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Title: RESOLUTION - Approving the Final Map of Tract No. 5341 and accepting dedicated public uses offered therein - south side of E. Clinton Avenue between N. Locan Avenue and N. Temperance Avenue (Council District 4)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. Resolution - Tract No. 5341.pdf, 2. Final Map of Tract No. 5341.pdf

Date	Ver.	Action By	Action	Result
6/30/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

June 30, 2016

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. 5341 and accepting dedicated public uses offered therein - south side of E. Clinton Avenue between N. Locan Avenue and N. Temperance Avenue (Council District 4)

RECOMMENDATION

Staff recommends the City Council adopt a resolution approving the Final Map of Tract No. 5341 and accepting the dedicated public uses offered therein, to authorize the Public Works Director or his designee to execute the subdivision agreement on behalf of the City.

EXECUTIVE SUMMARY

The Subdivider, UCP Meadowood III, LLC, a Delaware Limited Liability Company, by UCP, LLC, a Delaware Limited Liability Company, its Sole Member (James E. Jimison, Division President, Central Valley Division), has filed for approval, the Final Map of Tract No. 5341, Phase 1 of Vesting Tentative Map No. 5341, for a 161-lot single-family residential subdivision with one outlot for park purposes and one outlot for pedestrian, bicycle, landscaping and recreational purposes, located on the south side of East Clinton Avenue between North Locan Avenue and North Temperance Avenue on 40.64 acres.

BACKGROUND

The Fresno City Planning Commission on May 16, 2007 adopted Resolution No. 12686 approving Vesting Tentative Map No. 5341 (Tentative Map) for a 264-lot single-family residential subdivision on 58 net acres at an overall density of 4.5 dwelling units per acre. The Development and Resource Management Department on December 18, 2015 approved revisions to Vesting Tentative Map No. 5341 reducing the number of lots to 161 with one outlot for park, pedestrian, bicycle, landscaping and recreational purposes and one outlot for a future Clovis Unified School District campus. The Tentative Map was approved consistent with the Fresno General Plan and the McLane Community Plan to comply with the provisions of the Subdivision Map Act. The approval of Vesting Tentative Map No. 5341 will expire on May 16, 2018. 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. 5341, submitted securities in the total amount of \$8,494,000.00 to guarantee the completion and acceptance of the public improvements and \$4,247,000.00 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 \$454,028.89. Covenants have been executed to defer eligible development impact fees totaling \$307,555.64 to the time of issuance of building permit and final occupancy of each unit and for annual CFD-11 assessment notification, maintenance of landscape improvements for certain lots, for irrevocable offer of dedication for North Hornet Avenue, for deferring payment of the Fowler interim fee surety to the time of occupancy and for acknowledgement of right-to-farm law. 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 Acquisitions of Street Easements. The conditions of approval of the Tentative Map imposed the requirement to improve six parcels along East Clinton Avenue. The Subdivider has been unable to acquire and/or facilitate the dedication of such easements to the City prior to the date the Final Maps are approved by Council. To satisfy such easement requirements, the Subdivider has executed the Subdivision Agreement with an addendum that provides for the City to negotiate and/or exercise its power of eminent domain, to acquire the necessary rights-of-way easements and requires the Subdivider to post an initial deposit in the amount of \$250,000.00 for the estimated acquisitions and legal costs. In accordance with the addendum for right-of-way acquisition, the City will be proceeding with the acquisition process and scheduling a separate council agenda item to appropriate the necessary funds, after Council's approval of the Final Map.

MAINTENANCE DISTRICT: A condition of approval of the Tentative Map is to maintain all

landscaping, trees, irrigation systems and ground level infrastructure located within the street rights-of-way, landscape easements and Outlots A and B which are officially dedicated for public use. Such facilities include, without limitation, concrete curbs and gutters, valley gutters, entrance median curbs and hardscaping, curb ramps and sidewalks, street name signage, street lighting, local street paving, Outlots A and B amenities and hardscaping, such as benches, picnic tables, trash receptacles, BBQs, hot coal bins, and concrete walks and pads, and the traffic circle and islands at the intersection of Locan and Clinton within the Final Map in accordance with the adopted standards of the City. The traffic circle and islands are not required to be constructed at this time but are included in the maintenance district to ensure proper maintenance when constructed in the future. The Subdivider has satisfied the maintenance requirement by annexing the subdivision into the City's Community Facilities District No. 11 (CFD-11) on June 9, 2016.

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 \$718.79 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 4. 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. 5341