systems and equipment installed for the sole and exclusive use of the UNIT, commencing at the point where the same extends from the walls or floors into the interior space from the structural body of the building or from the utility lines, pipes, or systems serving the UNIT.

1.29 ITEMS NOT PART OF A UNIT The following are not part of a UNIT: the foundations, interior UNIT dividing walls, exterior walls (including windows and doors therein) , fireplaces, if any, roofs, floors, load bearing walls, columns, slabs, balcony railings, flues, pipes, ducts, chutes and wire, conduits or other public utility lines or installations constituting a part of the overall system designed for the service of any particular UNIT, nor any other structural members or portions of any kind, including fixtures and appliances within the UNIT, which are not removable without jeopardizing the soundness, safety or usefulness of the remainder of the building of which the UNIT is a part.

LEGEND

(1) . . . . . BUILDING NUMBER
(101) . . . . . UNIT NUMBER
. . . . . FOUND 3/4" IRON PIPE PER TRACT NO. 5951
. . . . . CARPORT
CARPORT PARKING STALL
CARPORT PARKING STALL (HANDICAP)

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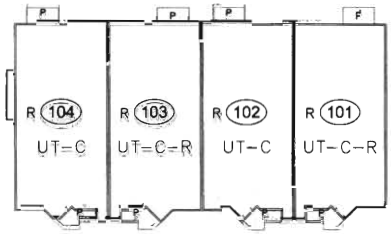
CONDOMINIUM PLAN
FOR
WESTWOOD BLUFFS

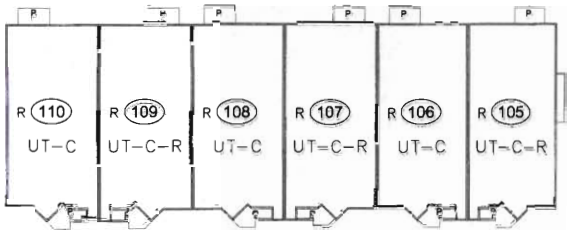
IN THE CITY OF FRESNO,
COUNTY OF FRESNO, STATE OF CALIFORNIA
CONSISTING OF 4 SHEETS SHEET 3 OF 4

BUILDING "1" - UNIT LAYOUT
SCALE: 1"=20'



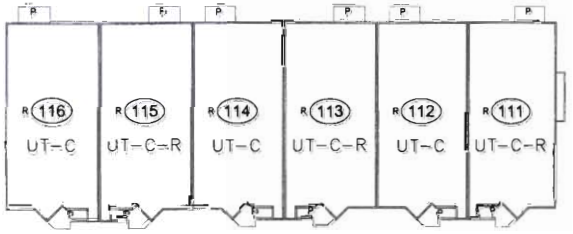
1ST FLOOR LAYOUT

BUILDING "2" - UNIT LAYOUT
SCALE: 1"=20'



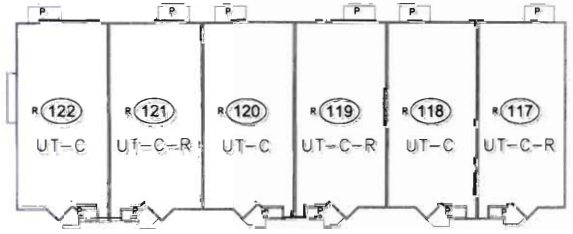
1ST FLOOR LAYOUT

BUILDING "3" - UNIT LAYOUT
SCALE: 1"=20'



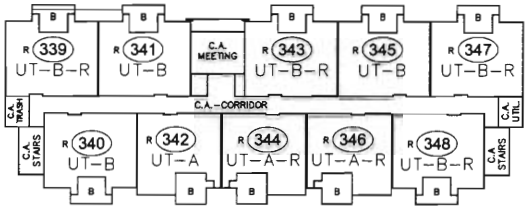
1ST FLOOR LAYOUT

BUILDING "4" - UNIT LAYOUT
SCALE: 1"=20'

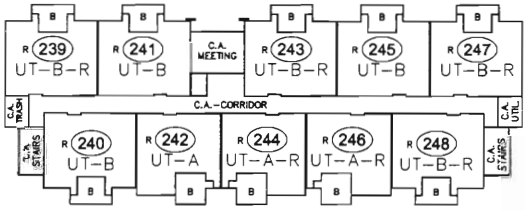


1ST FLOOR LAYOUT

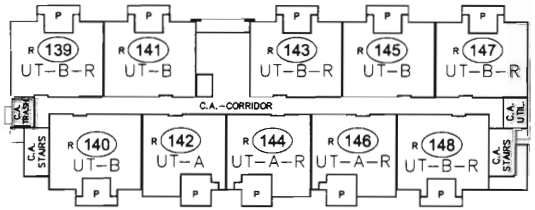
BUILDING "6" - UNIT LAYOUT
SCALE: 1"=30'



3RD FLOOR LAYOUT



2ND FLOOR LAYOUT

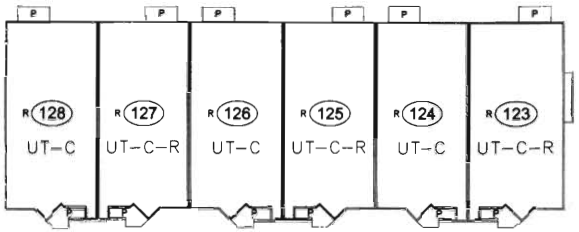


1ST FLOOR LAYOUT

LEGEND

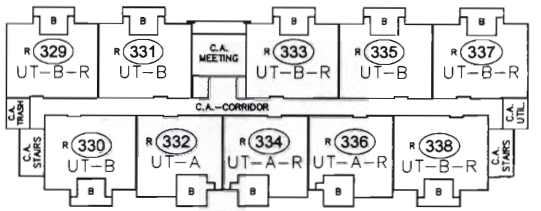
(101)	. . UNIT NUMBER	R . .	RESIDENTIAL ELEMENT
C.A.	. . . COMMON AREA	UT-A	. . . . UNIT TYPE
B	. . . . . BALCONY	UT-A-R	. . . UNIT TYPE (REVERSE)
P	PATIO		

BUILDING "5" - UNIT LAYOUT
SCALE: 1"=20'

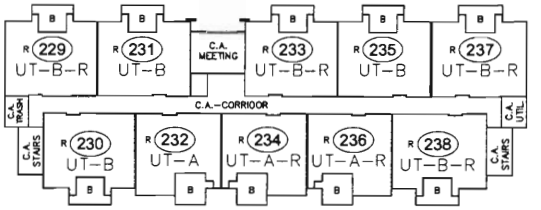


1ST FLOOR LAYOUT

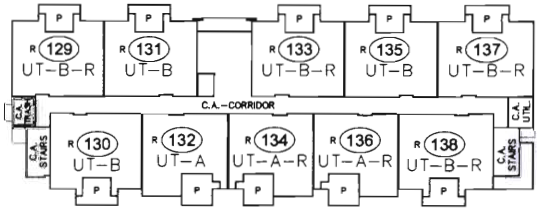
BUILDING "7" - UNIT LAYOUT
SCALE: 1"=30'



3RD FLOOR LAYOUT



2ND FLOOR LAYOUT



1ST FLOOR LAYOUT

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CONSISTING OF 4 SHEETS SHEET 4 OF 4

UNIT VERTICAL DIMENSIONS

BUILDING 6		
UNIT NO.	UPPER ELEV	LOWER ELEV
	1ST FLOOR	
139–148	345.48	336.48
	2ND FLOOR	
239–248	355.48	346.48
	3RD FLOOR	
339–348	365.48	356.48

BUILDING 7		
UNIT NO.	UPPER ELEV	LOWER ELEV
	1ST FLOOR	
129–138	345.57	336.57
	2ND FLOOR	
229–238	355.57	346.57
	3RD FLOOR	
329–338	365.57	356.57

UNIT VERTICAL DIMENSIONS

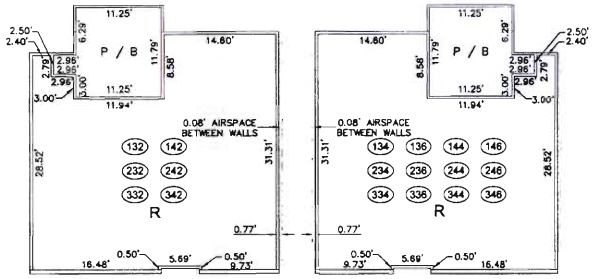
BUILDING 1		
UNIT NO.	UPPER ELEV	LOWER ELEV
	1ST FLOOR	
101–104	345.49	336.43

BUILDING 2		
UNIT NO.	UPPER ELEV	LOWER ELEV
	1ST FLOOR	
105–110	345.49	336.43

BUILDING 3		
UNIT NO.	UPPER ELEV	LOWER ELEV
	1ST FLOOR	
111–116	345.49	336.43

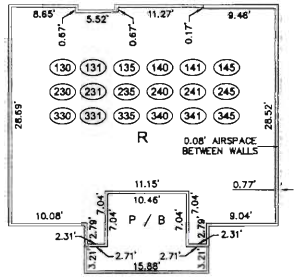
BUILDING 4		
UNIT NO.	UPPER ELEV	LOWER ELEV
	1ST FLOOR	
117–122	345.55	336.49

BUILDING 5		
UNIT NO.	UPPER ELEV	LOWER ELEV
	1ST FLOOR	
117–122	345.55	336.49

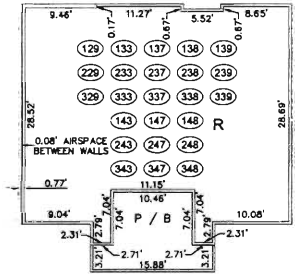


UNIT TYPE A DIMENSIONS

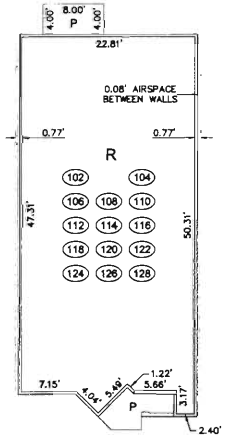
UNIT TYPE A-R DIMENSIONS



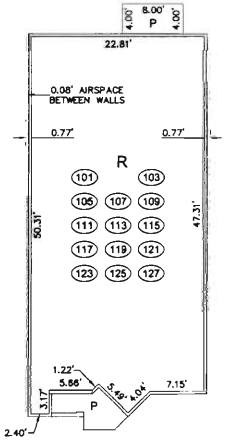
UNIT TYPE B DIMENSIONS



UNIT TYPE B-R DIMENSIONS



UNIT TYPE C DIMENSIONS



UNIT TYPE C-R DIMENSIONS

LEGEND

(101)	UNIT NUMBER
C.A.	COMMON AREA
B	BALCONY
P	PATIO
R	RESIDENTIAL ELEMENT
	2x4 STUD WALL
	2x6 STUD WALL
ELEV	ELEVATION

10 0 10 20
GRAPHIC SCALE
(IN FEET)

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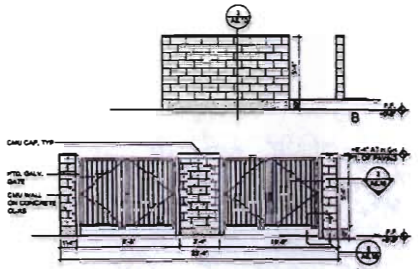
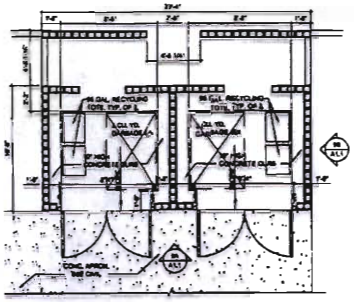


