City of FRESNO **REPORT TO THE CITYCOUNCIL**

AGENDA ITEM NO. 1 A
COUNCIL MEETING 09- 22-11
APPROVED BY
DEPARTMENT DIRECTOR
CITY MANAGER

September 22, 2011

FROM: MARK SCOTT, Interim Director
Development and Resource Management

KEVIN FABINO, Planning Manager
Development Services Division

By: JONATHAN BARTEL, Supervising Engineering Technician JB
Development Services Division

SUBJECT: **ADOPT A RESOLUTION APPROVING THE FINAL MAP OF TRACT NO. 5996 AND TO AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR AND THE DEVELOPMENT AND RESOURCE MANAGEMENT DIRECTOR TO EXECUTE THE COVENANTS ON BEHALF OF THE CITY**

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution approving the Final Map of Tract No. 5996; and to authorize the Public Works Director (or Director's designee) to execute the covenant prohibiting parking on driveways, and the deed of avigation on behalf of the City, authorize the Public Utilities Director (or Director's designee) to execute the covenant for special solid waste disposal services on behalf of the City and to authorize the Development and Resource Management Director (or Director's designee) to execute the covenant deferring eligible development impact fees to the time of building permit and occupancy and the covenant acknowledging Sierra Sky Park Airport operations on behalf of the City.

EXECUTIVE SUMMARY

The Subdivider, 5983 Enterprises, LP, a California Limited Partnership (Leo A. Wilson, President), has filed for approval, the Final Map of Tract No. 5996 (Phase-3 of Vesting Tentative Map No, 5983/UGM) for a 50-lot gated single-family residential planned development subdivision, with 7-outlots (common areas for private roads, landscaping, walkways, and parking purposes) located on the north side of West Herndon Avenue between North Prospect and North Lead Avenues. The proposed Final Map is filed pursuant to Vesting Tentative Map No. 5983/UGM ("Tentative Map") and Conditional Use Permit No. C-10-195 which modifies property development standards (lot sizes, yard requirements, gated community, private streets) for a 159-lot single-family residential gated private street planned development with 25-outlots (common areas for private roads, landscaping, walkways, parking, recreation and utility purposes), 3-commercial lots and 2-outlots (remnant parcels) for future development purposes on 20.14 gross acres.

The Final Map is technically correct and conforms to the approved Vesting Tentative Map No. 5983 and conditions of approval dated December 15, 2010, Conditional Use Permit No. C-10-195 and approved revisions thereto, the Subdivision Map Act (SMA) and the Fresno Municipal Code. The Subdivider has signed the covenants and has paid all fees now due to satisfy the conditions of approval of the Tentative Map. The City Attorney's office has approved all documents as to form. 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.

BACKGROUND

The Fresno City Planning Commission on December 15, 2010 adopted Resolution No. 13070 approving Vesting Tentative Map No. 5983/UGM and Conditional Use Permit No. C-10-195 (CUP) for a 159-lot single-

family residential gated private street planned development with 25-outlots (common areas for private roads, landscaping, walkways, parking, recreation and utility purposes), 3-commercial lots and 2-outlots (remnant parcels) for future development purposes on 20.14 gross acres. The 3-commercial lots are proposed on approximately 3.58 acres of the 20.14 acres.

Attached is the Fresno City Planning Commission report which provides the project details, staff analysis, environmental findings and consistency findings for Vesting Tentative Map No. 5983/UGM 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. 5983/UGM on December 15, 2010 established the initial expiration date of such approval to December 15, 2012. The provisions for additional extensions under the provisions of SMA Sections 66452.21, 66452.22 and 66452.6(a) do not apply. However, the State of California on July 15, 2011 approved Assembly Bill 208 to provide for a 24-month extension of the expiration date of eligible approved tentative maps. As an eligible approved tentative map, the expiration date of the approval of the tentative map has been extended to December 15, 2014.

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 $83,709.63. Covenants have been executed to defer eligible development impact fees totaling $387,882.97 to the time of issuance of building permit and final occupancy of each unit, for prohibiting parking on driveways, for special solid waste disposal service, and acknowledging Sierra Sky Park Airport operations; and executing the deed of avigation and hazard easement. All required public improvements have been previously satisfied therefore no subdivision agreement is required.

The Subdivider has elected to satisfy the maintenance requirements for the landscaping and irrigation systems within the landscape easements, the entrance to the subdivision and the outlots, all interior street curbs, gutters, sidewalks, street lights, street signage and street trees by a homeowner's association in lieu of annexation into the City's Community Facilities District. Sidewalks are being provided on one side of the private streets in accordance with an approved pedestrian access plan (Resolution No. 2010-280) in-lieu of sidewalks on both sides of the private streets.

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FISCAL IMPACT

There will be no impact to the City's General Fund.

Affirmative action 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 Development and Resource Management Department.

