

February 12, 2008

FROM: NICK P. YOVINO, Director
Planning and Development Department

BY: GILBERT J. HARO, Planning Manager
Planning Division

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

SUBJECT: VESTING TENTATIVE TRACT MAP NO. 5793 AND RELATED
CONDOMINIUM CONVERSION APPLICATION AND ENVIRONMENTAL
FINDING FOR ENVIRONMENTAL ASSESSMENT NO. T-5793 FOR THE
"EL CAZADOR" APARTMENTS

KEY RESULT AREA

One Fresno

RECOMMENDATION

Staff recommends the City Council take the following actions:

1. APPROVE the finding of Categorical Exemption for Environmental Assessment No. T-5793 issued October 30, 2007.
2. APPROVE the Condominium Conversion Application for the "El Cazador" Apartments.
3. APPROVE Vesting Tentative Tract Map No. 5793 subject to compliance with the Conditions of Approval dated November 14, 2007.

EXECUTIVE SUMMARY

The applicant, United Development Group, Inc., has filed Vesting Tentative Tract Map No. 5793 proposing to subdivide the 100 unit "El Cazador" apartment complex into a one common lot condominium subdivision. The one common lot subdivision would allow for the sale of the individual airspace to individual buyers and would require that all buyers of residential airspace share in common ownership of all buildings, streets, open space, walls, etc., on the entire site. The "El Cazador" apartment complex is located on the west side of North Cedar Avenue between East Shaw and East Gettysburg Avenues. The 4.64 site is zoned R-3 (*Medium Density Multiple Family Residential*) and is developed at a density of 21.55 units to the acre. **The proposed project and zoning are consistent with the high density residential land use designation of the Fresno Yosemite International Airport and Environs Specific Plan, Hoover Community Plan and the 2025 Fresno General Plan pursuant to Government Code Section §66427.2 (Subdivision Map Act [SMA]) of the State of California.** On November 14, 2007, the Fresno City Planning Commission recommended approval of the Condominium Conversion Application and Vesting Tentative Tract No. 5793 to the City Council.

KEY OBJECTIVE BALANCE

Council action regarding this proposed land use application optimizes the three Key Objectives of Customer Satisfaction, Employee Satisfaction, and Financial Management. Affirmative action by the Council will result in timely deliverance of the review and processing of the application as is reasonably expected by the applicant/customer. Prudent financial management is demonstrated by the expeditious completion of this land use application inasmuch as the applicant/customer has paid to the

city a fee for the processing of this application and that fee is, in turn, funding the operations of the Planning and Development Department. Employee satisfaction is derived from the fact that the professional and technical staff, who have reviewed and made a recommendation on this land use application, have done so in a thorough and professional manner, thereby enhancing the sense of accomplishment in the completion of the application process.

PROJECT INFORMATION

PROJECT Conversion of an existing 100 unit apartment complex into a 100 unit condominium airspace subdivision on one common lot

APPLICANT United Development Group, Inc.

LOCATION West side of North Cedar Avenue between East Shaw and East Gettysburg Avenues
(Council District 4, Councilmember Westerlund)

SITE SIZE Approximately 4.64 acres

LAND USE Existing - "El Cazador" Multiple Family Residential Complex
 Proposed - Condominium Airspace Subdivision

ZONING Existing - R-3

PLAN DESIGNATION AND CONSISTENCY The Fresno Yosemite International Airport and Environs Specific Plan, Hoover Community Plan and the 2025 Fresno General Plan designate the subject site for development with the high density residential land use designation which is consistent with the existing R-3 zone district

UNIT INFORMATION

<u>Floor Plan</u>	<u>Number of Units</u>	<u>Square Footage</u>
1 Bedroom, 1 Bathroom	40	617
<u>Floor Plan</u>	<u>Number of Units</u>	<u>Square Footage</u>
2 Bedroom, 1 Bathroom	44	761
<u>Floor Plan</u>	<u>Number of Units</u>	<u>Square Footage</u>
3 Bedroom 1 Bathroom	16	858

YEAR APARTMENT COMPLEX CONSTRUCTED Constructed in 1969

PRESENT MONTHLY RENTAL RATE	\$423 – \$875
ESTIMATED SALES PRICE OF CONDOMINIUM UNITS	\$120,000 – \$200,000
ESTIMATED MONTHLY OWNERS'S ASSOCIATION FEES	\$200.00
ENVIRONMENTAL FINDING	Finding of Categorical Exemption pursuant to Section 15301(k)/ Class 1 of CEQA filed on October 30, 2007
PLAN COMMITTEE RECOMMENDATION	The District 4 Plan Implementation Committee reviewed the project on February 4, 2008 and unanimously recommended approval.
STAFF RECOMMENDATION	Recommend approval of condominium conversion application and the vesting tentative tract map subject to compliance with Conditions of Approval for T-5793 dated November 14, 2007.
PLANNING COMMISSION RECOMMENDATION	On November 14, 2007 the Planning Commission voted to recommend approval of Vesting Tentative Tract Map No. T-5793 and the Condominium Conversion Application by a 5-0 vote.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Neighborhood Commercial	C-P/BA <i>Administrative and Professional Office/Boulevard Area District</i>	Offices
South	High Density Residential	R-3/BA <i>Low Density Multiple Family Residential/Boulevard Area District</i>	Multiple Family Residential
East	Office Commercial	R-P/BA <i>Residential and Professional Office/Boulevard Area District</i>	Offices
West	High Density Residential	R-3 <i>Low Density Multiple Family Residential</i>	Multiple Family Residential

ENVIRONMENTAL FINDING

Pursuant to the Public Resources Code (California Environmental Quality Act (CEQA) – Section 21084) and the CEQA Guidelines (Section 15301[k]), the division of existing multiple family rental units into condominiums is categorically exempt from the requirement for the preparation of environmental documents. A finding of a Categorical Exemption was filed with the City Clerk on October 30, 2007.

BACKGROUND / ANALYSIS

The applicant, United Development Group, Inc., has filed Vesting Tentative Tract Map No. 5793 and a Condominium Conversion Application for the "El Cazador" apartment complex on 4.64 acres of property located on the west side of North Cedar Avenue between East Shaw and East Gettysburg Avenues. The tract map would subdivide the apartment complex into a one common lot subdivision. The one common lot subdivision would allow for the sale of the individual airspace to buyers and would require that all buyers of residential airspace share in common ownership of all buildings, streets, open space, walls, etc.

The City's Condominium Conversion Ordinance (Article 9, Chapter 12, Fresno Municipal Code [FMC]), adopted on June 3, 1980, and substantially amended November 17, 1981, establishes regulations for the conversion of existing multiple family rental dwelling units to condominiums. The ordinance provides for twice yearly review of applications by the Planning Commission with final action by the City Council. This condominium conversion application is being considered during the review period, which began December 2006. The ordinance contains provisions that allow prospective buyers of converted units to be able to make informed decisions with regard to purchase and to be assured that the converted units meet the basic standards of safety, comfort and utility, and that tenants of the proposed conversion be protected from any impacts associated with the condominium conversion process. Important provisions of the Condominium Conversion Ordinance include:

- Provisions to protect rental housing adjacent to institutions where it is desirable to maintain the supply of rental housing.
- Storage space requirement of 60 cubic feet per unit.
- Providing one washer/dryer for every five units.
- Tenant relocation plans must be responsive to tenant demographics of the project.
- Tenant noticing and other tenant's rights provisions to conform to State law.
- Semi-annual application filing deadlines of June 1 and December 1 of each year.
- Provision prohibiting approval of projects where discriminatory rental practices have occurred.