9 A1.01 TRASH ENCLOSURE - ELEVATIONS



8 A1.01 TRASH ENCLOSURE - PLAN

BUILDING TYPE 1				
UNIT TYPE	UNIT	UNIT AREA	# OF UNITS	NET AREA
UNIT A	1 BR/1 BA	650 SF		
UNIT B	2 BR/2BA	845 SF		
UNIT C	2 BR/2BA	1124 SF	4	4496 SF
TOTALS				
1	TOTALS		4	4496 SF
	BUILDING TYPE 1 ON SITE			
	BUILDING TYPE 2			
UNIT TYPE	UNIT	UNIT AREA	# OF UNITS	NET AREA
UNIT A	1 BR/1 BA	650 SF		
UNIT B	2 BR/2BA	845 SF		
UNIT C	2 BR/2BA	1124 SF	8	8744 SF
TOTALS				
4	TOTALS		24	26,976 SF
	BUILDING TYPE 2 ON SITE			
	BUILDING TYPE 3			
UNIT TYPE	UNIT	UNIT AREA	# OF UNITS	NET AREA
UNIT A	1 BR/1 BA	650 SF	8	5200 SF
UNIT B	2 BR/2BA	845 SF	20	16,700 SF
UNIT C	2 BR/2BA	1124 SF	8	8744 SF
TOTALS			36	29,884 SF
3	TOTALS		60	57,840 SF
	BUILDING TYPE 3 ON SITE			

PARKING: 60 UNITS X 1.5 = 132 PARKING SPACES REQ'D

ACTUAL SPACES - 140 TOTAL
80 COVERED SPACES
52 OPEN SPACES
8 HANDICAPPED (INCLUDING 2 VANS)

DESIGN AND CONSTRUCT PARKING LOT PAVEMENT TO H.D.L.R. STANDARDS FOR LIGHT DUTY AND HEAVY DUTY

TYPICAL NOTES:

1. MANAGEMENT TO ASSIGN MAIL BOXES FOR ACCESSIBLE UNITS TO LOWER BOXES.
2. VERIFY PAVING AT TRAVEL WAY WITH CIVIL PLANS.
3. REFER TO LANDSCAPE PLANS FOR ADDITIONAL NOTES AND SITE IMPROVEMENTS.
4. SCREEN ALL UTILITY EQUIPMENT WITH LANDSCAPING.

ACCESSIBILITY NOTES:

1. ALL WALKS TO BE MINIMUM 4'-0" WIDE, SLIP RESISTANT SURFACE WITH A 2.0 MAXIMUM SLOPE AND A MAXIMUM CROSS SLOPE OF 2.0%.
3. WALKS TO PROVIDE A BARRIER FREE PATH OF TRAVEL.
5. ABRUPT CHANGES IN LEVEL ALONG ANY PATH OF TRAVEL NOT TO EXCEED 1/2". THERE SHALL BE NO DROP OFF AT EDGE OF WALK GREATER THAN 3". VERTICAL LEVEL CHANGES BETWEEN 1/4" AND 1/2" ARE BEVELED A MINIMUM 1:2.
6. ALL GATES ALONG PATH OF TRAVEL TO COMPLY WITH DOOR REQUIREMENTS FOR ACCESSIBILITY.
8. ALL EXTERIOR DOOR LANDINGS SHALL HAVE SMOOTH TRANSITION TO ADJACENT PAVED SURFACE.

GENERAL NOTES

BUILDINGS TO BE CLEARLY MARKED WITH 6" NUMBERS OF A CONTRASTING COLOR.

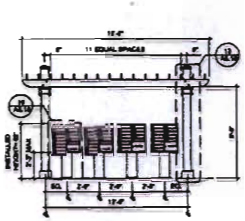
SITE POLE LIGHTS ILLUMINATING THE PARKING AND COMMON AREAS TO MATCH FIXTURES USED IN THE ADJACENT COMMERCIAL CENTER SEE ELECTRICAL SITE PLAN.

LIGHTING TO BE MEASURED AND CONTROLLED SO AS NOT TO CAUSE A NUISANCE EITHER TO HIGHWAY TRAFFIC OR TO THE LAYING ENVIRONMENT.

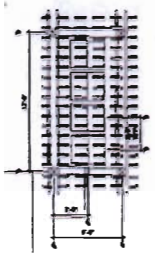
THE LIGHTING LEVEL PROVIDED WILL BE IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF FRESNO, DEPARTMENT OF PUBLIC WORKS.

COMPLY WITH ALL CONDITIONS OF C-02-034 & P.M. 2005-21 AND THE BULLARD COMMUNITY PLAN.

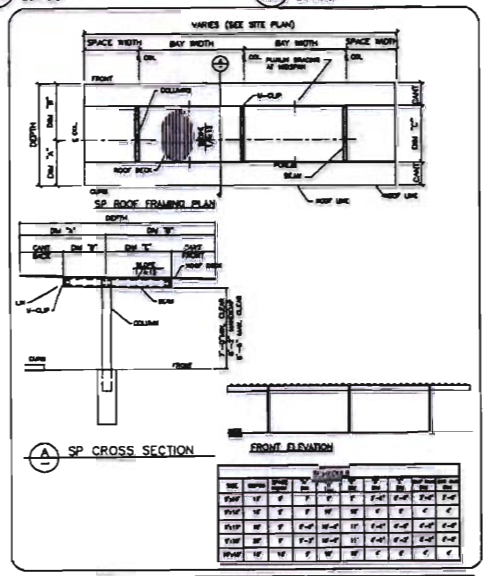
SEE OPERATIONAL STATEMENT REGARDING GATE OPERATION



7 A1.01 MAILBOXES - ELEVATION

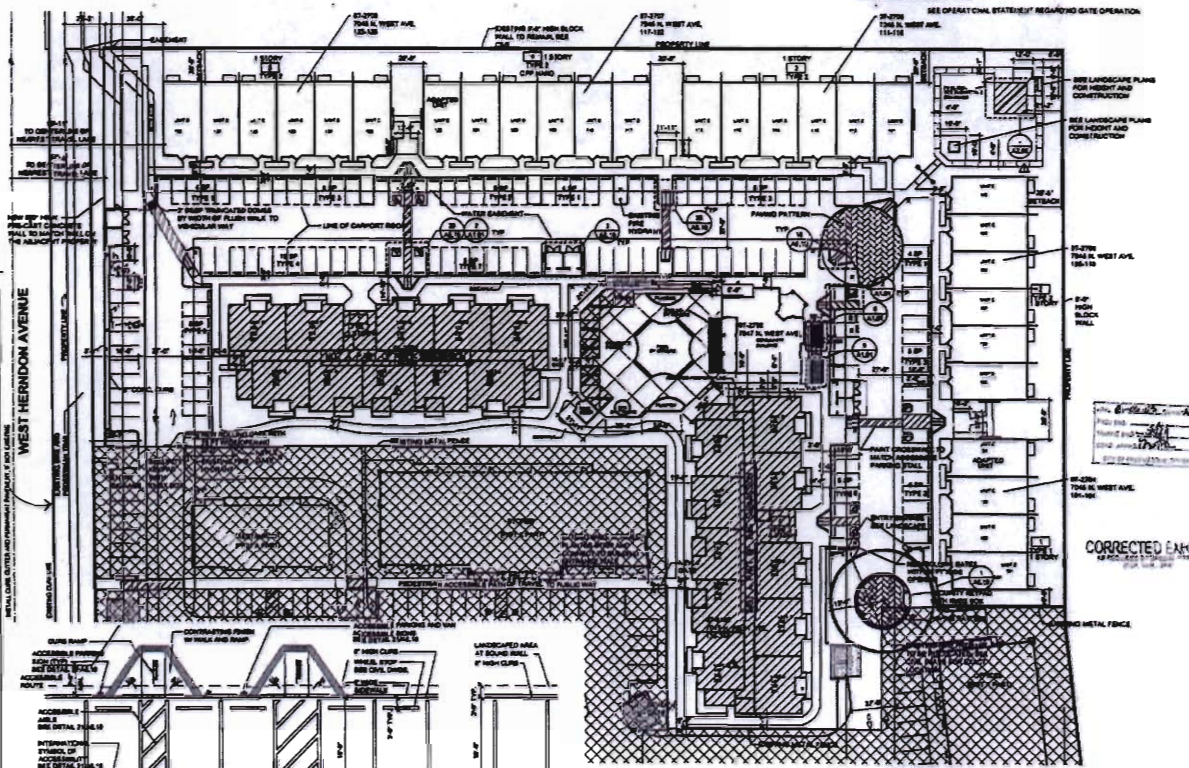


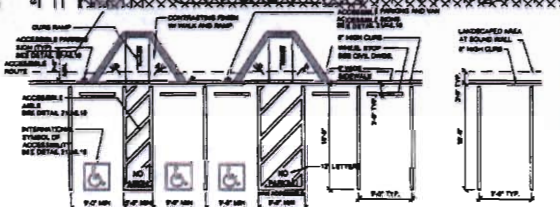
6 A1.01 MAILBOXES - PLAN



BAJA STANDARD	BAJA CONSTRUCTION CO., INC.	SHEET
SINGLE POST (SP)	823 PORTER ST., MARTINEZ CA 94553 1-800-356-2626 FAX: (925) 228-0161	Page 1 of 1

3 A1.01 CARPORT - TYP.
AS NOTED





ACCESSIBLE PARKING SPACES

TYP. STANDARD PARKING SPACE

TYP. STANDARD PARKING SPACE

2 A1.01 PARKING SPACES
1/8" = 1'-0"

LIGHT POLE

NOT A PART OF THIS SUBMISSION SUBMISSION 2

FIRE DEPARTMENT NOTES

TWO MEANS OF INGRESS/EGRESS MUST BE PROVIDED. THIS ACCESS MUST BE MAINTAINED DURING ALL PHASES OF DEVELOPMENT.

ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERRUPTION IF ROAD SYSTEM BECOMES IMPASSABLE FOR FIRE APPARATUS DUE TO SNOW OR OTHER OBSTACLES.

ALL GATES ON COMMON ACCESS DRIVES SHALL BE EQUIPPED WITH APPROVED KNOX-BOX SYSTEMS (KEY LOCKS) PADLOCK (WITH NO. 5 OR CYLINDER LOCK (WITH), GATES AND FENCES SHALL NOT OBSTRUCT THE MINIMUM WIDTH REQUIRED FOR FIRE LANES.

