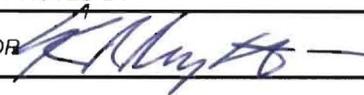




**REPORT TO THE CITY COUNCIL**

March 11, 2008

FROM: KEITH BERGTHOLD, Assistant Director  
Planning and Development Department

AGENDA ITEM NO. COUNCIL MEETING
APPROVED BY
DEPARTMENT DIRECTOR 
CITY MANAGER

BY: DARRELL UNRUH, Planning Manager   
Planning Division



SUBJECT: APPROVING THE FINAL MAP OF TRACT NO. 5717

**KEY RESULT AREA**

One Fresno

**RECOMMENDATIONS**

1. ADOPT the attached Resolution Approving the Final Map of Tract No. 5717 and accepting the dedicated public uses therein.
2. AUTHORIZE the Public Works Director to execute the:
  - a. Subdivision Agreement.
  - b. Statement of Covenants Affecting Land Development for the Maintenance of Certain Public Improvements.
3. AUTHORIZE the Public Utilities Director to execute the Statement of Covenants Affecting Land Development for Interim Sewer Surety Fee.
4. AUTHORIZE the Planning and Development Director to execute the:
  - a. Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien.
  - b. Statement of Covenants Affecting Land Development Acknowledging Right-to-Farm Law.
  - c. Statement of Covenants Affecting Land Development Requiring a Special Permit.

**EXECUTIVE SUMMARY**

The Subdivider, LOCANS INVESTMENTS, LLC., a California Limited Liability Company, has filed for approval, the Final Map of Tract No. 5717. The project, a Final Map of Phase 1 of Vesting Tentative Map No. 5717/UGM, a 9-lot commercial/light manufacturing subdivision on 74.27 acres, is located on the southeast corner of East Shields and North Fowler Avenues. The Final Map is technically correct and conforms to the conditionally approved tentative map, the Subdivision Map Act and local ordinances; It is consistent with, and implements the 2025 General Plan and the McLane Community Plan. The provisions of Sections 66457 and 66474.1 of the Subdivision Map Act require that such final map be approved by the City Council.

## KEY OBJECTIVE BALANCE

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

## PROJECT INFORMATION

PROJECT	The project, a Final Map of Phase 1 of Vesting Tentative Map No. 5717/UGM, a 9-lot commercial/light manufacturing subdivision on 74.27 acres .
LOCATION	Northeast corner of East Shields and North Fowler Avenues. <i>(Council District 4, Council Member Westerlund)</i>
SUBDIVIDER	LOCANS INVESTMENTS, LLC., a California Limited Liability Company Farid Assemi, President
LAND USE & ZONING	Commercial and Light Manufacturing; C-M/UGM (Commercial-Light Manufacturing/Urban Growth Management Area) is effective pursuant to Rezone Application No. R-06-28.
PLAN CONSISTENCY	The project is consistent with the commercial and light manufacturing land use designation of the McLane Community Plan.
COMPLIANCE WITH SUBDIVISION MAP ACT AND LOCAL ORDINANCES	The Final Map conforms to all requirements of the Subdivision Map Act and local subdivision ordinances applicable to the conditions of approval for Phase 1 of Vesting Tentative Map No. 5717/UGM; the completion of all public improvement requirements have been guaranteed and applicable fees paid.

## BACKGROUND

**Tentative Map Approval:** The Fresno City Planning Commission on July 11, 2007 adopted Resolution No. 12705 approving Vesting Tentative Map No. 5717/UGM for a 205-lot single-family residential subdivision on 45.19 net acres at an overall density of 4.5 dwelling units per acre including an 8-lot commercial/industrial subdivision on 74.27 acres pursuant to Site Plan Review No. S-07-009 approved on March 27, 2007. On January 29, 2008 the Planning and Development Director approved a revised tentative map to increase the number of commercial/industrial lots from 8 to 13 lots. The proposed increase in the number of lots is within the range permitted for revised maps pursuant to Section 12-1005.2(a)(4) of the Fresno Municipal Code. The approval of the additional commercial/industrial lots requires the approval of a new or revised Site Plan Review which is consistent with the lot configuration of the revised Tentative Map prior to the issuance of building permits..