Pursuant to the Subdivision Map Act (SMA) and the Condominium Conversion Ordinance, Section 12-905(c) of the FMC, the Planning Commission shall hear testimony on the proposed conversion and make a recommendation to the City Council. The City Council, following the decision by the Planning Commission, shall not approve a tentative map for a subdivision to be created from the conversion of residential real property into a condominium project unless it finds, pursuant to Section §66427.1 of the SMA that the "*requirements for notice of tenants and right of tenants to exclusive contract for purchase in condominium projects*" have been complied with and that all required findings (a through e) of this section have been met. Also, the City Council must find that all requirements of Section §66452.8 and Section §66452.9 of the SMA and Section 12-909-a and b of the Condominium Conversion Ordinance of the FMC have been met.

District 4 Plan Implementation Committee

The District 4 Plan Implementation Committee considered the project at their meeting of February 4, 2008 and unanimously recommended approval.

Fresno City Planning Commission

On November 14, 2007 the Fresno City Planning Commission considered the tract map and condominium conversion application. After a complete hearing, the Commission approved the project by a 5-0 vote. It is noted that no surrounding property owners or tenants spoke at the hearing.

Building and Site Requirements

The Condominium Conversion Ordinance requires that all units proposed for conversion meet minimum housing and building standards, and Zoning Ordinance standards primarily relating to parking, access, walls, and public improvement standards. Staff has prepared conditions of approval relating to the buildings and site requirements, which are contained in the Condominium Conversion Investigation Report, dated October 27, 2006, and in the conditions of approval for the tract map dated November 14, 2007. These requirements include maintaining compliance with the California Building Code, obtaining proper permits for all electrical, plumbing and mechanical equipment, providing additional parking spaces, requiring that the tree requirements of one tree for every unit and one tree for every required parking space be maintained, providing the required minimum of one washer and one dryer for every five units, and providing 60 cubic feet of lockable storage area for each of the 100 units.

Tenant Provisions

Section §66451.3 of the SMA and the Condominium Conversion Ordinance (Section 12-909-a and b of the FMC) require that if the proposed subdivision is a conversion of residential real property, a notice of public hearing be given by the city to each tenant of the subject property, and shall include notification of the tenants' right to appear and be heard. Furthermore, Section 12-904(f) of the Condominium Conversion Ordinance requires that the applicant/owner provide a Tenant Relocation and Assistance Plan (TRAP) to any tenants that might be displaced by the sale of the unit in which they reside. Based upon a review and analysis of the applicant's proposed TRAP and additional assistance offered by the applicant, staff concludes that the proposed plan for the El Cazador project appears to meet the minimum requirements of the Condominium Conversion Ordinance. These minimum requirements include a relocation fee equal to a minimum of two months rent (at market rate) for each unit which is vacated due to the conversion after receipt of the 180 day notice of conversion prior to termination of tenancy, lifetime leases for elderly tenants and extended leases for student tenants.

In addition, the applicant has agreed to refund the full security deposit and provide an additional \$300 for moving expenses for any tenant that received the 60 day notice of intent to convert and the 180 day notice to vacate. Staff recommends that the applicant also provide lifetime leases for handicapped tenants and extended leases for tenants with minor children.

The information provided to existing and prospective tenants includes provisions to aid special classes of tenants. However, it should be noted the rental rate for the lifetime and extended lease agreements may be increased during the term of the lease only in a manner provided in detail by the subdivider in the tenant plan but in no event shall any such increase be greater than eight percent per year. According to the lease agreements provided by the applicant, rent will be increased on an annual basis up to eight percent compounded annually for those tenants that request a lifetime or extended lease.

The TRAP contains the required minimum provisions, which may help to alleviate any impact upon tenants, which may be caused by tenancy termination as a result of the conversion.

It should also be noted that the project rent roll has indicated that there are many units within the El Cazador complex which have tenants who receive Housing Choice Vouchers (Section 8), which is administered by the Housing Authorities of the City and County of Fresno. According to the TRAP submitted by the applicant, the tenants of these units will not receive any special assistance above and beyond what will be offered to the other tenants. The applicant has indicated in the attached correspondence from Dirk Poeschel dated October 26, 2007 that the project site will remain under the Housing Choice Voucher program at least until the existing HUD Contract on the project expires on April 1, 2010. The applicant has also stated that they have no plans at this time to convert the property to condominiums. In addition, all new tenants that have moved into the apartment complex after the filing of the condominium conversion application have signed, of their own accord, a Notice of Intent to Convert which notifies the prospective tenant that the apartment complex is in the process of being converted to condominiums and may be sold. Upon signing this notice the tenant acknowledges that no assistance will be provided for relocating if the unit they occupy is sold or upon receiving the 180-day notice to vacate.

The applicant has also provided the city a Comparable Housing Availability Report, which is available to all tenants who may choose to leave El Cazador voluntarily or who are forced to relocate due to the conversion process. This report, which is on file with the Planning and Development Department, provides a list of nine comparable rental housing developments within a three mile proximity to the proposed condominium project. The applicant has also indicated in the TRAP that there will be a tenant relations representative to assist each tenant in the relocation process.

Consistency with Adopted Plans and Local Ordinances

The Fresno Yosemite International Airport and Environs Specific Plan, the Hoover Community Plan and the 2025 Fresno General Plan designate the site for high density residential land uses. The site is zoned R-3 which pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan conforms to the high density residential planned land use designation.

As documented in the 2025 Fresno General Plan and the Fresno City Housing Element adopted on June 18, 2002, housing affordability in the city is declining. Although the city has recently experienced a greater than predicted increase in the number of new homes, increases in costs have made it prohibitive for various individuals and families to purchase them. As a result, many families that cannot purchase homes are forced to pay rent on a month-to-month basis. According to the 2025 Fresno General Plan and the Fresno City Housing Element, condominiums provide for an "affordable" housing alternative to individuals that may prefer the benefits associated with condominium home ownership. Although conversions of multiple family apartment complexes into condominiums provides an alternative to conventional single family home ownership, it diminishes the number of apartment units available within the surrounding area that often provide housing options to a segment of the community which are often disadvantaged individuals that are unable to purchase homes. In addition, when considered together with the recent conversion of four other apartment complexes (i.e., 220 unit "Villa Santa Fe," 118 unit "Emerald Estates," 18 unit "Boston Village" and the 106 unit "Winery Estates") the proposed conversion would further reduce the number of available rental units.

However, it should be stated that although the conversion of apartments decreases the number of rentals within the city it does provide individuals with a wider-range of opportunity for homeownership. In addition, the Comparable Housing Availability Report provides a list of apartment complexes within

three miles of the site that have comparable amenities to the El Cazador project. A copy of this report is provided to each tenant opting to vacate and requesting assistance for replacement housing.

The proposed conversion is considered to be consistent with the adopted policies of the 2025 Fresno General Plan and Fresno City Housing Element relating to condominium conversions and to be in conformance with the purposes of the city's Condominium Conversion Ordinance. Based upon the above analysis and subject to compliance with the conditions of project approval dated November 14, 2007, the building standards and the proposed El Cazador TRAP provisions (including additional assistance offered by the applicant), the condominium conversion project meets the criteria established by Article 9, Chapter 12 of the FMC.