PROVIDE UNIT # SIGN GATE SOUTH OF BLDG #6 TO ASSURE "150 FOOT RULE"

ADDRESSES

APARTMENTS 7048 N. WEST AVENUE 102 thru 138

1 A1.01 SITE PLAN
1" = 30'-0"

NORTH

Regal Development Group
3128 Willow, Suite 101
Clovis, CA. 93611
559-347-4888
PHONE: 559-431-4888
FAX: 559-431-3497

SITE PLAN
WESTWOOD BLUFFS

90 EAST ESCALON, SUITE 123, FRESNO, CALIFORNIA, 93710
MEYER ARCHITECTURE & PLANNING, INC.

DATE: 10-15-07
SCALE: 1" = 30'-0"
JOB NO. 0615
SHEET NO. A1.01

City of FRESNO **REPORT TO THE PLANNING COMMISSION**

AGENDA ITEM NO. VII.A.
COMMISSION MEETING 03/04/09
APPROVED BY
DEPARTMENT DIRECTOR

March 04, 2009

FROM: KEITH BERGTHOLD, Interim Director
Planning and Development Department

THROUGH: DARRELL UNRUH, Planning Manager
Planning Division

BY: WILL TACKETT, Planner III
Planning Division

SUBJECT: CONSIDERATION OF VESTING TENTATIVE TRACT MAP NO. 5951/UGM AND RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL ASSESSMENT NO. T-5951

EXECUTIVE SUMMARY

Vesting Tentative Tract Map No. 5951/UGM has been filed by Regal Development Group on behalf of Westwood Bluffs, LLC., property owner, and pertains to approximately 4.38 acres of property located on the north side of West Herndon Avenue between North Warren and North West Avenues. Vesting Tentative Tract Map No. 5951/UGM proposes a one-lot subdivision of the subject property for condominium purposes.

The subject property is developed with an 88-unit multiple family residential planned development for senior citizens in accordance with Conditional Use Permit No. C-06-003 (approved February 27, 2006). The overall density of the existing senior citizen housing development is approximately 20.09 dwelling units per acre.

The subject property is currently zoned under the R-1/EA/UGM/cz (*Single Family Residential/Expressway Area Overlay/Urban Growth Management/with conditions of zoning*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan and Bullard Community Plan, which designate the subject property for Medium Density Residential (4.99-10.37 dwelling units/acre) planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing R-1 (*Single Family Residential*) zone district is consistent with the Medium Density Residential planned land use designation. However, the existing density of this project (20.09 dwelling units per acre) does not conform to the Medium Density Residential planned land use, which allows 4.99-10.37 units per acre. While the project density exceeds the density allowances of the Medium Density Residential planned land use designation, Conditional Use Permit No. C-06-003 (in accordance with Section 12-304-B-13 of the Fresno Municipal Code and California Government Code Sections 65915 through 65917) authorized a density bonus for the senior citizen housing development on the subject property. The proposed project is well under the density allowed for "Housing for Senior Citizens" pursuant to Section 12-304-B-13 of the Fresno Municipal Code.

As the subject property has been developed utilizing density bonus provisions for senior citizen housing developments, all of the dwelling units on the subject property are required to be reserved for "senior citizens" regardless of whether rented or owned by occupants. If approved, the one common lot condominium "airspace" subdivision proposed by Vesting Tentative Tract Map No. 5951/UGM will only facilitate individual ownership of respective dwelling units, which exist on the subject property; and establish, or provide for, jointly owned areas and facilities on the subject property.

Therefore, Vesting Tentative Tract Map No. 5951/UGM may be determined to be consistent with the 2025 Fresno General Plan and the Bullard Community Plan, pursuant to Section 12-403-B-2 of the FMC. The proposed project is supported by staff and the District 2 Plan Implementation Committee.

PROJECT INFORMATION

PROJECT	Vesting Tentative Tract Map No. 5951/UGM proposes a one-lot "airspace" subdivision of the subject property for condominium purposes.	
APPLICANT	Regal Development Group on behalf of Westwood Bluffs, LLC.	
LOCATION	North side of West Herndon Avenue between North Warren and North West Avenues. **(Council District 2, Councilmember Borgeas)**	
SITE SIZE	Approximately 4.38 acres	
LAND USE	Existing -	88-unit senior citizen housing development.
	Planned -	Medium Density Residential (4.99-10.37 du/acre)
ZONING	Existing -	R-1/EA/UGM/cz (*Single Family Residential/ Expressway Area Overlay/Urban Growth Management/ with conditions of zoning) zone district.*
	Proposed -	R-1/EA/UGM/cz (*Single Family Residential/ Expressway Area Overlay/Urban Growth Management/ with conditions of zoning) zone district.*
PLAN DESIGNATION AND CONSISTENCY	The proposed subdivision map, together with its design and improvements, is consistent with the 2025 Fresno General Plan and the Bullard Community Plan, which designate the subject property for Medium Density Residential (4.99-10.37 du/acre) planned land uses, because the proposed condominium project design meets the density and zoning ordinance criteria for development in this plan designation with the application of a density bonus pursuant to Section 12-304-B-13 of the Fresno Municipal Code and California Government Code Sections 65915 through 65917.	
ENVIRONMENTAL FINDING	This project is exempt under Sections 15301 (Class 1/Existing Facilities) and 15315 (Class 15/Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines.	
PLAN COMMITTEE RECOMMENDATION	The District 2 Plan Implementation Committee recommended approval of the proposed project at their meeting held November 24, 2008.	

STAFF RECOMMENDATION: Recommend that the Planning Commission approve Vesting Tentative Tract Map No. 5951/UGM subject to the Conditions of Approval dated March 04, 2009.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Density Residential	**R-1/EA/UGM** *Single Family Residential District/Expressway Area Overlay/Urban Growth Management*	Single Family Residential
South	Commercial Office	**C-P/EA/UGM/cz** *Administrative and Professional Office District/Expressway Area Overlay/Urban Growth Management/with conditions of zoning*	Commercial Office
East	Neighborhood Commercial & Office Commercial	**C-P/EA/UGM/cz** *Administrative and Professional Office District/Expressway Area Overlay/Urban Growth Management/with conditions of zoning* & **C-1/EA/UGM/cz** *Neighborhood Shopping Center District/Expressway Area Overlay/Urban Growth Management/with conditions of zoning*	Commercial Office & Commercial Retail
West	Medium Density Residential	**R-1/EA/UGM** *Single Family Residential District/Expressway Area Overlay/Urban Growth Management*	Single Family Residential

ENVIRONMENTAL FINDING

The Planning and Development Department staff have evaluated the proposed vesting tentative tract map and have determined that the proposed subdivision is exempt under Sections 15301 (Class 1/Existing Facilities) and 15315 (Class 15/Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines.

Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects involving negligible or nor expansion of use beyond that existing at the time of the lead agency's determination; including but not limited to, division of existing multiple family or single-family residences into common-interest ownership.

Section 15315 (Class 15/Minor Land Divisions) of the CEQA Guidelines exempts from the provisions of CEQA, the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel

was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

BACKGROUND / ANALYSIS

Vesting Tentative Tract Map No. 5951/UGM has been filed by Regal Development Group on behalf of Westwood Bluffs, LLC., property owner, and pertains to approximately 4.38 acres of property located on the north side of West Herndon Avenue between North Warren and North West Avenues. Vesting Tentative Tract Map No. 5951/UGM proposes a one-lot subdivision of the subject property for condominium purposes.

The subject property is developed with an 88-unit multiple family residential planned development for senior citizens in accordance with Conditional Use Permit No. C-06-003 (approved February 27, 2006). Conditional Use Permit No. C-06-003 was approved for the senior housing development as a revised exhibit to Conditional Use Permit No. C-02-034 (approved July 29, 2002), which originally authorized a mixed use development incorporating the subject senior housing development as well as approximately 27,200 square feet of commercial space and approximately 18,500 square feet of office space on approximately 10 acres of land. The overall density of the existing senior citizen housing development is approximately 20.09 dwelling units per acre.

The subject property is currently zoned under the R-1/EA/UGM/cz (*Single Family Residential/Expressway Area Overlay/Urban Growth Management/with conditions of zoning*) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan and Bullard Community Plan, which designate the subject property for Medium Density Residential (4.99-10.37 dwelling units/acre) planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing R-1 (*Single Family Residential*) zone district is consistent with the Medium Density Residential planned land use designation. However, the existing density of this project (20.09 dwelling units per acre) does not conform to the Medium Density Residential planned land use, which allows 4.99-10.37 units per acre. While the project density exceeds the density allowances of the Medium Density Residential planned land use designation, Conditional Use Permit No. C-06-003 (in accordance with Section 12-304-B-13 of the Fresno Municipal Code and California Government Code Sections 65915 through 65917) authorized a density bonus for the senior citizen housing development on the subject property. The proposed project is well under the density allowed for "Housing for Senior Citizens" pursuant to Section 12-304-B-13 of the Fresno Municipal Code.

As the subject property has been developed utilizing density bonus provisions for senior citizen housing developments, all of the dwelling units on the subject property are required to be reserved for "senior citizens" regardless of whether rented or owned by occupants. For the purposes of defining a "senior citizen" the Fresno Municipal Code refers to Section 51.3(b) of the California Civil Code, which states that a "qualifying resident" or "senior citizen" means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development. The only exceptions to the definition of a "senior citizen" under the California Civil Code are those made for "qualifying residents", which may be: a spouse, cohabitant, or person providing primary physical or economic support to the senor citizen who are of 45 years of age or older; or, a disabled person who is a dependent child or grandchild of the senior citizen.

If approved, the one common lot condominium "airspace" subdivision proposed by Vesting Tentative Tract Map No. 5951/UGM will only facilitate individual ownership of respective dwelling units, which exist on the subject property; and establish, or provide for, jointly owned areas and facilities on the subject property.

The City of Fresno and Regal Development Group have been prudently entertaining complaints received from neighboring property owners respective to interface issues that have arisen between the subject property and adjacent residences. Of particular concern is the height of the solid masonry boundary wall located on the north and west property lines of the subject property. Due to the grading of the subject property, which occurred prior to its development in order to address on-site drainage issues, a grade differential now exists between the subject property and adjacent single family residential properties. This grade differential creates a privacy issue for neighboring residents in that the solid masonry wall along the north and west property lines of the subject site is no longer of a height which provides for sufficient or appropriate privacy screening for the rear yards and residences of neighboring residential properties. On February 24, 2009 a neighborhood meeting was held involving representatives of the subject property, neighboring residents, and City staff. At the neighborhood meeting it was generally agreed that the most appropriate course of action for mitigating the interface issues between the subject property and adjacent residential properties (in order to protect the privacy of the neighboring residents) is for the owner of the subject property to add an additional two courses of solid masonry block to the existing block wall located along the north and west property lines. Two courses of masonry block would provide anywhere from 20-24 inches of additional height to the existing block wall; thereby accommodating the differences in grade between properties through the provision of a wall height adequate to screen visibility.

It should be noted that pursuant to Section 66427 of the Subdivision Map Act, "a map of a condominium project, a community apartment project, or of the conversion of five or more existing dwelling units to a stock cooperative project need not show the buildings or the manner in which the buildings or airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a parcel, tentative, or final map of the project on account of the design or the location of buildings on the subject property shown on the map that are not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium."

Conditions of Zoning

The following Conditions were established for the subject property and adjacent commercial and office zoned properties through City Council approval of Rezone Application No. R-02-006 on August 27, 2002 (Ordinance No. 2002-46):

1. The multiple family residential portion of the project shall be developed as a "Housing for the Elderly" project as defined in Section 12-105-H-14 of the Fresno Municipal Code.

2. The off-sale (per State ABC regulations) of alcoholic beverages and the sale of pornographic material shall be prohibited on the subject property.

3. Arcades shall be prohibited on the subject property.

4. The drug store and fast food restaurant (including drive-through window) shall close at no later than 10:00 p.m. These hours may be extended to 11:00 p.m. upon approval of the Director of

the Planning and Development Department and the Police Chief. The drive-through window for the drug store may be operational 24 hours a day.

5. The exterior appearance of the various buildings of the project shall be designed in a compatible manner as determined by the Planning and Development Department Director.

