



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. *V-C-1*
COMMISSION MEETING 12-16-15

December 16, 2015

APPROVED BY

[Signature]
DEPARTMENT DIRECTOR

FROM: MIKE SANCHEZ, Assistant Director
Development & Resource Management Department

BY: MCKENCIE CONTRERAS, Supervising Planner
Development Services Division

SUBJECT

Consider approval of a two-year extension of time to January 15, 2018, for the filing of a final map of Vesting Tentative Tract Map No. 6052/UGM, filed by Brent McCaffrey, on behalf of The McCaffrey Group, to subdivide approximately 13.26 net acres of property into a 95-lot single family residential subdivision with private streets located on the northwest corner of North Hayes and West Herndon Avenues.

INFORMATION

Vesting Tentative Tract Map No. 6052/UGM is a request to subdivide approximately 13.26 net acres of the subject property for the purposes of creating 95 single family residential lots for the proposed private street planned development at a density of approximately 7.16 units per acre. The subject property is located on the northwest corner of North Hayes and West Herndon Avenues. On January 15, 2014, the Fresno City Planning Commission, by a vote of 6 to 0, approved the subdivision map for an initial two years, subject to the conditions noted in Planning Commission Resolution No. 13255.

In accordance with Section 12-1005.1.a of the Fresno Municipal Code (FMC), a final tract map must be filed within two years of the approval date of the tentative tract map. However, Section 12-1005.1.b the FMC allows for an extension of time for the filing of a final map, subject to the applicant requesting an extension and approval of the extension by the Planning Commission. The applicant has requested a two-year extension for the filing of Vesting Tentative Tract Map No. 6052/UGM as described in the attached letter dated October 16, 2015. If approved, the filing date will be extended to January 15, 2018.

RECOMMENDATION

Based upon the above information, staff recommends that the Planning Commission:

- 1. APPROVE the request for a two-year extension of time to January 15, 2018, for the filing of the final map of Vesting Tentative Tract No. 6052/UGM, subject to compliance with the original conditions of approval as noted in Planning Commission Resolution No. 13255.

Attachments: Aerial Photo
Vesting Tentative Tract Map No. 6052/UGM
Letter from The McCaffrey Group of dated October 16, 2015
Planning Commission Resolution No. 13255

Aerial Photograph

2015 Aerial Photograph



Vesting Tentative Tract Map No. 6052/UGM

Letter from The McCaffrey Group



RECEIVED

OCT 16 2015

DARM - DEVELOPMENT SERVICES
CITY OF FRESNO

October 16, 2015

Jennifer Clark
City of Fresno
Director of Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Ms. Clark:

Subject: Tract 6052 – Vesting Tentative Tract Map Extension

Vesting Tentative Tract Map No. 6052 was approved January 15, 2014. The vesting tentative tract map has been phased in two phases. Tract Map No. 6052 (Phase I) consisting of 51 lots was recorded on September 22, 2015. We are currently installing the infrastructure for Phase II (Tract 6075) of the subject map and plan to record the map after the first of the year. The completion of improvements and recordation of the map is scheduled for Spring 2016.

Vesting Tentative Tract Map No. 6052 expires on January 15, 2016. We are requesting a two year extension of the map to provide for the additional time needed to complete improvements and record the second phase of the map.

Thank you in advance for your assistance with this request. Should you have any questions, please do not hesitate to contact me at (559) 256-7022.

Sincerely,

A handwritten signature in blue ink, appearing to read "Goldie Lewis", is written over a faint, circular watermark or stamp.

Goldie Lewis
Director of Land Development
McCaffrey Homes

cc: Mike Sanchez

Planning Commission Resolution

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13255**

The Fresno City Planning Commission at its regular meeting on January 15, 2014, adopted the following resolution pursuant to the Subdivision Map Act of the Government Code of the State of California and the Municipal Code of the City of Fresno.

WHEREAS, Vesting Tentative Tract Map No. 6052/UGM was filed with the City of Fresno by Brent McCaffrey, on behalf of The McCaffrey Group, and proposes to subdivide the subject property for the purposes of a 95-lot, single family residential private street planned development on approximately 13.26 net acres of property located at 7099 North Hayes Avenue on the northwest corner of North Hayes and West Herndon Avenues; and,

WHEREAS, on December 16, 2013, the District 2 Plan Implementation Committee reviewed the vesting tentative tract map and recommended approval; and,

WHEREAS, the Development and Resource Management Department staff recommended approval of the proposed project subject to all conditions of approval contained in the staff report dated January 15, 2014; and,

WHEREAS, the Fresno City Planning Commission conducted a public hearing on January 15, 2014 to review the proposed subdivision and considered the staff report and invited testimony with respect to the proposed subdivision; and,

WHEREAS, at the hearing one person spoke in support to the proposed vesting tentative tract map; and,

WHEREAS, at that same hearing the Planning Commission also reviewed related Plan Amendment Application No. A-13-004, Rezone Application No. R-13-011, and Conditional Use Permit Application No. C-13-098 to allow for the development of a 95-lot single family residential private street planned development on the subject property.