Major Street Improvement

The site is accessed via North Cedar Avenue. The 2025 Fresno General Plan designates Cedar Avenue as an arterial street. Given that the site is currently developed with apartments, minimal off-site improvements are required.

Other requirements include repairing or replacing all damaged off-grade concrete street improvements as appropriate. These street improvements are outlined in more detail in the Conditions of Approval dated November 14, 2007.

Condominium Conversion Findings

The City's Condominium Conversion Ordinance (Section 12-905-e) provides that the following findings must be considered prior to approval of any application for condominium conversion. The findings represent one basis for the staff recommendation in this report, and should be considered by the Council in the review of the application. In each case, an application for condominium conversion may be denied if one or more of the following findings are made:

1. The overall design and physical condition of the condominium conversion does not achieve a high degree of appearance, comfort, safety, and utility.

The overall design and physical condition will achieve a high degree of appearance, comfort, safety and utility subject to the requirements of the Condominium Conversion Inspection report dated October 27, 2006, that was submitted with the condominium conversion application. The report details requirements that will bring the subject property into compliance with the California Building Code (i.e., requiring permits and plans for building alterations and repairs, repairing all dry rot, providing smoke detectors in every unit, etc.).

2. The cumulative effect of the condominium conversion would cause a significant percentage of low and moderate-income rental units to be removed from the city's housing stock.

Although the conversion of this apartment complex would reduce the number of rental units within the area, the reduction in the number of rental units is not considered to be significant since the conversion of the project to condominiums will take a number of years, thereby, reducing the number of rental units being converted at any one time and a comparable housing availability report was filed as part of the condominium conversion application which provides information relating to comparable rental housing located within a reasonable proximity to the proposed condominium conversion project.

3. The tenant relocation and assistance plan proposed by the applicant will not sufficiently reduce the detrimental impact of the conversion on tenants, including special classes of tenants (elderly, handicapped, students, families with young children, and members of low income groups).

The tenant relocation and assistance plan meets the requirements as set forth by the Condominium Conversion Ordinance which includes a requirement to provide lifetime leases for elderly tenants and extended leases for students. In addition to meeting the minimum requirements of the Ordinance, the applicant will provide displaced tenants that receive the 60 day "Notice of Intent to Convert" and remain in their unit until they receive the 180-day notice of conversion prior to termination of tenancy, a full refund of their deposit, \$300 in moving expenses, lifetime leases to tenants that are handicapped and extended leases to families with children.

4. Vacancies have been caused by the applicant for the purpose of preparing the project for conversion, by means of substantive rent increases, evictions, or terminations of tenancy.

Upon reviewing the condominium conversion application as submitted by the applicant, it can be determined that vacancies have not been caused by the subdivider for the purposes of conversion. The applicant has not increased rents in a manner prior to the submittal of the application that would have required tenants to find new housing.

5. Approval of the proposed conversion would cause displacement of any special classes of tenants (as noted above No. 3) in an area without sufficient available comparable replacement housing.

The approval of the conversion will not displace any special classes of tenants, as noted in Finding Nos. 2 and 3, above. The applicant has indicated that the existing HUD contract on the project terminates on April 1, 2010, thereby providing a minimum of two plus years before any low income tenant could be displaced. The tenant relocation and assistance plan and the comparable housing availability report have provided tenants several options in securing comparable replacement housing within reasonable proximity to the conversion.

6. The subdivider has engaged in discriminatory rental practices against groups referred to in No. 3, above.

There is no proof nor has it been brought to staff's attention that discriminatory rental practices have occurred against any group or person.

7. Approval of the condominium conversion would be inconsistent with the purposes of the Condominium Conversion Ordinance and with the general health and well-being of city residents.

Approval of this condominium conversion would not be inconsistent with the purposes of the Condominium Conversion Ordinance and with the general health and well-being of city residents as noted in the findings above. The condominium conversion application meets the requirements of the ordinance.

Subdivision Map Act Findings

The SMA (California Government Code Section §66427.2) requires that a proposed subdivision for condominium conversion purposes not be approved unless it is found to be consistent with the General Plan and any applicable specific plan policies related to condominium conversions.

The City's General Plan Housing Element contains policies related to condominium conversion generally similar to the condominium conversion ordinance findings noted above. The Hoover Community Plan and the 2025 Fresno General Plan promote a diversified housing market, which is necessary to encourage residential development in the surrounding area. Staff concludes approval of the submitted condominium conversion application would be consistent with city plans and policies related to condominium conversions in the Hoover Community Plan Area, as there is adequate replacement housing available in the immediate vicinity of the project.

The SMA, Section §66427.1, further requires that the local legislative body (City Council) find that all tenants have received a 60-day notice of intent to convert (which staff has verified). The State law also requires that the Council find that each tenant and each person applying for rental of a unit has, or will have, received all notices and rights required by State law (compliance mandated by city ordinance). Further findings must be made at final map approval.

Additionally, State law provides that any subdivision application be denied if it is found that the site is unsuitable, the natural environment will be damaged, there are problems related to public health and safety or public easements, or that feasible energy conservation measures are not provided for. Staff concludes approval of the application would be consistent with these findings.

The vesting tentative tract map, subject to the recommended conditions of approval dated November 14, 2007, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance.

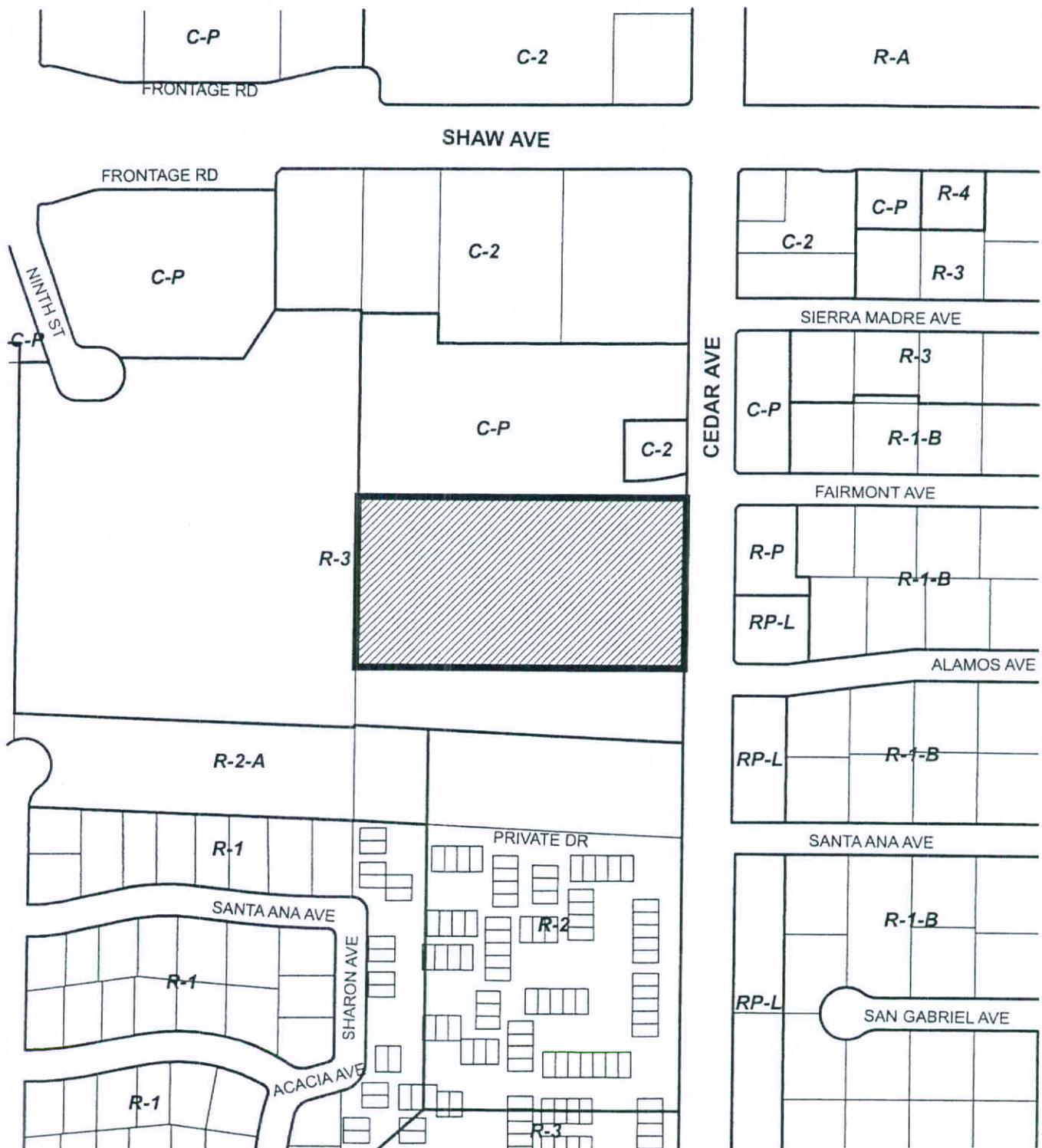
Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made, as the condominium conversion was properly noticed pursuant to Section 66452.8 and Section 66452.9 of the Subdivision Map Act and Section 12-905-C-5 of the Fresno Municipal Code.