6. The fast food restaurant shall not contain any outdoor display area.

7. A substantial portion of the residential and office buildings of the project shall be completed prior to the development of more than fifty percent of the commercial buildings, as determined by the Planning and Development Department Director.

8. A traffic signal shall be installed on West Avenue at the proposed southerly access point to the subject property. The City traffic Division shall reevaluate the traffic flow at this intersection, approximately one-year from the date of the installation of the traffic signal.

9. The intersection at the proposed southerly access point to the subject property shall include a 100-foot long northbound left turn lane on West Avenue.

10. The Traffic signal at West and Herndon Avenues and the proposed signal at the southerly site access point and West Avenue shall be coordinated to optimize signal operation efficiency.

11. Lighting plans for the commercial portion of the project shall be sufficient for security purposes as determined by the Planning and Development and Police Departments.

12. A grocery store/supermarket shall not be permitted on the subject property for a period of thirty years from the date of the approval of this project.

Compliance with the abovereferenced conditions of zoning on the subject property has been demonstrated through the existing development of the subject property and adjacent properties. Furthermore, as the use of the subject property is required to remain exclusively for the purposes of a senior housing development, it may be determined that the conditions of zoning for the subject property have been met with respect to the proposed subdivision of the subject property.

Circulation Element Plan Policies and Major Street System Traffic Capacity

Access to the subject property is provided from North West Avenue in accordance with the planned development approved by Conditional Use Permit No. C-02-034 (approved July 29, 2002). Access has been relinquished for the frontage of the subject property along West Herndon Avenue. The 2025 Fresno General Plan Circulation Element designates North West Avenue as a collector street and West Herndon Avenue as an expressway. Right-of-way dedications have been made along the entirety of the subject property's frontage and all off-site improvements, for and along adjacent public streets, have been installed in accordance with City of Fresno requirements.

The Public Works Department Transportation Planning Section has reviewed Vesting Tentative Tract Map No. 5951/UGM and has determined that the proposed subdivision will have no further effect on streets adjacent to or near the subject property beyond those which have previously been evaluated and/or mitigated respective to the existing planned development on the subject property.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Resources and Services

The Public Utilities Department has determined that the existing private sanitary sewer and existing onsite public water main services are sufficient to continue to serve the project.

The City of Fresno Fire Department has conditioned the proposed with a requirement for recordation of a covenant for maintenance of fire sprinkler systems on the subject property. Implementation of the 2025 Fresno General Plan policies, mitigation measures of Master Environmental Impact Report No. 10130 and the Water Resources Management Plan will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service is available to the subject property through existing on-site drainage facilities.

California Department of Transportation (Caltrans)

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has reviewed Vesting Tentative Tract Map No. 5951/UGM. Within its memorandum dated November 17, 2008, Caltrans indicates that it has no comments respective to the proposed tentative tract map.

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 Fresno General Plan and Bullard Community Plan which designate the site for Medium Density residential planned land uses. Pursuant to Fresno Municipal Code Section 12-304-B-13 the project design meets the density and zoning ordinance criteria for development in this plan designation.

2. This site is physically suitable for the proposed type and density of development, because the previously imposed conditions of approval 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

the proposed one-lot subdivision pertains to "airspace" for the purposes of a condominium project for an existing development. Furthermore, the entirety of the area in which the subject property is located has been developed with urban uses.

4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the previously imposed conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards.

5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and previously imposed 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 existing buildings on the subject property.

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.

Action by the Planning Commission regarding the vesting tentative tract map is final unless appealed in accordance with the Fresno Municipal Code, Section 12-1019.

CONCLUSION / RECOMMENDATION

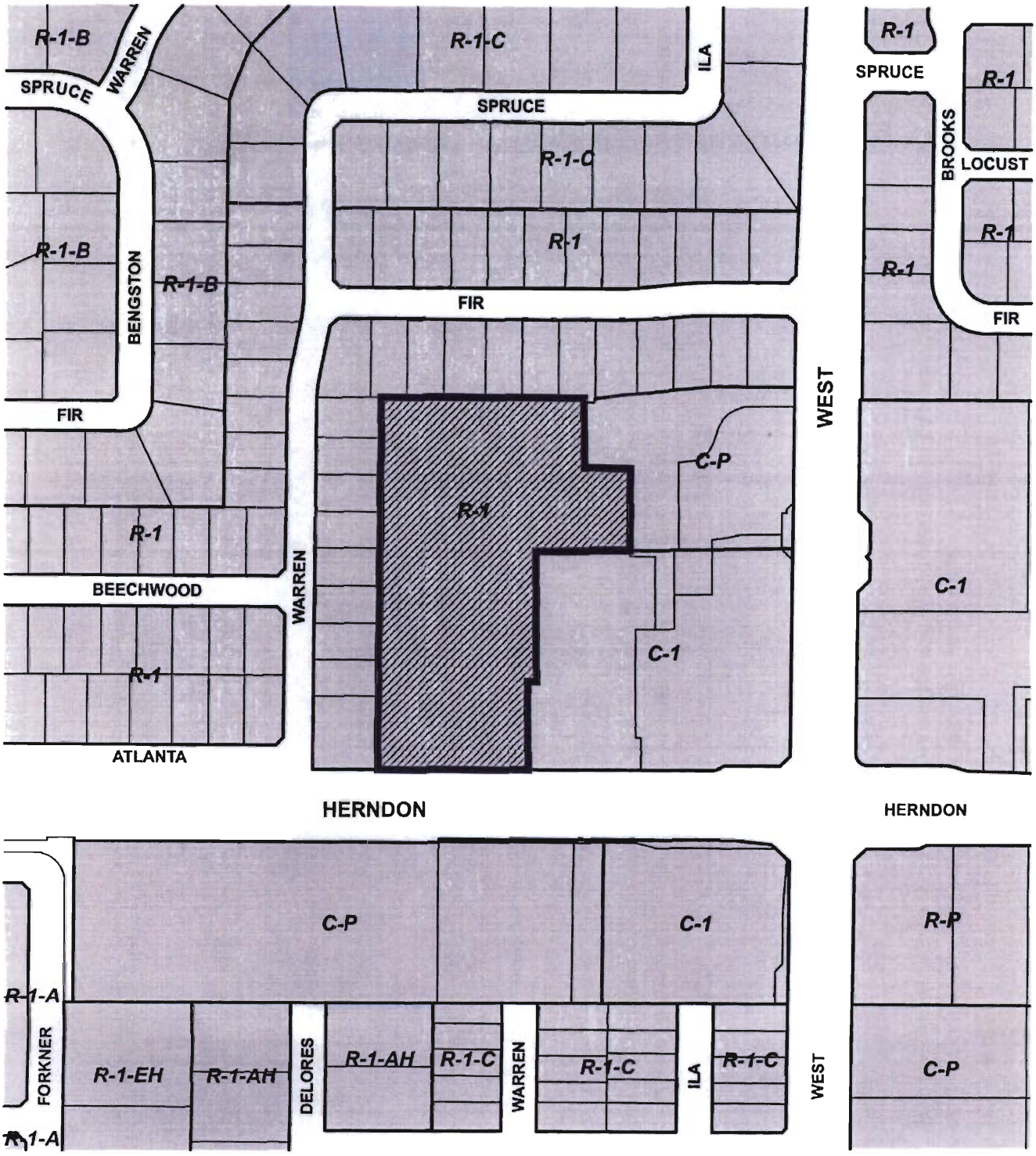
The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; its avoidance or mitigation of potentially significant adverse environmental impacts; and, its compliance with the Subdivision Map Act. 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. 5951/UGM is appropriate for the project site.

Staff, therefore, recommends that the Planning Commission:

1. APPROVE the environmental finding for Environmental Assessment No. T-~~5891~~ 5951 that the project proposal is categorically exempt from the provisions of CEQA under Sections 15301 (Class 1/Existing Facilities) and Section 15315 (Class 15/Minor Land Divisions) of the CEQA Guidelines.

2. APPROVE Vesting Tentative Tract Map No. 5951/UGM subject to compliance with the Conditions of Approval dated March 04, 2009.

Attachments: Vicinity Map
Aerial Photograph of Site
Planned Land Use Map
Exhibit "A" of Conditional Use Permit Application No. C-06-003 dated May 11, 2006
Vesting Tentative Tract Map No. 5951/UGM dated November 05, 2008
Conditions of Approval for Vesting Tentative Tract Map No. 5951/UGM dated March 04, 2009, including memoranda from responsible or commenting agencies.
Environmental Assessment No. T-5951 dated February 27, 2009



