



## Legislation Details (With Text)

**File #:** ID 21-002      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 12/7/2020      **In control:** City Council  
**On agenda:** 1/7/2021      **Final action:**  
**Title:** Actions pertaining to Final Map of Tract No. 6249

1. RESOLUTION - Approving the Final Map of Tract No. 6249, of Vesting Tentative Tract Map No. 6249, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - South side of East Copper Avenue between North Chestnut Avenue and North Willow Avenue (Council District 6)

2. \*\*\*RESOLUTION - 51st Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$125,000 in developer contributions for the Final Map of Tract No. 6249 for the acquisition of right-of-way for public street and public utility easements on the Northeast corner of Copper Avenue and Willow Avenue (Council District 6) (Requires 5 affirmative votes)(Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 21-002 Resolution.pdf, 2. 21-002 Final Map of Tract No. 6249.pdf, 3. 21-002 AAR Resolution.pdf

Date	Ver.	Action By	Action	Result
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## REPORT TO THE CITY COUNCIL

**January 7, 2021**

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Public Works Department

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## SUBJECT

Actions pertaining to Final Map of Tract No. 6249

**1. RESOLUTION** - Approving the Final Map of Tract No. 6249, of Vesting Tentative Tract Map No. 6249, and accepting dedicated public uses offered therein except for dedications offered

subject to City acceptance of developer installed required improvements - South side of East Copper Avenue between North Chestnut Avenue and North Willow Avenue (Council District 6)

2. **\*\*\*RESOLUTION** - 51<sup>st</sup> Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$125,000 in developer contributions for the Final Map of Tract No. 6249 for the acquisition of right-of-way for public street and public utility easements on the Northeast corner of Copper Avenue and Willow Avenue (Council District 6) (Requires 5 affirmative votes) (Subject to Mayor's Veto)

## RECOMMENDATION

Staff recommends the City Council adopt a resolution approving the Final Map of Tract No. 6214 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; and adopt the 51<sup>st</sup> amendment to the Annual Appropriations Resolution (AAR) No. 2020-159 to appropriate \$125,000 in developer contributions to acquire right-of-way for public street and public utility easements at the northeast corner of Copper Avenue and Willow Avenue.

## EXECUTIVE SUMMARY

The Subdivider, Lennar Homes of California, Inc., a California corporation, (Mike Miller, Vice President), has filed for approval, the Final Map of Tract No. 6249, of Vesting Tentative Map No. 6249, for a 239 lot single-family residential subdivision with 12 outlots for landscaping purposes, private open space, private road and public and private utility purposes, located on the South side of East Copper Avenue between North Chestnut Avenue and North Willow Avenue on 18.85 acres. The conditions of approval include the installation of a traffic signal and associated intersection improvements at Copper Avenue and Willow Avenue, which in turn requires acquisition of right-of-way at the northeast corner of the intersection. Approval of the AAR amendment will appropriate the developer funding to acquire the necessary right-of-way.

## BACKGROUND

The Fresno City Planning Commission on July 17, 2019 approved Vesting Tentative Map No. 6249 (Tentative Map) for a 239-lot single-family residential subdivision on 18.85 acres. 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 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. 6249, submitted securities in the total amount of \$1,830,000.00 to guarantee the completion and acceptance of the public improvements and \$915,000.00 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 \$1,288,319.47. Covenants have been executed to defer eligible development impact fees totaling \$892,808.00 to the time of issuance of building permit and final occupancy of each unit, for annual CFD-11 assessment notification, acknowledging right-to-farm law, 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 Acquisitions of Street Easements. The conditions of approval of the Tentative Map imposed the requirement to install a traffic signal at Copper and Willow Intersection. The traffic signal installation will require the acquisition of additional right of way from one parcel. The Subdivider has been unable to acquire and/or facilitate the dedication of this right of way prior to the date the Final Map is approved by Council. To satisfy this requirement, the Subdivider has executed with 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 rights-of-way. The Subdivider has posted an initial deposit in the amount of \$125,000 for the estimated acquisition and legal costs.

**MAINTENANCE DISTRICT:** A condition of approval of the Tentative Map is to maintain the concrete curbs and gutters, valley gutters, sidewalks and curb ramps, and street lighting 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 August 20, 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 \$22.75 per lot with an annual 2% adjustment or at the rate set by the construction cost index for the San Francisco Region if it exceeds 2%.

## **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 6. 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. 6249
- 51<sup>st</sup> Amendment to the Annual Appropriation Resolution