CONCLUSION / RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with the goals and policies of the Hoover Community Plan, the 2025 Fresno General Plan and the Condominium Conversion Ordinance; its compatibility with surrounding uses; and, its avoidance of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying tenant relocation plan, comparable housing availability report, and environmental assessment. Upon consideration of this evaluation, it can be concluded that the Condominium Conversion Application and Vesting Tentative Tract Map No. 5793 are appropriate for the project site.

K:\Master Files - Tract Maps\Condominium Conversions & Condominium Maps\Tract 5793 El Cazador Condominium Conversion -- PB\Council Report\T-5793 and T-5793 Council Report 1-15-08.doc

Attachments: Vicinity Map
Aerial photograph of project site
Vesting Tentative Tract Map No. 5793
Condominium Conversion Investigation Report dated October 27, 2006
Conditions of Approval for Vesting Tentative Tract Map No. 5793 dated
November 14, 2007 including attachments
Letter from Dirk Poeschel dated October 26, 2007
Environmental Assessment No. T-5793 (Finding of Categorical Exemption)
issued on October 30, 2007
Planning Commission Resolution No. 12762
Council Resolution



LEGEND

 Subject Property

VICINITY MAP

TENTATIVE MAP OF TRACT NO. 5793

4851 N. CEDAR AVE.

PLANNING & DEVELOPMENT DEPARTMENT

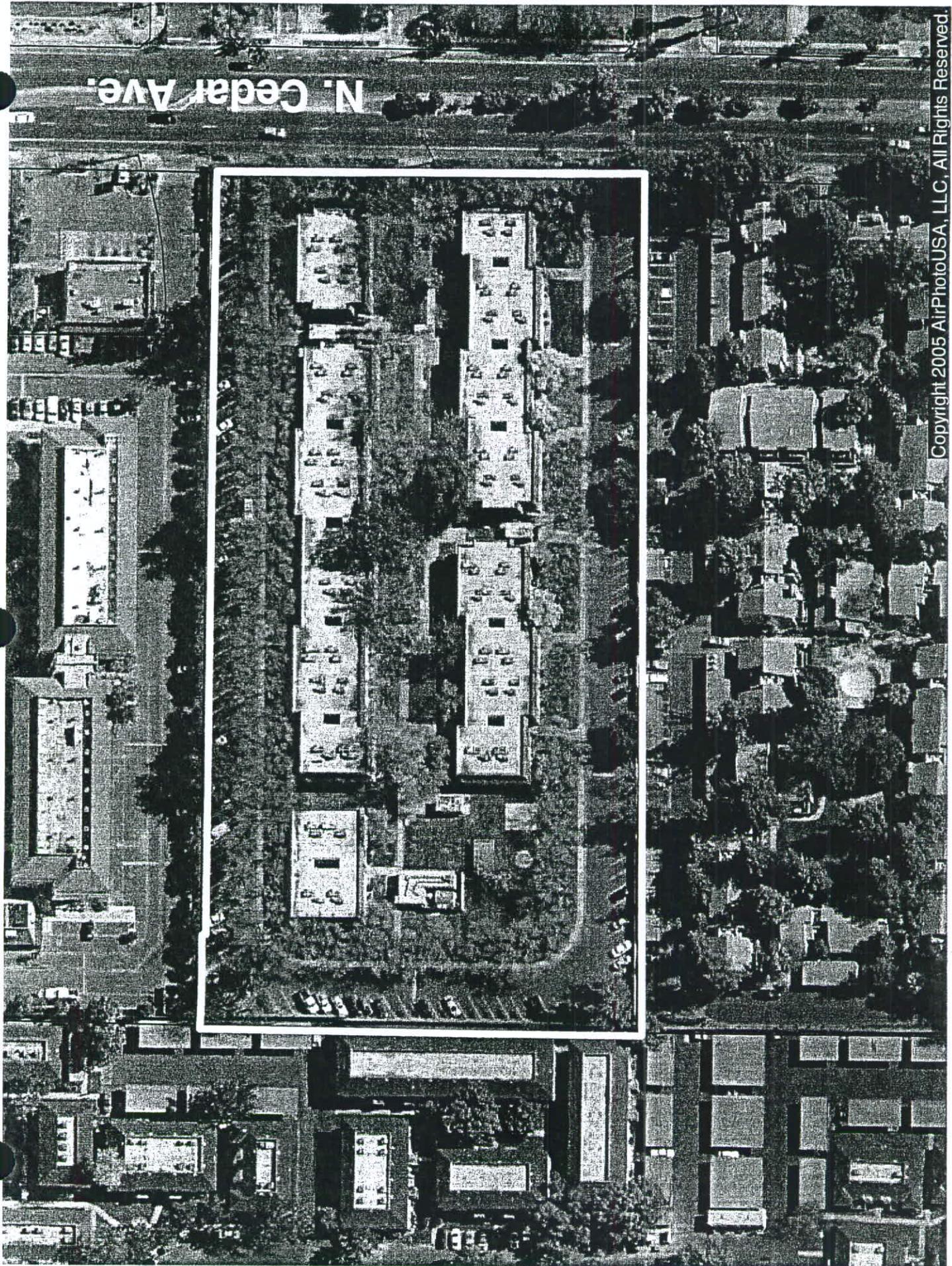


NOT TO SCALE

A.P.N.: 427-020-32

ZONE MAP: 1952

BY/DATE: D.N. / 10-30-07



N. Cedar Ave.







City of
2600 Fresno Street • Third Floor
Fresno, California 93721-3604
(559) 621-8082 FAX (559) 488-1020

Planning & Development Department
Nick Yovino
Director

CONDOMINIUM CONVERSION INVESTIGATION

Date: October 27, 2006

SUBJECT: CONDOMINIUM CONVERSION INVESTIGATION #06-13080

Subject Address: 4851 N. Cedar

From Occupancy Group: R-1 Multi Family

To Occupancy Group: R-1 Multi Family

APN Number: 427-020-32

Inspection Fee: \$450.00

The Condominium Conversion Investigation which you recently requested has been completed. The results are summarized in this report. Should you have any questions concerning comments or requirements contained herein please feel free to contact the appropriate section(s). The 2001 California Building Standards Codes are applicable to this project (also refer to the City of Fresno amendments to the State codes). These State codes incorporate the following model codes.