LEGEND

Subject Property

U.G.M. Area

VICINITY MAP

CONDITIONAL USE PERMIT NO. C-06-003

7045 N. WEST AVE.

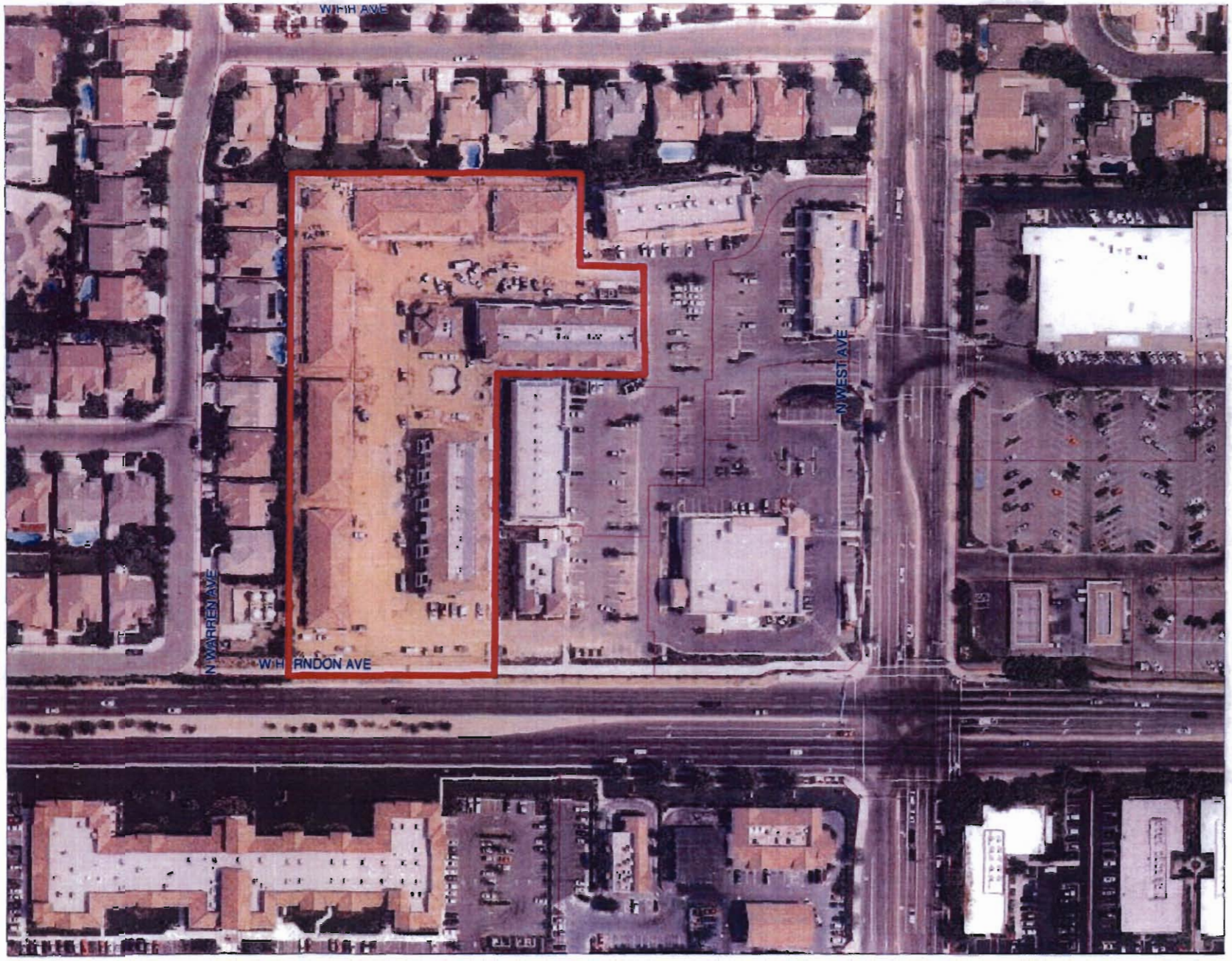
NOT TO SCALE

PLANNING & DEVELOPMENT DEPARTMENT

A.P.N.: 405-503-14S

ZONE MAP: 1748

BY/DATE: J.S. / 2-10-06

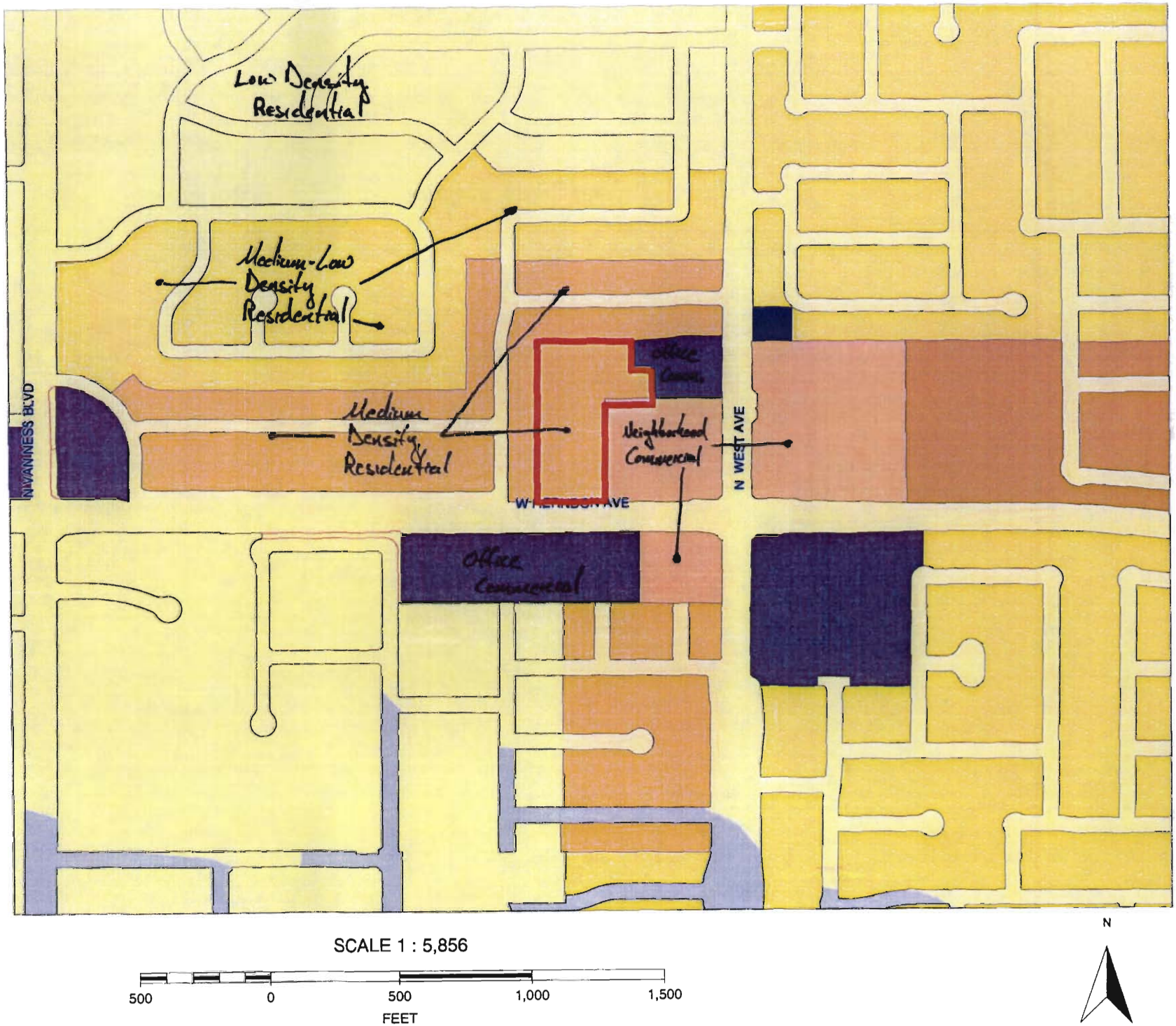


SCALE 1 : 1,970

100 0 100 200 300

FEET

N


Low Density Residential
Medium-Low Density Residential
Medium Density Residential
Office Comm.
Neighborhood Commercial
Office Commercial
N VANNESS BLVD
W HERNDON AVE
N WEST AVE
SCALE 1 : 5,856
500
0
500
1,000
1,500
FEET
N

9 / A1.01 TRASH ENCLOSURE - ELEVATIONS
1/4" = 1'-0"

8 / A1.01 TRASH ENCLOSURE - PLAN
1/4" = 1'-0"

7 / A1.01 MAILBOXES - ELEVATION
1/4" = 1'-0"

6 / A1.01 MAILBOXES - PLAN
1/4" = 1'-0"

BUILDING TYPE 1				
UNIT TYPE	UNIT INFO	UNIT AREA	# OF UNITS	NET AREA
UNIT A	1 BR/1 BA	695 SF		
UNIT B	2 BR/2BA	989 SF		
UNIT C	2 BR/2BA	1124 SF	4	4496 SF
TOTALS				
	TOTALS		4	4496 SF
1	BUILDING TYPE 1 ON SITE			
BUILDING TYPE 2				
UNIT TYPE	UNIT INFO	UNIT AREA	# OF UNITS	NET AREA
UNIT A	1 BR/1 BA	695 SF		
UNIT B	2 BR/2BA	989 SF		
UNIT C	2 BR/2BA	1124 SF	6	6744 SF
TOTALS				
	TOTALS		24	[illegible] SF
4	BUILDING TYPE 2 ON SITE			
BUILDING TYPE 3				
UNIT TYPE	UNIT INFO	UNIT AREA	# OF UNITS	NET AREA
UNIT A	1 BR/1 BA	695 SF	8	5560 SF
UNIT B	2 BR/2BA	989 SF	21	20,769 SF
UNIT C	2 BR/2BA	1124 SF		6744 SF
TOTALS			30	[illegible] SF
	TOTALS		88	57,840 SF
2	BUILDING TYPE 3 ON SITE			

PARKING: 88 UNITS X 1.5 = 132 PARKING SPACES REQ'D

ACTUAL SPACES - 148 TOTAL
88 COVERED SPACES
52 OPEN SPACES
8 HANDICAPPED (INCLUDING 2 VANS)

DESIGN AND CONSTRUCT PARKING LOT PAVEMENT TO PUBLIC WORKS STANDARDS P-41, P-42 AND P-43

TYPICAL NOTES:

1. MANAGEMENT TO ASSIGN MAIL BOXES FOR ACCESSIBLE UNITS TO LOWER BOXES.
2. VERIFY PATHS OF TRAVEL WITH CIVIL PLANS.
3. REFER TO LANDSCAPE PLANS FOR ADDITIONAL NOTES AND SITE IMPROVEMENTS.
4. SCREEN ALL UTILITY EQUIPMENT WITH LANDSCAPING

ACCESSIBILITY NOTES:

1. ALL WALKS TO BE MINIMUM 4'-0" WIDE, SLIP RESISTANT SURFACE WITH A 5% MAXIMUM SLOPE AND A MAXIMUM CROSS SLOPE OF 2.0%.
2. WALKS TO PROVIDE A BARRIER FREE PATH OF TRAVEL.
3. ABRUPT CHANGES IN LEVEL, ALONG ANY PATH OF TRAVEL NOT TO EXCEED 1/2". THERE SHALL BE NO DROP OFF AT EDGE OF WALK GREATER THAN 4". VERTICAL LEVEL CHANGES BETWEEN 1/4" AND 1/2" ARE BEVELED A MINIMUM 1:2.
4. ALL GATES ALONG PATH OF TRAVEL TO COMPLY WITH DOOR REQUIREMENTS FOR ACCESSIBILITY.
5. ALL EXTERIOR DOOR LANDINGS SHALL HAVE SMOOTH TRANSITION TO ADJACENT PAVED SURFACE.

GENERAL NOTES

BUILDINGS TO BE CLEARLY MARKED WITH 6" NUMBERS OF A CONTRASTING COLOR.

SITE POLE LIGHTS ILLUMINATING THE PARKING AND COMMON AREAS TO MATCH FIXTURES USED IN THE ADJACENT COMMERCIAL CENTER SEE ELECTRICAL SITE PLAN.

LIGHTING TO BE ARRANGED AND CONTROLLED SO AS NOT TO CAUSE A NUISANCE EITHER TO HIGHWAY TRAFFIC OR TO THE LIVING ENVIRONMENT.

THE LIGHTING LEVEL PROVIDED WILL BE IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF FRESNO, DEPARTMENT OF PUBLIC WORKS

COMPLY WITH ALL CONDITIONS OF C-02-034 & P.M. 2005-21 AND THE BULLARD COMMUNITY PLAN.

SEE OPERATIONAL STATEMENT REGARDING GATE OPERATION.

3 / A1.01 CARPORT - TYP.
AS NOTED

2 / A1.01 PARKING SPACES
1/8" = 1'-0"

ACCESSIBLE PARKING SPACES

TYP. STANDARD PARKING SPACE w/ WHEEL STOP

TYP. STANDARD PARKING SPACE w/ CURB OVERHANG

LIGHT POLE

NOT A PART OF THIS SUBMISSION SUBMISSION 2

ADDRESSES

APARTMENTS 7046 N. WEST AVENUE 102 thru 128

FIRE DEPARTMENT NOTES

TWO MEANS OF INGRESS/EGRESS MUST BE PROVIDED. THIS ACCESS MUST BE MAINTAINED DURING ALL PHASES OF DEVELOPMENT.

ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERRUPTION IF ROAD SYSTEM BECOMES IMPASSABLE FOR FIRE APPARATUS DUE TO RAIN OR OTHER OBSTACLES.

ALL GATES ON COMMON ACCESS DRIVES SHALL BE EQUIPPED WITH APPROVED POLICE/FIRE BYPASS LOCKS (BEST LOCKS) PADLOCK 21B700 SERIES OR CYLINDER LOCK 1W7B2). GATES AND FENCES SHALL NOT OBSTRUCT THE MINIMUM WIDTH REQUIRED FOR FIRE LANES.