NOW, THEREFORE, BE IT RESOLVED that Fresno City Planning Commission finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed, Vesting Tentative Tract Map No. T-6052/UGM may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration No. A-09-02 (Air Quality MND); and, that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), the Commission finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR or Air Quality MND were certified as complete, has become available. Accordingly, the Commission recommends approval of the mitigated negative declaration prepared for Environmental Assessment No. A-13-004/A-13-005/R-13-011/R-13-012/C-13-098/C-13-099/T-6052/T-6053.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that

approval of the subject vesting tentative tract map is consistent with the adopted 2025 Fresno General Plan and the Bullard Community Plan and the findings required pursuant to Section 66410 et. seq. of the Government Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Vesting Tentative Tract Map No. 6052/UGM subject to the Development and Resource Management Department Conditions of Approval dated January 15, 2014 with the following modification and additions:

- 1) Page 3, #12 of VTTM No. 6052/UGM: Modify to include text in Underline.

Relinquish direct vehicular access rights to North Hayes and West Herndon Avenues from all lots within the subdivision (except for the emergency vehicle access in Outlot "C").

- 2) Page 5, #24-a: Modify eight foot living area setback to five feet
- 3) Page 9, #43 & 44: The following conditions shall be added to the memorandums dated October 21 & 23, 2013, which reflect the allowance of public utilities within private streets. Any reference to private utilities shall be removed.

Public sewer and water service is allowed within private streets for Vesting Tentative Tract Map Nos. 6052/UGM subject to the following:

1. The granting of a public utility easement (P.U.E.).
2. The Subdivider shall include at a minimum, the following terms in the Covenants, Conditions, and Restrictions, subject to approval as to form by the City Attorney:
3. Compliance with Section 12-1026 of the Fresno Municipal Code, as may be amended.
4. Compliance with Chapter 6 of the Fresno Municipal Code, relating to municipal services, as may be amended.
5. City Easements: Subdivider shall include a section of the Declaration entitled "City Easements" wherein Declarant reserves, for the benefit of the City, non-exclusive easements to enter the Community for the maintenance, repair and replacement of the public water and sewer mains and lines that are to be located within the private streets, and other public utility facilities. This section shall also allow the City, at a minimum, to engage in any and all traffic control measures necessary to preserve public health and safety during such maintenance, repair and replacement of the facilities. Finally, this section shall provide that neither the Association nor any Owner may interfere with the City's right to exercise this easement.
6. Costs of repair and/or replacement of asphalt and other street improvements within the community due to repair of public utilities within

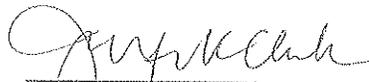
the streets is at the expense of the Homeowner's Association. These repairs and/or replacement will be to City Standards.

7. The Homeowner's Association agrees to hold harmless, indemnify and defend the City of Fresno, and its officers, officials, employees, agents and volunteers, against any claims or causes of action on account of or arising out of the City's maintenance, repair or replacement of utilities or related replacement of asphalt or street or other improvements. The Homeowner's Association waives and releases any and all claims or causes of action against the City related to such repairs.
8. Insurance provisions consistent with City requirements as determined by Risk Management.
9. Amendments Requiring City Approval. Proposed amendments to Section _____ of this Declaration, entitled "City Easements," shall be approved as to form by the City Attorney prior to the amendments to such Section being valid. No later than the date that is thirty (30) calendar days after its receipt of a proposed amendment, the City shall deliver written notice of its approval or disapproval of the proposed amendment to the party who delivered the proposed amendment to the City. If the City fails to deliver such written notice within such thirty (30) calendar day period, the City shall be deemed to have approved the proposed amendment.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Hansen-Smith, seconded by Commissioner Reed.

VOTING: Ayes - Hansen-Smith, Reed, Medina, Torossian, Vasquez, Holt
 Noes - None
 Not Voting - None
 Absent - None

DATED: January 15, 2014



Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13255
Vesting Tentative Tract Map No.
6052/UGM
Filed by Brent McCaffrey, on behalf of
The McCaffrey Group
Action: Approved