



## Legislation Details (With Text)

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**Title:** Actions pertaining to Final Map of Tract No. 6215  
1. RESOLUTION - Approving the Final Map of Tract No. 6215, of Vesting Tentative Tract Map No. 6215, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - Southwest corner of West Gettysburg Avenue and North Hayes Avenue (Council District 1)  
2. \*\*\*RESOLUTION - 43rd Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 to appropriate \$50,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 6215 on the Southwest corner of Gettysburg and Hayes Avenue (Council District 1) (Requires 5 affirmative votes)(Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 20-00565 Reso A20-0496 T-6215.pdf, 2. 20-00565 43rd Reso AAR T-6215.pdf, 3. 20-00565 Final Map T-6215.pdf

Date	Ver.	Action By	Action	Result
5/14/2020	1	City Council	adopted	

## REPORT TO THE CITY COUNCIL

**May 14, 2020**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**THROUGH:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic Operations and Planning Division

**BY:** RANDY GUILL, Supervising Engineering Technician  
Public Works Department, Traffic Operations and Planning Division

## SUBJECT

Actions pertaining to Final Map of Tract No. 6215

- 1. RESOLUTION** - Approving the Final Map of Tract No. 6215, of Vesting Tentative Tract Map No. 6215, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - Southwest corner of

West Gettysburg Avenue and North Hayes Avenue (Council District 1)

2. **\*\*\*RESOLUTION** - 43rd Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 to appropriate \$50,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 6215 on the Southwest corner of Gettysburg and Hayes Avenue (Council District 1) (Requires 5 affirmative votes) (Subject to Mayor's Veto)

## RECOMMENDATION

Staff recommends the Council adopt a resolution approving the Final Map of Tract No. 6215 and accepting the dedicated public uses offered therein, and authorizing the Public Works Director or his designee to execute the subdivision agreement on behalf of the City. Staff further recommends the Council adopt the 43rd Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 to appropriate \$50,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements located at the intersection of North Polk and West Ashlan Avenue for the Final Map of Tract No. 6215.

## EXECUTIVE SUMMARY

The Subdivider, Ashlan Hayes Developers, INC, a California Corporation (Joshua Peterson, President), has filed for approval, the Final Map of Tract No. 6215, of Vesting Tentative Map No. 6215, for a 98-lot single-family residential planned development subdivision with seven outlots for open space, park, landscaping, bicycle and pedestrian trail purposes, located on the southwest corner of West Gettysburg Avenue and North Hayes Avenue on 17.45 acres. The Subdivider has requested City assistance to acquire necessary right-of-way on four parcels for public street and public utility easements. This right-of-way is necessary for the construction of the improvements which are required for the project.

## BACKGROUND

The Fresno City Planning Commission on June 19, 2019 approved Vesting Tentative Map No. 6215 (Tentative Map) for a 98-lot single-family residential planned development subdivision on 17.45 acres. The Planning and Development Department approved a revision to the Tentative Map on November 7, 2019. The Tentative Map was approved consistent with the Fresno General Plan to comply with the provisions of the Subdivision Map Act. The Final Map is technically correct and conforms to the approved Tentative Map, the Subdivision Map Act and the Fresno Municipal Code. 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.

The Subdivider has satisfied all other conditions of approval by executing the Subdivision Agreement for Tract No. 6215, submitted securities in the total amount of \$5,987,256.00 to guarantee the completion and acceptance of the public improvements and \$2,993,500.00 for a payment security and has paid the miscellaneous and development impact fees due as a condition of approval for the Final Map in the amount of \$847,717.55. Covenants have been executed to defer eligible development impact fees totaling \$1,304,192.28 to the time of issuance of building permit and final occupancy of each unit, for annual CFD-11 assessment notification, for landscape maintenance for certain lots, acknowledging right-to-farm law, for temporary storm drainage facilities and for relinquishing access rights for certain lots. The City Attorney's Office has approved all documents as to form and the Risk Management Division has approved all security bonds and insurance

certificates.

**ADDENDUM TO SUBDIVISION AGREEMENT FOR ACQUISITION OF STREET RIGHT-OF-WAY:** The conditions of approval of the Tentative Map imposed the requirement to install a traffic signal at the intersection of North Polk Avenue and West Ashlan Avenue. Additional street right-of-way is needed to install the signal. The Subdivider has been unable to acquire and/or facilitate the dedication of this right-of-way prior to the scheduled date of the Final Map approval by Council. To satisfy the right-of-way requirement, the Subdivider has executed an addendum to the Subdivision Agreement that provides for the City to negotiate and/or exercise its power of eminent domain, to acquire the necessary right-of-way. The Subdivider has deposited \$211,000.00 to pay for the right-of-way and the City staff time needed for the acquisitions. An Annual Appropriation Resolution is included with this report to allocate a \$50,000.00 in this year's budget, so that work may begin on acquiring the right-of-way. The remainder of the deposit will be allocated in the FY 2021 Budget to complete the acquisitions.

**MAINTENANCE DISTRICT:** A condition of approval of the Tentative Map is to maintain all landscaped areas, trees, and irrigation systems along the frontages of North Olinda, North Hayes, and West Gettysburg Avenues; the entry treatment at North Gorma off of West Gettysburg; and Outlots A, B, and C. Maintenance of all concrete curbs and gutters, valley gutters, sidewalks and curb ramps, residential street paving, paved pedestrian pathways and trail, park amenities, fitness zone areas and equipment, street name signage and street lights associated with the Final Map in accordance with the adopted standards of the City. The Subdivider has satisfied the maintenance requirement by annexing the subdivision into the City's CFD-11 on February 27, 2020.

The Subdivider has executed the covenant for Maintenance of Certain Improvements and as a condition of the Subdivision Agreement, is required to provide every prospective purchaser of each lot of the subdivision the "Notice of Special Tax", in accordance with the provision of Section 53341.5 of the California Government Code. The maximum annual assessment is \$898.20 per lot with an annual 3% adjustment plus the increase, if any, in the construction cost index for the San Francisco Region.

## **ENVIRONMENTAL FINDINGS**

Pursuant to CEQA Guidelines Section 15268(b)(3), approval of final subdivision maps is a ministerial action and is exempt from the requirements of CEQA.

## **LOCAL PREFERENCE**

Local preference was not considered because this resolution does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

The Final Map is located in Council District 1. There will be no impact to the City's General Fund. Approval by the Council will result in timely deliverance of the review and processing of the Final Map as is reasonably expected by the Subdivider. Prudent financial management is demonstrated by the expeditious completion of this Final Map inasmuch as the Subdivider has paid the City a fee for the processing of this Final Map and that fee is, in turn, funding the respective operations of the Public Works Department.

Attachments:

Resolution

Resolution

Final Map of Tract No. 6215