PROVIDE MIN. 4' MAN GATE SOUTH OF BLDG #6 TO ASSURE "150 FOOT RULE"

1 / A1.01 SITE PLAN
1" = 30'-0"

NORTH

SITE PLAN
WESTWOOD BLUFFS

Regal Development Group
3128 Willow, Suite 101

MEYER ARCHITECTURE & PLANNING, INC.
90 EAST ESCALON, SUITE 123, FRESNO, CALIFORNIA 93710

JOB NO. 0615

SHEET NO. A1.01

LEGAL DESCRIPTION:

PARCEL 1:
PARCEL "C" OF PARCEL MAP NO. 2005-21, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED JUNE 15, 2007, IN BOOK 67 AT PAGES 48 AND 50 OF PARCEL MAPS, FRESNO COUNTY RECORDS.

PARCEL 2:
NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITIES AS SET FORTH AND DEFINED IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS", RECORDED APRIL 27, 2006, AS INSTRUMENT NO. 2006-0092828 OF OFFICIAL RECORDS.

AS AMENDED BY THAT CERTAIN "DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS" RECORDED JUNE 15, 2007, AS INSTRUMENT NO. 2007-0117588, FRESNO COUNTY RECORDS.

BASIS OF BEARINGS:

THE WEST LINE OF PARCEL B OF PARCEL MAP NO. 2004-08, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 64 OF PARCEL MAPS AT PAGES 83 AND 84, FRESNO COUNTY RECORDS. TAKEN TO BE NORTH 00°21'39" WEST.

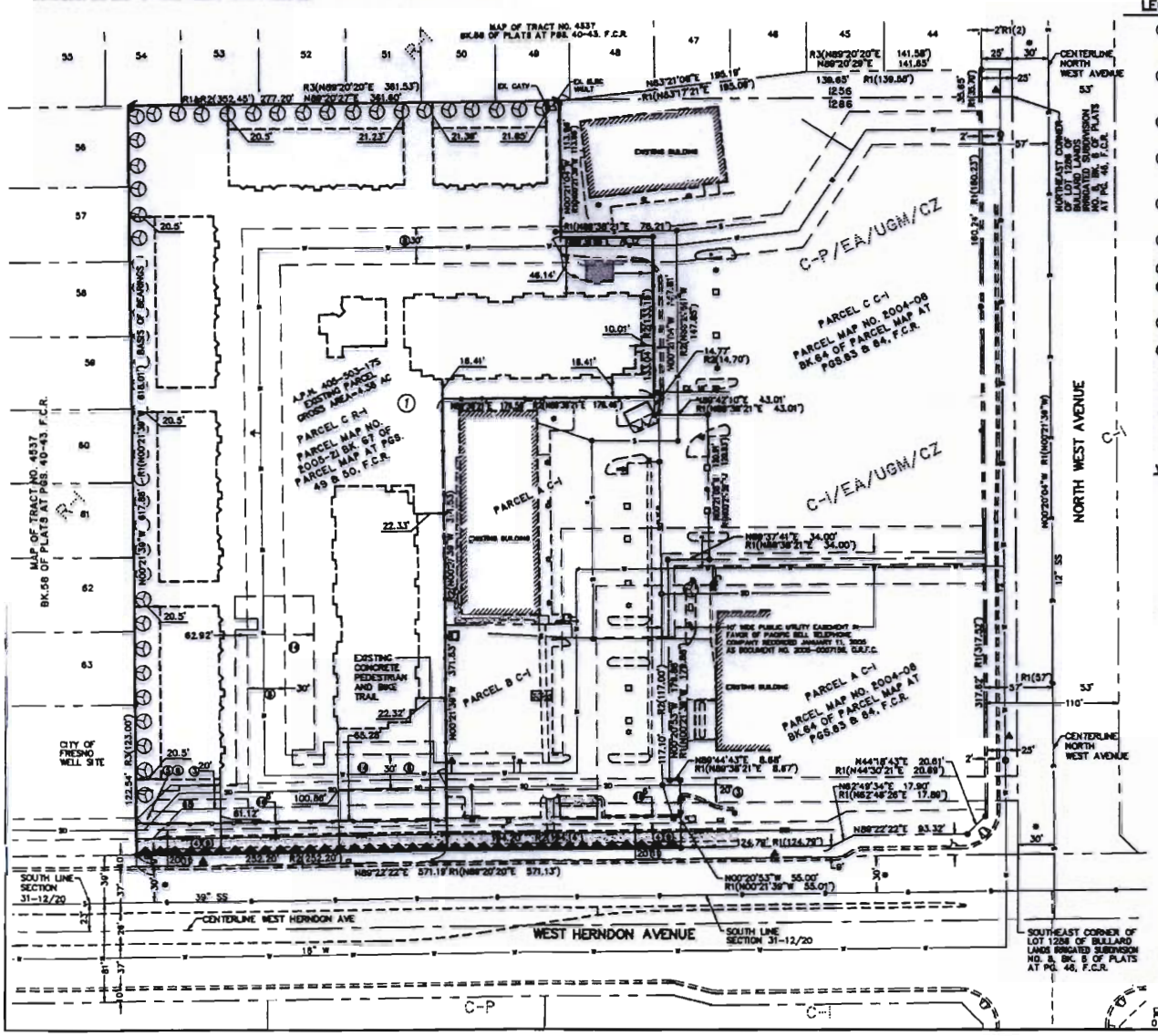
VESTING TENTATIVE SUBDIVISION MAP OF TRACT NO. 5951 "FOR CONDOMINIUM PURPOSES"

IN THE CITY OF FRESNO,
FRESNO COUNTY, CALIFORNIA
CONSISTING OF ONE SHEET
SHEET 1 OF 1

TENTATIVE TRACT MAP
ACCEPTED FOR PROCESSING

NOV 05 2008

CITY OF FRESNO
PLANNING & DEVELOPMENT DEPT
PLANNING DIVISION



LEGEND:

③ TWENTY-FOOT(20') WIDE PG&E EASEMENT, RECORDED NOVEMBER 20, 1950 IN BOOK 7826, PAGE 212, O.R.F.C. & MODIFICATIONS RECORDED JUNE 30, 1994 AS INSTRUMENT NO. 94-107017 O.R.F.C.	● MONUMENTS FOUND AND EXCEPTED
④ EASEMENT FOR PIPELINE AND INCIDENTAL PURPOSES, RECORDED NOVEMBER 17, 1953 AS INSTRUMENT NO. 83-177748 O.R.F.C. & MODIFICATIONS RECORDED FEBRUARY 7, 1994 AS INSTRUMENT NO. 94-20156 O.R.F.C.	R1( ) RECORD DATA PER PARCEL MAP NO. 2004-08 RECORDED IN BK. 64 OF PARCEL MAPS AT PGS. 83 & 84, F.C.R.
⑤ EASEMENT FOR PIPELINE AND INCIDENTAL PURPOSES, RECORDED DECEMBER 29, 1983 AS INSTRUMENT NO. 83 202415 O.R.F.C.	R2( ) RECORD DATA PER PARCEL MAP NO. 2005-21 RECORDED IN BK. 67 OF PARCEL MAPS AT PGS. 49 & 50, F.C.R.
⑥ EASEMENT FOR PIPELINE AND INCIDENTAL PURPOSES, RECORDED APRIL 11, 1988 AS INSTRUMENT NO. 88-36227, O.R.F.C. & MODIFICATIONS RECORDED APRIL 11, 1995 AS INSTRUMENT NO. 95-43830 O.R.F.C.	R3( ) RECORD DATA PER MAP OF TRACT NO. 4537, RECORDED IN BK. 58 OF PLATS AT PGS. 40-43, F.C.R.
⑧ EASEMENT FOR WATER MAIN AND INCIDENTAL PURPOSES, RECORDED DECEMBER 27, 2004 AS INSTRUMENT NO. 2004-288078 O.R.F.C.	▲ PREVIOUSLY OFFERED FOR PUBLIC STREET PURPOSES PER DOCUMENT NO. 91161516, O.R.F.C.
⑨ AGREEMENT FOR COMMON USE OF EASEMENTS" RECORDED APRIL 18, 2005 AS INSTRUMENT NO. 2005-85573 O.R.F.C.	● DEDICATED FOR PUBLIC STREET PURPOSES PER THE MAP OF BULLARD LANDS IRRIGATED SUBDIVISION NO. 8, RECORDED IN BK. 8 OF PLATS AT PG. 46, F.C.R.
⑪ 20 FOOT PEDESTRIAN AND BICYCLE EASEMENT PER R1( ).	⊕ DEDICATED FOR PUBLIC STREET PURPOSES PER R1( ).
⑫ EASEMENT FOR DRAINAGE FLOODWAY AND INCIDENTAL PURPOSES, RECORDED MAY 29, 2007 AS INSTRUMENT NO. 2007-0104228 O.R.F.C.	⊛ EXISTING SEWER MANHOLE
⑬ GRANT OF REVOCABLE LICENSE TO ENCROACH RECORDED MAY 30, 2007 AS INSTRUMENT NO. 2007-0106808, O.R.F.C.	○ EXISTING STORM DRAIN MANHOLE
⑭ 8 FOOT PEDESTRIAN AND BICYCLE EASEMENT PER R2( ).	EXISTING POLE
SECTION LINE	EXISTING FIRE HYDRANT
EXISTING PROPERTY LINE	EXISTING WHARF FIRE HYDRANT
EXISTING EASEMENT LINE	EXISTING WATERVALVE
LIMIT OF SUBDIVISION	EXISTING WATER METER
EXISTING WATER MAIN	EXISTING SANITARY SEWER MANHOLE
EXISTING SEWER MAIN	EXISTING WATER DRAIN MANHOLE
	EXISTING STORM DRAIN INLET
	EXISTING STORM DRAIN INLET
	EXISTING LIGHT POLE
	EXISTING TREE
	EXISTING STORM DRAIN PIPE
	EXISTING IRRIGATION MAIN
	EXISTING CONCRETE CURB & GUTTER
	INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS PER R2( ).
	EXISTING STREET LIGHT

VICINITY MAP:

SITE LOCATION

PREPARED BY:
YAMABE & HORN ENGINEERING, INC.
1300 EAST SHAW AVENUE, SUITE 176
FRESNO, CA. 93710
PH. 559-244-2123 FAX 559-244-2120

SOURCE OF DATA:
NOTES: PRELIMINARY TITLE REPORT DATED JUNE 13, 2007, ORDER NO. NCS-256984, FIRST AMERICAN TITLE CO.

ALL INFRASTRUCTURE IMPROVEMENTS ARE CONSTRUCTED AND INCLUDE SANITARY SEWER, DOMESTIC CURBS, GUTTERS, PERMANENT STREET PAVEMENT, STREET LIGHTS, ETC.

THE DESIGN OF THE PROPOSED SUBDIVISION SHALL PROVIDE TO THE EXTENT FEASIBLE FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES AND OTHER MEASURES PROVIDED IN THE SUBDIVISION MAP ACT, 100% OF THE LOTS ARE ORIENTATED NORTH TO SOUTH.

ALL STREETS ADJACENT TO THE BOUNDARIES OF THIS SUBDIVISION HAVE BEEN PREVIOUSLY DEDICATED FOR PUBLIC PURPOSES AND ALL ARE TO REMAIN (UNLESS OTHERWISE NOTED). THERE ARE NO EXISTING CANALS OR DITCHES LOCATED WITHIN THE PROPOSED SUBDIVISION (EXCEPT IF SHOWN).

NO EVIDENCE OF WELLS, SEPTIC TANKS OR LEACHING FIELDS. HOUSE BRANCH SEWER AND WATER LINES CONNECTED TO EXISTING CITY SYSTEMS.

THE EXISTING ON-SITE AND ADJACENT RESIDENTIAL PROPERTIES ARE SEPARATED BY AN EXISTING BLOCK WALL AND THE GRADE DIFFERENTIAL IS LESS THAN 6 INCHES.