The Uniform Building Code (UBC) 2001 Edition
The Uniform Plumbing Code (UPC) 2001 Edition
The Uniform Mechanical Code (UMC) 2001 Edition
The National Electrical Code (NEC) 2004 Edition
The Uniform Fire Code (UFC) 2001 Edition

GENERAL INFORMATION

The condominium conversion investigation concludes that the proposed building use is permitted provided that the building complies with, or is altered to comply with, all current state codes and local amendments of the City of Fresno, and all requirements of the City Zoning Ordinance. Any deviation(s) from such existing codes, amendments or ordinances must be pre-approved by the Building Official or the Development Department Director.

This building is not to be occupied or used for any purpose other than its approved use until appropriate permits are taken out and required work is completed, inspected and approved.

1. Proper permits must be obtained and all applicable fees paid before any work is initiated.
2. To obtain permits, submit complete plans, calculations and submittal to the Development Department for plan review and approval. Plans must address each item on this report and show in detail existing and proposed work, and how the work complies with all applicable code requirements. Plans, calculations and submittal must be prepared by an architect, civil engineer or structural engineer licensed to practice in the State of California. Contact Building and Safety Services if you have any further information or details (559-621-8082).
3. This list does not necessarily include all possible deficiencies for the conversion. During the period of alterations or plan review, additional conditions may be discovered that will required further changes due to existing and/or non-observable construction conditions.

DISABLED ACCESS REQUIREMENTS (621-8082)

California Building Code (CBC) Section 1134B may require partial or complete compliance with all current disabled access requirements for new buildings. This could include an approved parking stall, paths of travel, toilet rooms, etc. The extent to which upgrades for the disabled may be required is based on the overall cost of work proposed with this project. Refer to CBC 1134B.

BUILDING/LIFE-SAFETY REQUIREMENTS (621-8082)

1. Permits and plans shall be required for all repairs or alterations to existing units.
2. Smoke detectors provided at locations required by section 310.9.4 of 2001 California Building Code.
3. All sleeping areas shall be provided with a window or door of size and location to conform to emergency exit requirements of section 310.4 of 2001 California Building Code.
4. Peep hole or vision panel at entry doors and dead bolts at all exterior doors per Security Code of the Fresno Municipal Code. (Section 13-100.1010)
5. Any additions or alterations that have been done on the property without proper plans and inspections shall be permitted and inspected.
6. Several re-roof permits were issued for the project which did not receive final approval. New permits need to be obtained and final inspection completed.
7. The project has recently been retrofitted with new dual glazed windows. The opening on the sliding windows does not meet minimum emergency escape requirements. The opening measures 16" x 41" and the required minimum opening width is 20" with a total open area of 5.7 square feet. The crank open windows need to be serviced to be easily operable; some will not open the minimum of 20"
8. Research of City records found no evidence that permits were issued for the office building. Submit evidence that the structure was constructed with proper permits or submit plans and obtain all required approvals.

PLUMBING AND MECHANICAL REQUIREMENTS (621-8082)

Plumbing or mechanical permits must be obtained from the Development Department by a licensed, bonded plumbing contractor prior to repair or correction of any plumbing and mechanical deficiencies.

Plumbing/Mechanical Requirements

1. All cross-connections shall be corrected.
2. Any Plumbing or Mechanical work that has been done on the property without proper permits and inspections shall be permitted and inspected. I.e. Water heaters, or air conditioners.
3. All combustion air for boilers, furnaces, and clothes dryers shall be provided.
4. All state required items prior to real estate sales, such as earthquake straps on water heaters, shall be completed.
5. All Mechanical equipment that are in a common area shall be permanently identified as to the area or space served.
6. Repair or replace all sinks, tub/showers that are damaged (chipped). U.P.C 401.1
7. Cap or plug all open waste lines or clean out openings in boiler rooms.
8. Repair or replace all leaking or inoperable faucets.
9. Install flue caps on boiler flues that are missing.

ELECTRICAL REQUIREMENTS (621-8082)

1. Permits and plans shall be required for all repairs or alterations to existing units.
2. All indoor and outdoor receptacles shall have three-wire grounding.
3. Provide ground-fault-circuit-interrupter protection for personnel, at locations required by article 210-8 of 2004 California Electrical Code.
4. Receptacles shall be provided at kitchen counter spaces of more than 12" linear inches. (Required at time structures were built)
5. Any electrical work that has been done on the property without proper permits and inspections shall be permitted.
6. All required lighting fixtures to comply with current title 24 requirements.
7. Replace all worn electrical devices.
8. All circuit breakers are to be properly labeled.
9. Provide required clearance in front of all main services. (Remove Hedges).

ORIGINAL

10. Repair or replace all damaged, worn or missing electrical components throughout.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

November 14, 2007

**"EL CAZADOR" CONDOMINIUM CONVERSION APPLICATION
AND VESTING TENTATIVE TRACT MAP NO. 5793**
West side of North Cedar Avenue between East Shaw and East Gettysburg Avenues

All tentative maps are subject to the applicable provisions of the State Subdivision Map Act (SMA), Fresno Municipal Code (FMC), City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative tract map.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5793 entitled "Exhibit "A" dated March 7, 2007, the subdivider may prepare a Final Map in accordance with the approved vesting tentative tract map.
2. Final map documents to be submitted to the Planning and Development Department in accordance with California Civil Code, Section 1351: (1) a description or survey map (one-lot subdivision) prepared in accordance with approved Vesting Tentative Tract Map No. 5793, dated March 7, 2007; (2) diagrammatic floor plans (condominium plan); and (3) certificate consenting to the recordation of such plans. Said documents to be recorded concurrently.
3. Proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the owner's association for the proposed project to be submitted to the Planning and Development Department for review prior to final map approval. Said documents to be recorded with the final map or alternatively prior to final acceptance of subdivision improvement.

Said documents shall also include assignment of responsibility to the owner's association for maintenance of on-site sewer and water systems and landscaping along abutting public streets, information required by Section 12-904-h of the FMC and other provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs dated January 11, 1985.