The approval of Vesting Tentative Map remains in effect until July 11, 2009

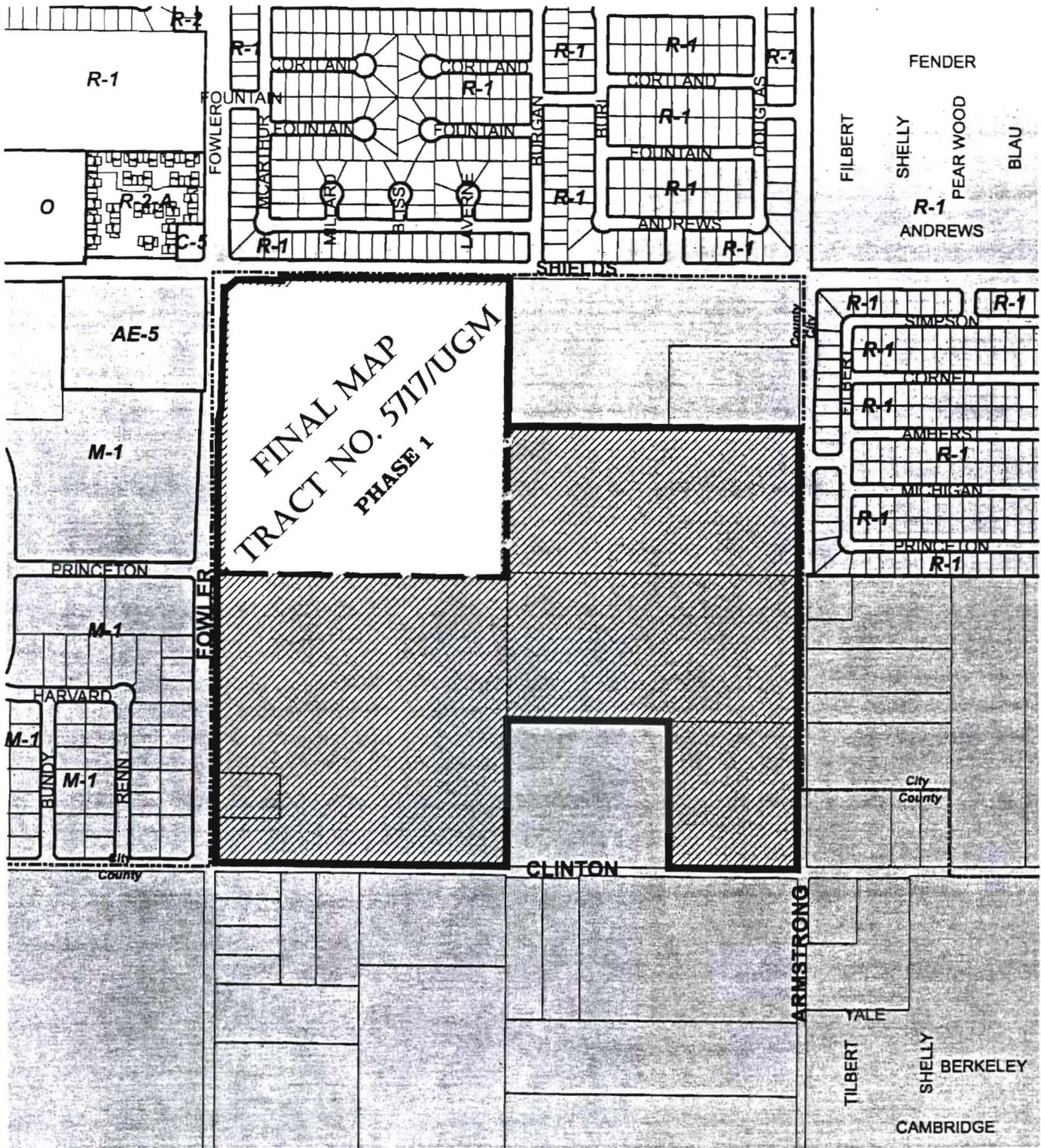
**Subdivision Agreement, Securities, Fees & Covenants:** The Subdivider has executed the Subdivision Agreement and has posted securities in the amount of \$2,591,000 for performance and \$1,295,500 for labor and materials to guarantee the installation of the required public improvements. The Subdivider has posted Performance Securities to guarantee the completion of the public utility improvement plans in the amount of \$42,000. The Subdivider has paid cash in the amount of \$831,486.70 for applicable fees and has entered into a covenant to defer the payment of certain sewer connection charges, water connection charges, Urban Growth Management fees and development fees in the amount of \$269,755.84 to the time of issuance of Certificates of Occupancy. The Subdivider has also entered into covenants providing for Maintenance of Certain Public Improvements, Interim Sewer Surety Fee, Acknowledging Right-to-Farm Law and for Requiring Special Permit.