SITE INFORMATION:

EXISTING TREES TO REMAIN	PROPOSED ZONING R-1 (PER CUP C-08-003)	SOURCE OF ELECTRICITY PG&E	ASSESSOR'S PARCEL NUMBER 405-503-17
EXISTING BUILDINGS NONE	EXISTING ZONING R-1/EA/UGM/CZ	SOURCE OF GAS PG&E	SITE AREA 4.38 ACRES
EXISTING USE VACANT	SOURCE OF WATER CITY OF FRESNO	SOURCE OF CABLE T.V. COMCAST	OWNER WESTWOOD BLUFFS, LLC 7075 NORTH WEST AVENUE FRESNO, CA. 93711 (559) 347-6880
PROPOSED USE SENIOR RESIDENTIAL	SOURCE OF SEWAGE DISPOSAL CITY OF FRESNO	SOURCE OF TELEPHONE AT&T	

10/30/08...08327TM.DWG

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

REVISED CONDITIONS OF APPROVAL

MARCH 04, 2009
(AS REVISED BY THE PLANNING COMMISSION)

VESTING TENTATIVE TRACT MAP NO. 5951/UGM

"FOR CONDOMINIUM PURPOSES"

NORTH SIDE OF WEST HERNDON AVENUE BETWEEN NORTH WARREN AND NORTH WEST AVENUES

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

NOTICE TO PROJECT APPLICANT

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

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5951/UGM dated November 05, 2008, the subdivider may prepare a Final Map in accordance with the approved tentative map.

2. Submit grading plans and a soils report, if applicable, 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 required public improvements and work and applicable processing fees.

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

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

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

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

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

8. The subdivider shall furnish to the City acceptable security to guarantee the construction of required off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all required 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.

GENERAL INFORMATION

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

11. 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.

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

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

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

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

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

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

ZONING & PROPERTY DEVELOPMENT STANDARDS

13. As the subject property has been developed utilizing density bonus provisions for senior citizen housing developments, all of the dwelling units on the subject property are required to be reserved exclusively for "senior citizens" (or "qualifying resident") as defined by Fresno Municipal Code and California Civil Code.

14. Condominium units on the subject property are required to be owner-occupied except as may be permitted by the California Civil Code.

15. Whenever a subdivision, includes area under common ownership, the use, maintenance, and operation thereof shall be administered by an owner's association regulated by covenants, conditions, and restrictions (CC&R's) pursuant to Section 12-1026 of the Fresno Municipal Code.

    a) Submit draft copies of Covenants, Conditions and Restrictions/Owners Association documents (CC&R's) for review and approval. Final, executed and notarized documents shall be recorded with the final map or alternatively submit recorded documents or docuements for recording. CC&R's are intended to satisfy and secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements; and, shall, at a minimum, address the following:

        i) Cross Access for ingress/egress and emergency access to buildings
        ii) Cross Drainage
        iii) Shared Parking
        iv) Shared solid waste facilities
        v) Maintenance of sewer, water and all other utilities
        vi) Maintenance of private sidewalks, curbs, gutters, and improvements
        vii) Maintenance of all landscaping and irrigation systems within the limits of this map
        viii) ~~Maintenance and~~ retention of fire suppression systems and underground water supplies

    b) The subdivider shall establish a Home Owners' Association to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City. The agreement with the City described herein, shall among other things, include assignment of responsibility to the homeowner's association for provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs

dated January 11, 1985 and shall specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

- NOTE: The owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.

- NOTE: Any amendment by the association to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.

Conditions of Zoning

16. The following Conditions of zoning were established for the subject property and adjacent commercial and office zoned properties through City Council approval of Rezone Application No. R-02-006 on August 27, 2002 (Ordinance No. 2002-46):

a) The multiple family residential portion of the project shall be developed as a "Housing for the Elderly" project as defined in Section 12-105-H-14 of the Fresno Municipal Code.

b) The off-sale (per State ABC regulations) of alcoholic beverages and the sale of pornographic material shall be prohibited on the subject property.

c) Arcades shall be prohibited on the subject property.

d) The drug store and fast food restaurant (including drive-through window) shall close at no later than 10:00 p.m. These hours may be extended to 11:00 p.m. upon approval of the Director of the Planning and Development Department and the Police Chief. The drive-through window for the drug store may be operational 24 hours a day.

e) The exterior appearance of the various buildings of the project shall be designed in a compatible manner as determined by the Planning and Development Department Director.

f) The fast food restaurant shall not contain any outdoor display area.

g) A substantial portion of the residential and office buildings of the project shall be completed prior to the development of more than fifty percent of the commercial buildings, as determined by the Planning and Development Department Director.

h) A traffic signal shall be installed on West Avenue at the proposed southerly access point to the subject property. The City traffic Division shall reevaluate the traffic flow at this intersection, approximately one-year from the date of the installation of the traffic signal.

i) The intersection at the proposed southerly access point to the subject property shall include a 100-foot long northbound left turn lane on West Avenue.

j) The Traffic signal at West and Herndon Avenues and the proposed signal at the southerly site access point and West Avenue shall be coordinated to optimize signal operation efficiency.

k) Lighting plans for the commercial portion of the project shall be sufficient for security purposes as determined by the Planning and Development and Police Departments.

l) A grocery store/supermarket shall not be permitted on the subject property for a period of thirty years from the date of the approval of this project.

- NOTE: Compliance with the abovereferenced conditions of zoning on the subject property has been demonstrated through the existing development of the subject property and adjacent properties. Furthermore, as the use of the subject property is required to remain exclusively for the purposes of a senior housing development, it may be determined that the conditions of zoning for the subject property have been met with respect to the proposed subdivision of the subject property.

Lot Area and Dimensions

17. The single "common" lot proposed by Vesting Tentative Tract Map No. 5891/UGM is consistent with the existing R-1 (*Single Family Residential*) zone district subject to approval of a special permit for a planned development project.

- NOTE: In accordance with Section 12-1011(6) every lot shall abut on a public street, except where adequate internal circulation is provided by a private street or streets in an approved planned unit development.

a) Conditional Use Permit No. C-06-003 and Conditional Use Permit No. C-02-034, authorize the existing planned development project on the subject property. Pursuant to Section 12-306-N-21 of the FMC the Director of the Planning and Development Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section.

b) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5951/UGM dated November 05, 2008.

Building Heights and Setbacks

18. Building heights and setbacks shall be provided in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-06-003 dated February 27, 2006 and Exhibit(s) "A" dated May 11, 2006.

Landscaping and Open Space

19. Landscaping on the subject property shall be provided and maintained in accordance with the conditions of approval of Conditional Use Permit No. C-06-003, dated February 27, 2006 and Conditional Use Permit No. C-02-034 dated ~~February 27, 2009~~ ***July 29, 2002***; incorporated herein by reference.

Fences, Hedges & Walls

20. Fences, Hedges & Walls on the subject property shall be maintained in accordance with Conditional Use Permit No. C-06-003, dated February 27, 2006 and Conditional Use Permit No. C-02-034 dated February 27, 2009 with the following exceptions:

    a) All future proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Planning and Development Department. (Include this note on the site plan.)

21. ***Block wall improvements shall be made to the boundary wall located along the north and west property lines of the subject property in accordance with the memorandum to the Planning Commission from Regal Development Group dated March 04, 2009 and the following:***

    a) An additional two courses (approximately 18-21 inches) of concrete block shall be added to the top of the block wall located on the adjacent single family properties identified as being eligible within the letter to the Planning Commission from Regal Development Group dated March 04, 2009.

    b) Work conducted must be permitted in full compliance with all rules and regulations of the City of Fresno Planning and Building and Safety Services Division, contingent upon full legal consent and "cooperation" of individual homeowners choosing to accept said improvements.

        - ***NOTE: "Cooperation" of individual homeowners shall be defined as provided within the memorandum to the Planning Commission from Regal Development Group dated March 04, 2009.***

Off-Street Parking & Access

22. Access, circulation, and parking on the subject property shall be maintained in accordance with the Conditions of Approval for Conditional Use Permit Application No. C-06-003 dated February 27, 2006 and Exhibit(s) "A" dated May 11, 2006.

STREETS AND RIGHTS-OF-WAY

22. All requirements of the conditions of approval for Conditional Use Permit No. C-06-003 and Conditional Use Permit No. C-02-034, respective to right-of-way dedications and/or improvements adjacent to the subject property, have been made. There are no further requirements imposed at this time for the purposes of this tentative map.

Street Tree Requirements

23. Attached for the Subdivider's records and consideration is the Department of Public Works memorandum from the Parks Supervisor dated November 13, 2008.

    - NOTE: Street tree requirements have been waived due to the existence of an underground Fresno Irrigation District canal (#124).

Right-Of-Way Acquisition

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

25. If applicable, 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.

26. In the event an acquisition of any easement or right-of-way is necessitated, 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.

    a) 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.

27. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with acquisitions, 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.

SANITARY SEWER SERVICE

The nearest sanitary sewer main serving the proposed project is a 12-inch main located in North West Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

28. Separate sewer house branches are required for each lot.

29. On-Site sanitary sewer facilities shall be private.

30. The project developer should contact Wastewater Management Division/Environmental Services (559) 621-5100 regarding conditions of service for special users.

31. Comply with all of the requirements of the attached Public Utilities Department, Planning and Engineering Division memorandum dated December 03, 2008.

SANITARY SEWER FEES

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

    a) Lateral Sewer Charge
    b) Oversize Sewer Charge
    c) Oversize Sewer Service Area: #10
    d) Trunk Sewer Area: Herndon
    e) Sewer Facility Charge

WATER SERVICE

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

33. The proposed condominium shall be provided water service from the existing on-site public water main and existing water services.

34. Comply with all of the requirements of the Department of Public Utilities, Water Division memorandum dated November 07, 2008, except as may be modified above or in agreement with the Water Systems Manager.

URBAN GROWTH MANAGEMENT REQUIRMENTS (GENERAL)

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

SOLID WASTE SERVICE

36. The tract will be serviced as a multiple family residential property with bin service.

37. One two-cell enclosure exists on the subject property and has been constructed to current standards. The developer shall provide signage to clearly identify all recycling or solid waste collection and the materials accepted therein.

38. Owner shall provide a minimum of 44 cubic yards of solid waste and recycling services per week.

39. There will be no separate billing for Solid Waste Services. The City of Fresno shall be provided with the names and address of property management company or homeowner's association for billing purposes.

40. Comply with all of the requirements of the attached Department of Public Utilities, Solid Waste Division memorandum dated December 04, 2008.

FIRE SERVICE

This project is within two miles of Fresno City Fire Station No. 2.

41. Provide a covenant or other City of Fresno approved form of assurance for maintenance of the fire sprinkler systems.

42. Comply with all of the requirements of the attached Fresno Fire Department memorandum dated November 13, 2008.

FLOOD CONTROL AND DRAINAGE

43. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code.

These requirements are identified in the District's letters to the Planning and Development Department dated November 14, 2008.

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

44. Attached for the Subdivider's records and consideration is the State Department of Transportation (Caltrans) memorandum dated November 17, 2008.