CONDITIONS OF APPROVAL

"El Cazador" Condominium Conversion Application

Vesting Tentative Tract Map No. 5793

November 14, 2007

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4. The applicant's proposals with respect to tenant relocation and assistance, physical condition of the project at the time of sale, and sales policy, as submitted in accordance with Section 12-904 of the FMC, shall be conditions of project approval as provided in Section 12-911, except where such proposals conflict with or do not meet the minimum requirements of Article 9 of Chapter 12 of the FMC (Condominium Conversion Ordinance) the minimum code requirements shall apply. In addition to the applicant's proposal with respect to tenant relocation and assistance, the applicant shall provide lifetime leases to handicapped tenants and extended leases (120 days) to tenants with minor children.
5. The applicant shall provide identification of equipment, operability of equipment and appliances, and applicable warranties in accordance with Section 12-907-d of the FMC.
6. Comply with the requirements of the Condominium Conversion Investigation Report dated October 27, 2006.
7. Applicant shall provide 60 cubic feet of storage space for each unit in order to meet the requirements of Section 12-907-c-2 of the FMC.
8. Applicant shall provide washers and dryers in the common laundry areas to meet the minimum required ratio of one washer/dryer for each five units or fraction thereof pursuant to Fresno Municipal Code, Section 12-907-c-3.
9. The number of trees will be determined by the following formula:
 - a. Section 12-306-N-24-g-3 of the FMC requires one medium size tree (30 – 60 feet at maturity) for each required parking space, plus one medium sized tree for each residential unit. Thus a total of 250 trees are required per the following:

i.	150 parking spaces	=	150 medium sized trees
ii.	100 residential units	=	100 medium sized trees
	<i>Total</i>	=	<i>250 medium sized trees required on site</i>

However, the number of trees may be reduced to a number acceptable to the Planning and Development Department Director.

10. Identify and list the number of existing trees located on the subject property.
11. Provide shade calculations on the landscape plan for parking lot shading in accordance with the attached Parking Lot Shading Policy, including tree species and tree counts.
12. Provide sufficient trees in the parking lot area to provide 50 percent shading of the parking area surface within 15 years. (This requirement may be reduced to 40 percent for existing development if it is demonstrated that the constraints of an existing site would make it impossible to meet the normal standards.) Trees shall also be planted in the required landscaped area along the periphery of the development in order to shade and enhance adjacent property and public rights-of-way. Refer to the attached "Performance Standards for Parking Lot Shading," for the tree list and further details.

CONDITIONS OF APPROVAL

"El Cazador" Condominium Conversion Application

Vesting Tentative Tract Map No. 5793

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13. Trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Planning and Development Department.
14. Landscaping must be in place before issuance of the certificate of occupancy. A Hold on Occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Planning Division.
15. Prior to final inspection, a written certification, signed by a landscape professional approved by the Director, shall be submitted stating that the required landscaping and irrigation system was installed in accordance with the landscaping and irrigation plans approved by the Planning Division, Development Department.
16. The Project Description portion of the Report for the "El Cazador" apartment complex, indicates that there are a total of 126 uncovered parking stalls on the subject property. When there are more than two dwelling units on a single lot there shall be one and one-half parking spaces for each dwelling unit, one of which shall be in a carport or garage (Section 12-306-I-6(d) of the FMC).
 - a. $100 \text{ units} \times 1.5 = 150$ required parking spaces (including 100 covered stalls).
17. The parking lot design must accommodate the provision of trees in accordance with the attached Parking Lot Shading Policy.
18. A minimum of 5 automobile handicap parking spaces are required for the proposed apartment complex per State of California Building Code, "Development Requirements for Handicapped Accessibility."
19. All handicapped stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the FMC shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles.
20. All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps.
21. Lighting where provided to illuminate parking, sales or display areas shall be hooded and so arranged and controlled so as not to cause a nuisance either to highway traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. Depict all proposed lights on the site plan.
22. Submit revised project plan and/or construction plans for required on-site modifications (storage space, parking, walls, landscaping) to the Planning and Development Department for approval prior to final map approval. Site modifications to be constructed and inspected by the Planning and Development Department prior to Final Map approval, or alternatively, may be guaranteed by agreement and security as provided by the FMC Section 12-907-a.

CONDITIONS OF APPROVAL

"El Cazador" Condominium Conversion Application

Vesting Tentative Tract Map No. 5793

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23. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Planning and Development Department for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

Engineered construction plans shall be approved by the city prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.

24. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval.

The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.

Concurrent with filing of a Final Map and when the provisions of Section §66436 of the SMA apply, the subdivider shall be responsible to send, by certified mail, a sketch of the proposed Final Map together with a copy of Section §66436(a)(3)(A) of the SMA to any public entity or public utility that has previously acquired a right-of-way easement.

25. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 66-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
26. The developer/owner shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water service, sewerage, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution Nos. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of state law as related to vesting tentative maps.
27. The subdivider shall furnish to the city acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code and the State Subdivision Map. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the city. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the city, the subdivider may elect to enter into an agreement with the city to thereafter guarantee the completion of the improvements.
28. As a condition of Final Map approval, the subdivider shall furnish to the city a subdivision guarantee listing all parties having any right, title, or interest and the nature of their interest per State law.

CONDITIONS OF APPROVAL

"El Cazador" Condominium Conversion Application

Vesting Tentative Tract Map No. 5793

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29. Pursuant to Section §66456.1 of the SMA, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority to the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC, Chapter 12, Article 10, Subdivision of Real Property.
30. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement to tract grading work, in accordance with Chapter 13 of the FMC.
31. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
32. If there are suspected human remains, the Fresno County Coroner shall immediately be contacted (contact phone number during business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number 916-653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologist. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the city as to any further site investigation or site avoidance/preservation measures.
33. If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the city as to any further site investigation or preservation measures.
34. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any state or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment of pay off such assessment in full.

If the subdivider elects to apportion the assessment, the application shall contain the following information:

- a. A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel, or interest will be divided;
- b. A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and,

- c. Written consent of the owner(s) of each lot, parcel, or interest to the requested apportionment.

The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

PARK SERVICE

35. Street trees shall be planted along all public street frontages. The subdivider is required to provide automatic irrigation for all street trees. The irrigation requirements shall comply with FMC Section 12-306-N-23.
36. The developer/owner shall contact the Fresno Public Works Department at (559) 621-8794 (Hilary Kimber) for the street tree requirements.
37. Pay appropriate park facilities fee and/or dedicate lands for park and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.

FIRE SERVICE

38. Streets less than 36 feet wide shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1. Designate curbs as fire lanes (red curb with "Fire Lane" in 3-inch white letters every 50 feet or approved signs every 50 feet).
39. All gates on common access drives shall be equipped with approved Police/Fire bypass locks (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes. Provide approved covenants for shared firefighting access and water supplies.
40. The developer shall contact the Fresno Fire Department for fire protection requirements.

SOLID WASTE

41. Vesting Tentative Tract Map No. T-5793 will be serviced as a Multi-Family Residential property with Bin Service.
42. Developer shall provide two cell enclosures on this property as determined by the Solid Waste Division. Enclosures shall be constructed to City of Fresno Standards P-33 and P-34 .

CONDITIONS OF APPROVAL

"El Cazador" Condominium Conversion Application

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43. Owners shall provide facilities to accommodate a minimum of 50 cubic yards of solid waste and recycling services per week.
44. There shall be no separate billing for Solid Waste services. The City of Fresno shall be provided with the name and address of a property management company or homeowners association for billing purposes.

STREETS AND RIGHTS-OF-WAY

45. All required signing and striping shall be done by, and paid for, by the developer/owner. Signing and striping plans shall be prepared per current California Department of Transportation standards and shall be submitted along with the street construction plans for Vesting Tentative Tract Map No. 5793 to the Transportation Section of the Public Works Department for review and approval.
46. The subdivider shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the 4-foot minimum unobstructed path requirement.
47. All of the required street improvements shall be constructed and/or installed in accordance with the City of Fresno Standard Specifications (2002 Edition).
48. The subdivider shall install all existing and proposed utility systems underground in accordance with FMC Section 12-1011(H) and Resolution Nos. 78-522 and 88-229.
49. Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standards P-44.
50. Comply with the attached memorandum from the Public Works Department, Traffic Engineering Division dated November 7, 2007.

