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**Title:** RESOLUTION - Approving the Final Map of Tract No. 5914 and accepting dedicated public uses offered therein -northeast corner of North Hayes Avenue and West Herndon Avenue (Council District 2)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution - Tract No. 5914.pdf, 2. Final Map of Tract No. 5914.pdf

Date	Ver.	Action By	Action	Result
8/28/2014	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**August 28, 2014**

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

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

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

**SUBJECT**

**RESOLUTION** - Approving the Final Map of Tract No. 5914 and accepting dedicated public uses offered therein -northeast corner of North Hayes Avenue and West Herndon Avenue (Council District 2)

**RECOMMENDATION**

Staff recommends the City Council adopt a resolution approving the Final Map of Tract No. 5914 and accepting the dedicated public uses offered therein.

**EXECUTIVE SUMMARY**

The Subdivider, Herndon/Hayes No. 1, LLC, a California Limited Liability Company, the McCaffrey Group, Inc., a California Corporation, its General Partner (Robert A. McCaffrey, Chief Executive Officer, Brent M. McCaffrey, President), has filed for approval, the Final Map of Tract No. 5914, for a 33-lot single-family residential subdivision with one outlot for Paseo purposes and one outlot for future development, located on the northeast corner of North Hayes Avenue and West Herndon Avenue on 11.14 acres.

## BACKGROUND

The Fresno City Planning Commission on March 5, 2008 adopted Resolution No. 12829 approving Vesting Tentative Map No. 5914 (Tentative Map) for a 38-lot single-family residential subdivision on 5.11 acres at an overall density of 7.83 units per acre and a one lot administrative and professional office district zoned parcel on 4.38 acres and one outlot for Paseo purposes. The Development and Resource Management Department on October 13, 2009, February 18, 2010, May 16, 2012 and February 4, 2013 approved revisions to Vesting Tentative Map No. 5914 resulting in the reduction of the number of lots from 39 to 34. The Tentative Map was approved consistent 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. 5914 will expire on March 5, 2017. 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 and has paid the miscellaneous and development impact fees due as a condition of approval for the Final Map in the amount of \$70,271.08. A condition of the Tentative Map is to pay its fair share of the Veterans Boulevard/SR 99 Interchange fee. The Public Works Department of the City Fresno has determined that in lieu of paying the Veterans Boulevard/SR 99 Interchange fee, the Subdivider of the Final Map of Tract No. 5914 will be required to pay the Regional Transportation Mitigation Fee (RTMF) for each lot of the Final Map of Tract No. 5914 prior to occupancy which will satisfy the above condition. Covenants have been executed to defer eligible development impact fees totaling \$331,719.04 to the time of issuance of building permit and final occupancy of each unit, for annual CFD-11 assessment notification, for interim Paseo connection and to relinquish access rights to Outlot A. A deed of avigation and hazard easement for Sierra Sky Park has been executed. The City Attorney's Office has approved all documents as to form.

**MAINTENANCE DISTRICT:** A condition of approval of the Tentative Map is to maintain the landscaping and hardscaping within Outlot A, the West Herndon Avenue median island, and the trail along West Herndon Avenue adjacent to the Final Map, curbs and gutters, sidewalks, street signs and street lights along West Parr Avenue adjacent to the Final Map in accordance with the adopted standards of the City. The Subdivider has satisfied the maintenance requirement by annexing the subdivision into the City's Community Facility District No. 11 (CFD-11) on June 17, 2010.

The Subdivider has executed the covenant for Maintenance of Certain Improvements and 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 \$624 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 ordinance does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

The Final Map is located in Council District 2. 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
- Final Map of Tract No. 5914