FRESNO IRRIGATION DISTRICT

45. Comply with all of the requirements of the attached Fresno Irrigation District (FID) memorandum dated November 21, 2008.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

SEWER CONNECTION CHARGES	*FEE RATE*
a. Lateral Sewer Charge [1]	$0.10/sq. ft. (to 100' depth)
b. Oversize Charge [1]	$0.05/sq. ft. (to 100' depth)
c. Trunk Sewer Charge Service Area: Herndon	S.T.E.P.**
d. Wastewater Facilities Charge	S.T.E.P.**
e. Fowler Trunk Sewer Interim Fee Surety [1]	N/A
f. Copper Avenue Sewer Lift Station Charge [1]	N/A
g. House Branch Sewer Charge [2]	N/A
h. Millbrook Overlay Sewer [1]	N/A
WATER CONNECTION CHARGES	*FEE RATE*
i. 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
j. Frontage Charge [1]	$6.50/lineal foot
k. Transmission Grid Main Charge [1]	$804/net acre (parcels under 5 gross acres)
l. Transmission Grid Main Bond Debt Service Charge [1]	$304/net acre (parcels under 5 gross acres)

m. Water Supply Fee [2] Service Area: 90	$322/net acre
n. Well Head Treatment Fee [2] Service Area: 201	$0/living unit
o. Recharge Fee [2] Service Area: 201	$0/living unit
p. 1994 Bond Debt Service [1] Service Area: 201	$0/living unit

CITYWIDE DEVELOPMENT IMPACT FEES

q. Fire Facilities Impact Fee – Citywide [4]	$439/living unit
r. Park Facility Impact Fee – Citywide [4]	$2764/living unit
s. Quimby Parkland Dedication Fee [2]	N/A
t. Citywide Regional Street Fee [3]	$13,846/adj. acre
u. New Growth Area Major Street Fee [3]	$30,775/adj. acre
v. Police Facilities Impact Fee – Citywide [4]	$508/living unit
w. Traffic Signal Charge [1]	$316.65/living unit

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

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

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.8794)
Engineering Division

DATE: November 13, 2008

SUBJECT: Tract-5951 (TPM 2005-21; C-06-03), APN: 405-503-17 (Located on the north side of West Herndon Avenue between North West and North Marks Avenues)

The Department of Public Works has reviewed the Tentative Tract Subdivision Map proposed by Yamabe & Horn, on engineering plans dated October 30, 2008 The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in street right-of-way:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department.

2. This project is a conversion of an existing complex to condominiums. All the required landscaping has been installed and meets the Public Works standards.

3. **Street tree requirements are waived due to an existing underground FID canal, Bullard #124.**

City of FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: December 3, 2008

To: WILL TACKETT, Planner III
Planning and Development

From: DOUG HECKER, Supervising Engineering Technician
Department of Public Utilities, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR TENTATIVE TRACT 5951/UGM AND C-06-03

General

T-5951-UGM and C-06-03, Condo, located on the north side of West Herndon Avenue between North West and North Marks Avenues.

Sanitary Sewer Service

The nearest sanitary sewer main to serve the proposed project is a 12-inch main located in North West Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. Separate sewer house branches are required for each lot.
2. On-site sanitary sewer facilities shall be private.
3. The project developer should contact Wastewater Management Division/Environmental Services (559) 621-5100 regarding conditions of service for special users.

Sanitary Sewer Fees

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

1. Sewer Lateral Charge.
2. Sewer Oversize Charge.
3. Oversize Sewer Service Area: #10
4. Trunk Sewer Charge: Herndon
5. Sewer Facility Charge

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

Providing Life's Essential Services

DATE: November 7, 2008

TO: DOUG HECKER, Supervising Engineering Technician
Department of Public Utilities, Administration

THROUGH: NEIL MONTGOMERY, Chief Engineering Technician
Department of Public Utilities, Water Division

FROM: MICHAEL CARBAJAL, Supervising Engineering Technician
Department of Public Utilities, Water Division

SUBJECT: WATER REQUIREMENTS FOR TENTATIVE TRACT NO. 5951

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

1. The proposed condominium shall be provided water service from the existing onsite public water main and existing water services.

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

December 4, 2008

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5951/UGM, Solid Waste Conditions of Approval
Location: North Side of West Herndon Avenue between North West and North Marks Avenues (APN 405-503-17)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5951/UGM that was submitted by Yamabe & Horn Engineering, Inc., on behalf of Westwood Bluffs, LLC. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Department of Public Utilities.

General Requirements:

- The tract will be serviced as a Multi-Family residential property with bin service.
- One 2-cell enclosure exists and has been constructed to current standards. The developer shall provide signage to clearly identify all recycling or solid waste collection and the materials accepted therein.
- Owner shall provide a minimum of 44 cubic yards of solid waste and recycling services per week.
- There will be no separate billing for Solid Waste services. The City of Fresno shall be provided with the name and address of a property management company or homeowners association for billing purposes.

Randy R. Bruegman
Fire Chief

Bureau of Fire Prevention and Investigative Services
911 H Street
Fresno, California 93721-3083
(559) 621- 4000 FAX (559) 498-4323
www.fresno.gov

DATE: November 13, 2008

TO: Will Tackett, Planner III
Planning and Development Department

FROM: Rick Fultz, Senior Fire Prevention Inspector
Fire Department

SUBJECT: Northwest corner of Herndon and Marks, Vesting Tentative Map of Tract 5951 (Condo C-06-03)

The Fire Department has completed a review of the Proposed Vesting Tentative Map of Tract 5951 (Condo C-06-03).

General Requirements:

This project is within 2 miles of Fresno City Fire Station No. 2.

Provide a covenant for maintenance of the fire sprinkler systems.

File No. 210.45

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

TRACT No. 5951

PUBLIC AGENCY

Arnoldo Rodriguez
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

West Wood Bluffs, LLC
7075 North West Ave.
Fresno, CA. 93711
-

MAP NO. **5951**
DRAINAGE AREA(S) " **AB** " " - "
DATE 11/14/08

PRELIMINARY FEE(S) (See below)

DRAINAGE AREA	" **AB** "	**$0.00**
DRAINAGE AREA	" - "	-
TOTAL FEE		**$0.00**

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

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

a) Fees related to undeveloped or phased portions of the project may be deferrable.

b) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.

c) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.

d) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

e) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

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f) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable $300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

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

1. ___X___ a. Drainage from the site shall be directed to **existing on-site drainage facilities.**
   _____ b. Grading and drainage patterns shall be as identified on Exhibit No. 1 // 2
   _____ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
   _____ Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".
   ___X___ None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:
   ___X___ Grading Plan _____ Storm Drain Plan _____ Final Map
   _____ Street Plan _____ Water & Sewer Plan _____ Other

4. Availability of drainage facilities:
   ___X___ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno that runoff can be safely conveyed to the Master Plan inlet(s).
   _____ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
   _____ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
   Temporary service is available through _____
   _____ d. See Exhibit No. 2.

5. The proposed development:
   _____ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)

TRACT No. 5951

_____ Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.

__X__ Does not appear to be located within a flood prone area.

6. _____ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.

   a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002.) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.

   b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office.) A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.

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Two sided document

c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.

8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.

9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.

10. **X** See Exhibit No. 2 for additional comments, recommendations and requirements.

Gerald E. Lakeman,
District Engineer

Project Engineer: Mitzi M. Molina

C: Yamabe & Horn Engineering Inc.
1300 E. Shaw Ave. Suite 176
Fresno, CA. 93710

OTHER REQUIREMENTS
EXHIBIT NO. 2

In an effort to improve storm water runoff quality, outdoor storage areas shall be constructed and maintained such that material which generates contaminants will not be conveyed by runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

There is an existing twenty-foot (20') wide storm drain easement along the south property line of the development. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

Development No. Tract 5951

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4199
FAX (559) 488-4088
TTY (559) 488-4066

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November 17, 2008

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CITY OF FRESNO
PLANNING & DEVELOPMENT DEPT
PLANNING DIVISION

2131-IGR/CEQA
6-FRE-41-30.45+/-
VTPM TRACT 5951

Mr. Will Tackett
City of Fresno Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

Caltrans has reviewed the parcel map on the north side of West Herndon Avenue between North West and North Marks Avenues. We have the following comments:

Caltrans has no comment on the parcel map, however, requests to review any future development at this site.

If you have any questions, please call me at (559) 488-4199.

Sincerely,

AMY BARNES
Office of Transportation Planning
District 06

C: Mr. Scott Mozier, City of Fresno Public Works Department
Mr. Bryan Jones, City of Fresno Public Works Department
Mr. Tony Boren, Council of Fresno County Governments

YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

November 21, 2008

RECEIVED
NOV 25 2008
Planning Division
Planning & Development Dept
CITY OF FRESNO

Mr. Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

RE: Vesting Tentative Map of Tract No. 5951, APN 405-503-14, NW Herndon & West
FID's Bullard No. 124 Pipeline

Dear Mr. Tackett:

The Fresno Irrigation District (FID) has reviewed the VTTM No. 5951 located at the northwest corner of Herndon and West Avenues.

FID does not object to the proposed development with the following comments:

1. FID's Bullard No. 124 pipeline traverses the subject property in an exclusive easement recorded on November 17, 1993 as Document No. 93177748, Official Records of Fresno County, and modified February 7, 1994 as Document No. 94020155, Official Records of Fresno County.
2. FID requires its easements be shown on the map with proper recording information and delineation and that FID be made a party to signing all plans which affect its easements and canal/pipeline facility and also be made a party to signing the final map.
3. In 2004 during review of Vesting Tentative Parcel Map No. 2004-08 FID required that the then applicant be required to replace the existing 48" diameter non-reinforced cast-in-place monolithic concrete pipe (CIP-MCP) due to it being extremely prone to cracking, subsequent leakage and no longer meeting FID standards. After an appeal by the applicant FID researched its records and found that this section of pipeline had not been a problem with leaks and maintenance in the past and the replacement requirement was waived at that time.
4. FID retains its right to excavate in its easement to facilitate any future repairs to the pipeline as provided for in Section I Document No. 93177748 recorded November 17, 1993 referenced above.

BOARD OF DIRECTORS President JEFFREY G BOSWELL, Vice-President JEFF NEELY
EDDIE NIEDERFRANK, STEVE BALLS, TOM E. STEFFEN, General Manager GARY R. SERRATO

Thank you for submitting this for our review. Please feel free to contact me with any questions or concerns at 233-7161 extension 319 or jshields@fresnoirrigation.com.

Sincerely,

James Shields
Engineering Technician II

CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. T-5951

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Westwood Bluffs, LLC
7075 North West Avenue
Fresno, CA 93711

PROJECT LOCATION: North side of West Herndon Avenue between North Warren and North West Avenues
(APN: 405-503-17)

PROJECT DESCRIPTION: Vesting Tentative Tract Map No. 5951/UGM proposes a one-lot subdivision of approximately 4.38 acres of R-1/EA/UGM/cz (*Single Family Residential/Expressway Area Overlay/Urban Growth Management/with conditions of zoning*) zoned property for condominium purposes. The proposed subdivision is consistent with the Medium Density Residential planned land use designations of the 2025 Fresno General Plan and Bullard Community Plan.

This project is exempt under Section 15301 (Class 1/Existing Facilities) and Section 15315 (Class 15/Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects involving negligible or nor expansion of use beyond that existing at the time of the lead agency's determination; including but not limited to, division of existing multiple family or single-family residences into common-interest ownership.

Section 15315 (Class 15/Minor Land Divisions) of the CEQA Guidelines exempts from the provisions of CEQA, the division of property in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

Date: February 13, 2009

Prepared By: Will Tackett, Planner III

Submitted by: Darrell Unruh

Darrell Unruh
Planning Manager
City of Fresno
Planning and Development Department
(559) 621-8277