SANITARY SEWER SERVICE

51. All existing on-site sanitary sewer facilities shall remain private.

WATER SERVICE

52. The proposed condominiums shall remain on the existing private on-site water service.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD)

53. The subdivider shall be required to pay any applicable storm drainage fees to comply with Fresno Municipal Code Chapter 13, Article 13.

54. The subdivider shall be required to comply with the specific requirements imposed by the FMFCD for the subdivision or any amendments or modifications to those requirements, which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. Contact the FMFCD for specific requirements for this project.

DEVELOPMENT FEES AND CHARGES

55. This project is subject to the following development fees and charges:

FMFCD	FEE/RATE
a. Metropolitan Flood Control District Fee	\$0
 SEWER CONNECTION CHARGES	
FEE RATE	
b. Lateral Sewer Charge♣	\$0.10/sq. ft. (to 100' depth)
c. Oversize Charge♣	\$0.05/sq. ft. (to 100' depth)
d. Trunk Sewer Charge Service Area:	N/A
e. Wastewater Facilities Charge	S.T.E.P. †
f. Fowler Trunk Sewer Interim Fee Surety♣	N/A
g. House Branch Sewer Charge♥	N/A
 WATER CONNECTION CHARGES	
FEE RATE	
h. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
i. Frontage Charge♣	\$6.50/lineal foot
j. Transmission Grid Main Charge♣	\$643/gross acre (parcels 5 gross acres or more)
k. Transmission Grid Main Bond Debt Service Charge♣	\$243/gross acre (parcels 5 gross acres or more)
l. UGM Water Supply Fee♥ Service Area:	N/A
m. Well Head Treatment Fee♥ Service Area:	N/A

- | | |
|---|-----|
| n. Recharge Fee♥
Service Area: | N/A |
| o. 1994 Bond Debt Service♣
Service Area: | N/A |

DEVELOPMENT IMPACT FEE	FEE RATE
p. Fire Facilities Impact Fee - Citywide♦**	\$439/living unit
q. Park Facility Impact Fee - Citywide♦**	\$2764/living unit
r. *Quimby Parkland Dedication Fee♥**	\$911/living unit
s. Police Facilities Impact Fee - Citywide♦**	\$508/living unit
t. Traffic Signal Charge♣	\$290.28/living unit

URBAN GROWTH MANAGEMENT	FEE RATE
u. Major Street Charge♣ Service Area:	N/A
v. Major Street Bridge Charge♣ Service Area:	N/A
w. UGM Grade Separation Fee♣ Service Area:	N/A
x. UGM Trunk Sewer Charge♣ Service Area: Herndon	N/A
y. Street Acquisition/Construction Charge♥	N/A

Notes:

† Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

*This amount if paid is creditable against the Park Facility Impact Fee.

** Fee applicable to all maps accepted for filing after August 30, 2005

♥ Due at time of subdivision.

♣ Due at time of development.

♦ Due at occupancy.

♠ Deferrable through Fee Deferral Covenant.





City of



DATE: November 7, 2007

TO: Dave Braun, Planner III
Development Department, Planning Division

THROUGH: Bryan D. Jones, T.E., Traffic Engineering Manager
Public Works Department, Engineering Division

FROM: Louise Gilio, Traffic Planning Supervisor
Public Works Department, Engineering Division

SUBJECT: Public Works Conditions of Approval
TT 5793, (Cedar between Shaw and Gettysburg)
United Development Group, Inc. / Rabe Engineering, Inc.

The Public Works Department, Traffic Planning Section, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval by the Public Works Department.

General Conditions:

Provide curb ramps at all corners within the limits of this subdivision.

Underground all existing offsite overhead utilities within the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.

Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping.

If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall pay all costs and fees associated with the City environmentally assessing the outlot to insure that it is free of toxic or hazardous materials pursuant to the requirements of City Administrative Order 8-1, including, but not limited to, performing a Phase I environmental assessment. The environmental assessment shall be completed and all fees and costs for said environmental assessment shall be paid to the City prior to subdivider's submittal of the Final Map for City approval.

Gates are not approved with this map.

Frontage Improvement Requirements:

Major Streets:

Cedar Avenue: Arterial

1. Repair all damaged and/or off-grad concrete street improvements as determined by the Construction Management Engineer.
2. If not existing, provide "enter only" and "exit only" signs at the existing driveways.

Parking Lot:

1. Comply with the City of Fresno's Parking Manual. All stalls shall be 9' by 19'. Paint the existing curb, opposite the parking stalls, "No Parking".

Specific Mitigation Requirements: Required General Tract Map Revisions: The engineer **shall** provide the required content and form as outlined below on the tentative tract map, **prior** to scheduling a meeting with the Planning Commission. Reference Fresno Municipal Code (FMC) Section 12-1004:

1. Clearly identify the required 4' ADA path of travel behind the existing driveway approaches. A dedication for a pedestrian easement may be required.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for condominium unit (fee rate as shown in the Master Fee Schedule).

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **Infill Area**; therefore pay all applicable City-wide regional street impact fees.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map.

DIRK POESCHEL

Land Development Services, Inc.

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • FAX: 559/445-0551 • email: dpoeschel@dplds.com

RECEIVED

October 26, 2007

OCT 30 2007

Planning Division
Planning & Development Dept
CITY OF FRESNO

Dear Tenant:

My firm is working with 4851 N. Cedar, LLC regarding the conversion of the El Cazador apartments located at 4851 N. Cedar Ave. in Fresno to condominiums. As you know, we met Tuesday, October 23, 2007 with El Cazador apartment tenants. A number of tenants attended the meeting and asked very good questions regarding the condominium conversion process.

During the meeting there were two dates mentioned regarding the termination of the existing HUD contract. I promised you that the correct date would be determined and that you would be informed. The correct HUD contract termination date is **April 1, 2010**.

The owner has no plans at this time to convert the property to condominiums. The project will continue to operate as an apartment project.

If you have any questions regarding this project, please feel free to contact me.

Sincerely,

Dirk

Dirk Poeschel, AICP

c: Ms. Rebeca Ayyad
✓ Mr. David Braun

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**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. T-5793**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: United Development Group, Inc.
9252 Chesapeake Drive, Suite 100
San Diego, CA 92123

PROJECT LOCATION: 4851 North Cedar Avenue
Located on the west side of North Cedar Avenue between East Shaw and East Gettysburg Avenues
(APN: 427-020-32)

PROJECT DESCRIPTION: United Development Group, Inc. has submitted Vesting Tentative Tract Map No. 5793 and related Condominium Conversion Application for the "El Cazador" apartment complex. The condominium conversion application will allow the applicant to convert the 100 unit "El Cazador" apartment complex into condominium units and the tentative tract map will subdivide the apartment complex into a one common lot condominium subdivision map. The subdivision map would allow for the sale of the individual airspace to individual buyers and would require that all buyers of residential airspace share in common ownership of all buildings, streets, open space, walls, etc., on the entire site. The condominium conversion and tentative tract map are consistent with the land use designation and circulation element of the 2025 Fresno General Plan, the Hoover Community Plan and the Fresno Yosemite International Airport and Environs Plan.