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

**Maintenance of Improvements Within Public Easements:** A condition of approval of the Tentative Map is to install and maintain certain improvements (e.g., median island landscaping and irrigation systems, trails, sidewalks, etc.) within public easements along the adjacent major street frontages of the Tentative Map. For this final map phase, the Subdivider has elected to have each landowner assume the maintenance of their respective improvements in lieu of consolidating such maintenance responsibility pursuant to a home owners association or by annexing the subdivision into the City's communities facilities district. The Public Works Department has approved the maintenance requirements along the North Fowler and East Shields Avenue frontages applicable for the Final Map of Tract No. 5717, Phase 1 of Vesting Tentative Map No. 5717.

**Street Improvements:** All interior roadways are private; exterior public streets shall be dedicated to City standards and will be improved with standard curb, gutter, street lighting, permanent pavement, and sidewalks.

Attachments:      Vicinity Map  
                         Vesting Tentative Map No. 5717/UGM  
                         Final Map of Tract No. 5717  
                         Resolution Approving the Final Map of Tract No. 5717



**LEGEND**



Subject Property



U.G.M. Area

**VICINITY MAP**

FINAL MAP TRACT NO. 5717/UGM

A LIGHT INDUSTRIAL/COMMERCIAL DEVELOPMENT  
 PHASE 1 OF VESTING TENTATIVE MAP NO. 5717

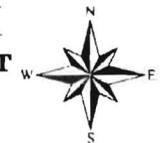
Northwest corn. of E. Clinton and N. Armstrong Aves.

**PLANNING & DEVELOPMENT DEPARTMENT**

A.P.N.: 310-040-01,10,11,83, 84,93,94,95

ZONE MAP: 2156

BY/DATE: D.N. / 11-27-06



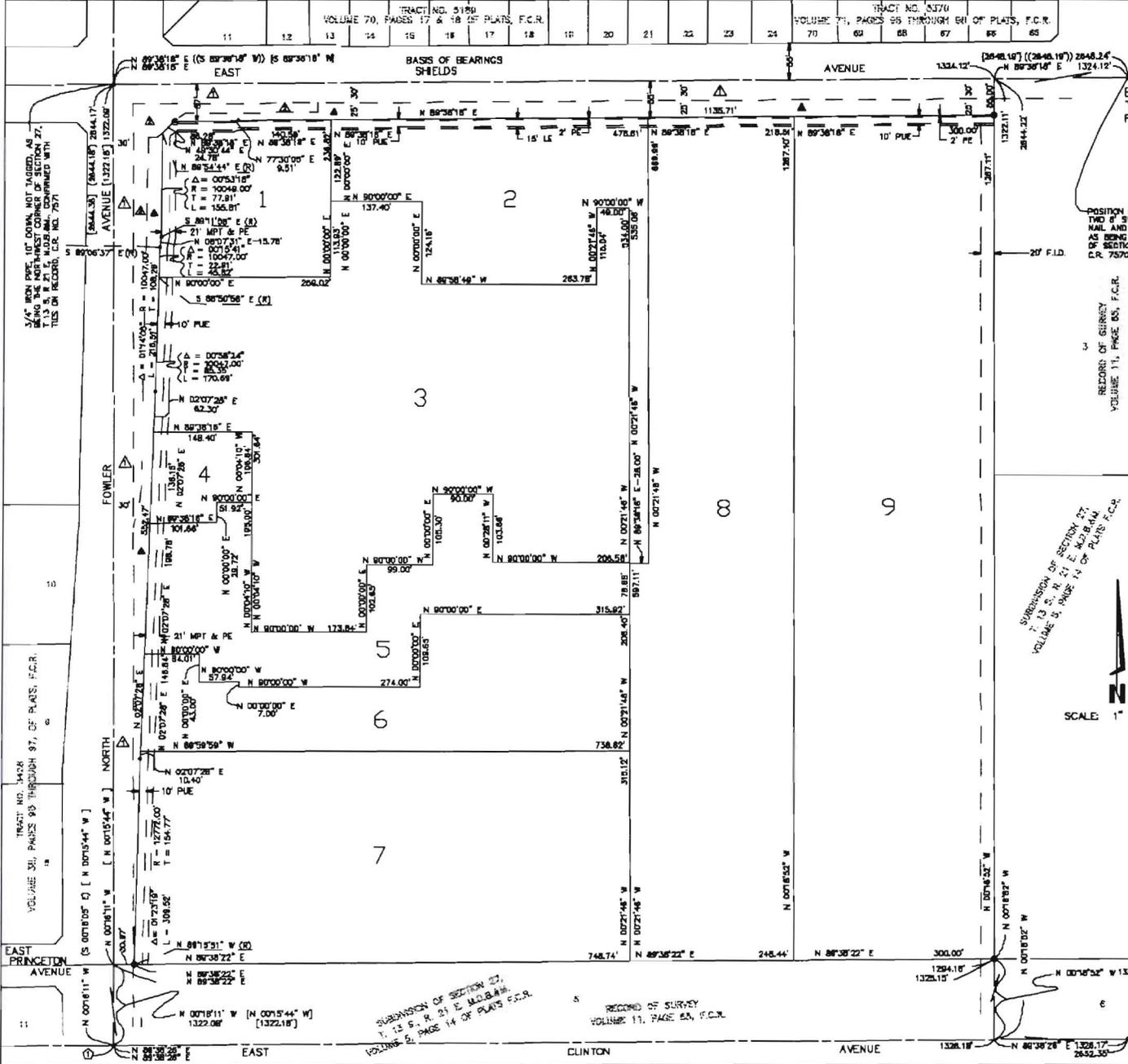
NOT TO SCALE



# TRACT NO. 5717

A PLANNED DEVELOPMENT  
 PHASE 1 OF TENTATIVE TRACT NO. 5717  
 BEING A RESUBDIVISION OF LOT 4 OF THE SUBDIVISION OF SECTION 27,  
 TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN,  
 RECORDED IN VOLUME 5, PAGE 14 OF PLATS, FRESNO COUNTY RECORDS.  
 IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA  
 SURVEYED AND PLATTED IN AUGUST 2007, BY GARY G. GIANNETTA  
**CONSISTING OF TWO SHEETS**  
**SHEET TWO OF TWO SHEETS**

TRACT NO. 5150 VOLUME 70, PAGES 17 & 18 OF PLATS, F.C.R.										TRACT NO. 5370 VOLUME 71, PAGES 95 THROUGH 98 OF PLATS, F.C.R.													
11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34



POSITION FALLS ON SEWER MANHOLE,  
 TWO 8" IRON TIES, NORTH AND WEST,  
 NAIL AND BRASS CAP, TAGGED L.S. 6418  
 AS BEING THE NORTH QUARTER CORNER  
 OF SECTION 27, T 13 S, R 21 E, M.D.B. & M.  
 C.R. 5609

**BASIS OF BEARINGS**  
 THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 27,  
 TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE  
 AND MERIDIAN, TAKEN AS BEARING S 89°38'18" W, AS PER  
 MAP OF TRACT NO. 5370, RECORDED IN VOLUME 71, PAGES  
 95 THROUGH 98 OF PLATS, FRESNO COUNTY RECORDS.