This project is exempt under Section 15301(k)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines.

EXPLANATION: Section 15301(k)/Class 1 exempts from the provisions of CEQA the division of existing multiple family or single-family residences into common-interest ownership, where no physical changes occur which are not otherwise exempt. The proposed condominium conversion as described meets the criteria noted above.

FILED

OCT 30 2007

FRESNO COUNTY CLERK

DEPUTY

Date: October 30, 2007

Prepared By: David Braun, Planner III

Submitted by:

Gilbert J. Haro
Gilbert J. Haro

Planning Manager

City of Fresno

Planning and Development Department

(559) 621-8277



**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 12762**

The Fresno City Planning Commission at its regular meeting on November 14, 2007, 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. 5793 (The "El Cazador" Apartment Complex) was filed with the City of Fresno and proposes to subdivide the 100 unit "El Cazador" apartment complex into a one common lot condominium subdivision on 4.64 acres of land located on the west side of North Cedar Avenue between East Shaw and East Gettysburg Avenues; and,

WHEREAS, the related Condominium Conversion Application was filed with the vesting tentative tract map requesting the conversion of existing multiple family rental dwelling units into condominiums which contains detailed information pertaining to a physical elements report on the integrity of all buildings proposed for condominium conversion, a report on tenant information, a Tenant Relocation and Assistance Plan, Comparable Housing and Availability Report, lifetime leases for elderly and handicapped tenants and extended leases for students and families with children; and,

WHEREAS, the Fresno City Planning Commission conducted a public hearing on November 14, 2007, to review the proposed subdivision, condominium conversion application and considered the staff report and invited testimony with respect to the proposed subdivision, and concluded that the vesting tentative tract map and condominium conversion application are consistent with the 2025 Fresno General Plan and Hoover Community Plan and is in conformance with the purposes of Article 9 Condominium Conversion Ordinance of the Fresno Municipal Code; and,

WHEREAS, during the November 14, 2007 hearing, the Commission received a staff report and related information, environmental documents and considered testimony regarding the requested subdivision; and,

WHEREAS, no tenants of the apartment complex or surrounding property owners spoke at the planning commission hearing; and,

WHEREAS, the Planning and Development Department staff recommended approval of the proposed vesting tentative tract map and condominium conversion application subject to all conditions of approval contained in the staff report dated November 14, 2007.

NOW, THEREFORE, BE IT RESOLVED, the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Vesting Tentative Tract Map No. 5793 may have a significant effect on the environment as identified by the finding of Categorical Exemption filed on October 30, 2007, prepared for Environmental Assessment No. T-5793.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of the vesting tentative tract map is consistent with the 2025 Fresno General Plan and Hoover Community Plan and the findings required pursuant to Section 66427.2 of the Government Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of the Condominium Conversion Application subject to Section 12-901 of the Fresno Municipal Code, is consistent and in conformance with the purposes of the Condominium Conversion Ordinance of the City of Fresno.

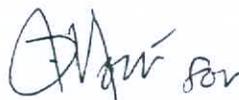
BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends approval of Vesting Tentative Tract Map No. 5793 (The "El Cazador" apartment complex) and related Condominium Conversion Application subject to compliance with the following conditions:

1. Planning and Development Department Conditions of Approval dated November 14, 2007.
2. Compliance with the requirements of the Condominium Conversion Investigation Report dated October 27, 2006.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner DiBuduo, seconded by Commissioner Cherry.

VOTING: Ayes - Dibuduo, Cherry, Kissler, Torossian, Vasquez
 Noes - None
 Not Voting - None
 Absent - Holt, Vang

DATED: November 14, 2007



KEITH BERGTHOLD, Secretary
Fresno City Planning Commission

Resolution No. 12762
Vesting Tentative Tract Map No. 5793
"El Cazador" Condo Conversion
Application filed by United Development Group
Inc.
Action: Recommend Approval

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO
CONDITIONALLY APPROVING VESTING TENTATIVE TRACT
MAP NO. 5793 (THE "EL CAZADOR" CONDOMINIUM
CONVERSION)

The Fresno City Council, at its regular meeting on February 12, 2008, 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. 5793 and related Condominium Conversion Application was filed with the City of Fresno and proposes to subdivide the 100-unit "El Cazador" apartment complex into a one common lot condominium subdivision on 4.64 acres of land located on the west side of North Cedar Avenue between East Shaw and East Gettysburg Avenues; and,

WHEREAS, the Fresno City Planning Commission conducted a public hearing on November 14, 2007, to review the proposed subdivision and considered the staff report and invited testimony with respect to the proposed subdivision and concluded that the vesting tentative map is consistent with the 2025 Fresno General Plan and Hoover Community Plan and is in conformance with the purposes of the Condominium Conversion Ordinance of the City of Fresno and recommends its approval; and,

WHEREAS, the Planning and Development Department staff recommended approval of the proposed project subject to all conditions of approval contained in the staff report dated November 14, 2007; and,

WHEREAS, on February 12, 2008, the Fresno City Council held a public hearing to consider Vesting Tentative Tract Map No. 5793 and received both oral testimony and written information presented at the hearing regarding the proposed conversion of the "El Cazador" apartments to a condominium project; and,

WHEREAS, the condominium conversion project was properly noticed pursuant to Sections 66452.8 and 66452.9 of the Subdivision Map Act and Section 12-905 (c) (4) of the Fresno Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Council hereby finds and determines based upon its independent judgment that there is no substantial evidence in the record to indicate that Vesting Tentative Tract Map No. 5793 may have a significant effect on the environment and that the project falls within the categorical exemption set forth in CEQA Guidelines Section 15301(k)/Class1 as identified by the Categorical Exemption filed on October 30, 2007, prepared for Environmental Assessment No. T-5793.

BE IT FURTHER RESOLVED that the Fresno City Council finds that approval of the vesting tentative tract map subject to Section 12-905-E of the Fresno Municipal Code is consistent with the adopted 2025 Fresno General Plan and Hoover Community Plan and the findings required pursuant to Section 66427.2 of the Government Code, and is in conformance with the purposes of the Condominium Conversion Ordinance of the City of Fresno.

BE IT FURTHER RESOLVED that the Fresno City Council finds that none of the findings for denying a condominium conversion application set forth in Fresno Municipal Code, Section 12-905 (e) can be made based upon the evidence set forth in the staff report to Council pertaining to this application and provided before or at the Council hearing on this matter whether verbal or documentary.

BE IT FURTHER RESOLVED that the Fresno City Council hereby approves Vesting Tentative Tract Map No. 5793 (The "El Cazador" Condominium Conversion) subject to compliance with the following conditions:

1. Planning and Development Department Conditions of Approval dated November 14, 2007.
2. Compliance with requirements of the Condominium Conversion Investigation Report dated October 27, 2006.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2008, by the following vote:

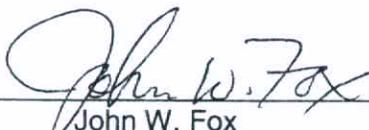
Ayes:
Noes:
Absent:
Abstain:

REBECCA E. KLISCH, CMC
City Clerk

By _____

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By  _____
John W. Fox
Deputy City Attorney
Date 1/9/2008

Vesting Tentative Tract Map No. 5793
(The "El Cazador" Condominium Conversion)
Filed by United Development Group Inc.
Assessor's Parcel No. 427-020-32