- LEGEND:**
- MONUMENT FOUND AND ACCEPTED AS NOTED
  - SET 3/4" IRON PIPE, 30' LONG, 8" DOWN BELOW GROUND, TAGGED R.C.E. 26996
  - SET 3/4" IRON PIPE, 30' LONG, 4" UP IN 8" DIAMETER 2 3/4" P.C.C. MONUMENT, DOWN 6" BELOW GROUND, TAGGED R.C.E. 26999
  - ▲ NOW OFFERED FOR DEDICATION FOR PUBLIC STREET PURPOSES FOR PUBLIC USE
  - ( ) RECORD DATA AS PER PARCEL MAP NO. 00-12, RECORDED IN BOOK 81, PAGES 55 AND 56 OF PARCEL MAPS, F.C.R.
  - | | RECORD DATA AS PER TRACT NO. 3426, RECORDED IN VOLUME 38, PAGES 95 THROUGH 97 OF PLATS, F.C.R.
  - (| |) RECORD DATA AS PER TRACT NO. 5150, RECORDED IN VOLUME 70, PAGES 17 AND 18 OF PLATS, F.C.R.
  - | | RECORD DATA AS PER TRACT NO. 5370, RECORDED IN VOLUME 71, PAGES 95 THROUGH 98 OF PLATS, F.C.R.
  - ▲ PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES AS PER THE SUBDIVISION MAP OF SECTION 27, T 13 S, R 21 E, M.D.B. & M., RECORDED IN VOLUME 5 PAGE 14 OF PLATS, F.C.R.
  - ▲ INDICATES A DEED OF EASEMENT FOR PUBLIC STREET PURPOSES RECORDED MARCH 21, 2008 AS DOCUMENT NO. 2008-005818, OF OFFICIAL RECORDS.
  - F.I.D. 20' FRESNO IRRIGATION DISTRICT PIPELINE EASEMENT RECORDED 2008 AS DOC. NO. \_\_\_\_\_, F.C.R.
  - F.C.R. FRESNO COUNTY RECORDS
  - PUE PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
  - (CALC) CALCULATED FROM RECORD DATA
  - (R) DENOTES RADIAL BEARING
  - MPT INDICATES A 20'-FOOT (6.09M) PEDESTRIAN TRAIL EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
  - LE LANDSCAPE EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
  - PE PEDESTRIAN EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
  - BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION



**NOTE:**  
 1. SET 3/4" IRON PIPE, 8" DOWN, TAGGED R.C.E. 26996 AT ALL LOT CORNERS.

**MONUMENTS FOUND:**  
 ① POSITION FALLS ON SEWER MANHOLE,  
 TWO 8" IRON TIES, NORTH AND EAST,  
 AS BEING THE WEST QUARTER CORNER OF  
 SECTION 27, T 13 S, R 21 E, M.D.B. & M.  
 C.R. 5609  
 2" BRASS CAP MARKED W/ "4", 13" DOWN,  
 IN MONUMENT WELL, PER PER RECORD OF  
 SURVEY RECORDED IN BOOK 44, PAGE 64, F.C.R.  
 AS BEING THE CENTER QUARTER CORNER  
 OF SECTION 27, T 13 S, R 21 E, M.D.B. & M.

SUBDIVISION OF SECTION 27,  
 T 13 S, R 21 E, M.D.B. & M.,  
 VOLUME 5, PAGE 14 OF PLATS, F.C.R.

RECORD OF SURVEY  
 VOLUME 11, PAGE 65, F.C.R.

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

**RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5717 AND  
ACCEPTING DEDICATED PUBLIC USES THEREIN**

**WHEREAS**, LOCANS INVESTMENTS, LLC., a California Limited Liability Company, has offered for approval a Final Map designated as Tract No. 5717, ("map"), pursuant to approved Vesting Tentative Map No. 5717/UGM ("tentative map"); and,

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

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

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

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

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

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

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

1. That the map is hereby approved and all of the streets, public utility easements, access rights and other public properties and uses offered for dedication on the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to 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.

2. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.

\* \* \* \*

**CITY'S CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF FRESNO            )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

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

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

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By:  \_\_\_\_\_  
John W. Fox  
Deputy City Attorney

Date: 3/10/2008