Attachments:
- Resolution Approving the Final Map of Tract No. 5996 and Accepting the Dedicated Public Uses Therein
- Final Map of Tract No. 5996
- Site Exhibit for C-10-195
- Report to the Planning Commission – Consideration of Vesting Tentative Map No, 5983 and Related Environmental Finding for Environmental Assessment No. T-5983

RESOLUTION NO._____

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5996

WHEREAS, 5983 ENTERPRISES, LP, a California Limited Partnership, has offered for approval a Final Map designated as Tract No. 5996 ("map"), a Phase 3 final map pursuant to approved Vesting Tentative Map No. 5983 ("tentative map"); and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.
2. That the map is hereby approved subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.

* * * *

CITY'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY 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 _____, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

REBECCA E. KLISCH, CMC
City Clerk, City Of Fresno

By:_____
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By:_____
Shannon Chaffin
Senior Deputy City Attorney

Date:_____

FINAL MAP OF

TRACT NO. 5996

A PLANNED UNIT DEVELOPMENT

PHASE III OF VESTING TENTATIVE MAP NO. 5983

BEING A SUBDIVISION OF OUTLOT O OF THE
FINAL MAP OF TRACT 5983
IN THE CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA
SURVEYED AND PLATTED IN MARCH, 2011 BY HARBOUR & ASSOCIATES
CONSISTING OF 2 SHEETS
SHEET 1 OF 2

RECORD TITLE INTEREST STATEMENT

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN.

5983 ENTERPRISES, LP, A CALIFORNIA LIMITED PARTNERSHIP

BY: 5983 ENTERPRISES, INC., A CALIFORNIA CORPORATION
ITS GENERAL PARTNER

BY: _____
LEO A. WILSON
PRESIDENT

FIRST AMERICAN TITLE COMPANY, A CALIFORNIA CORPORATION
AS TRUSTEE

_____ _____
DARRYL EVANS, VICE-PRESIDENT — JIM WEEKS, ASSISTANT SECRETARY

NOTARY ACKNOWLEDGEMENTS

STATE OF CALIFORNIA)
COUNTY OF _____)

ON _____, 2011, BEFORE ME _____, NOTARY PUBLIC, PERSONALLY APPEARED LEO A. WILSON, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT
WITNESS MY HAND.

NAME _____ SIGNATURE _____

MY COMMISSION EXPIRES _____ COUNTY OF _____

COMMISSION NUMBER _____

STATE OF _____)
COUNTY OF _____)

ON _____, 2011, BEFORE ME _____, NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.
WITNESS MY HAND.

NAME _____ SIGNATURE _____

MY COMMISSION EXPIRES _____ COUNTY OF _____

COMMISSION NUMBER _____

STATE OF _____)
COUNTY OF _____)

ON _____, 2011, BEFORE ME _____, NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT
WITNESS MY HAND.

NAME _____ SIGNATURE _____

MY COMMISSION EXPIRES _____ COUNTY OF _____

COMMISSION NUMBER _____

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

OUTLOT O OF TRACT NO. 5983, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF IN VOLUME 82, OF PLATS AT PAGES 1 THROUGH 5, FRESNO COUNTY RECORDS.

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

1. THE EFFECT OF AN INSTRUMENT ENTITLED "BEFORE THE BOARD OF DIRECTORS OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT RESOLUTION PROVIDING FOR THE RECORDATION OF A MAP IDENTIFYING AREAS SUBJECT TO PAYMENT OF DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES", EXECUTED BY FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND CITY OF FRESNO, RECORDED JULY 31, 1995 AS DOCUMENT NO. 95092128, O.R.F.C.
2. A SUBDIVISION AGREEMENT FOR THE FINAL MAP OF TRACT NO. 5983, PHASE 1 OF VESTING TENTATIVE MAP NO. 5983, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.
3. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT TO PROHIBIT THE PARKING OF VEHICLES ON DRIVEWAYS FOR CERTAIN LOTS WITHIN THE FINAL MAP OF TRACT NO. 5996, PHASE 3 OF VESTING TENTATIVE MAP NO. 5983, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.
4. A DEED OF AVIGATION AND HAZARD EASEMENT FOR SIERRA SKY PARK AIRPORT FOR FOR THE FINAL MAP OF TRACT NO. 5996, PHASE 3 OF VESTING TENTATIVE MAP NO. 5983, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.
5. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES, CITY WIDE FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN FOR THE FINAL MAP OF TRACT NO. 5996, PHASE 3 OF VESTING TENTATIVE MAP NO. 5983, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.
6. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING SIERRA SKY PARK AIRPORT OPERATIONS FOR THE FINAL MAP OF TRACT NO. 5996, PHASE 3 OF VESTING TENTATIVE MAP NO. 5983, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.
7. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS WITHIN THE FINAL MAP OF TRACT NO. 5996, PHASE 3 OF VESTING TENTATIVE MAP NO. 5983, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.
8. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR PRIVATE STREET FACILITIES TO PROVIDE ACCESS FOR EMERGENCY AND SOLID WASTE SERVICES BENEFITING CERTAIN LOTS WITHIN THE FINAL MAP OF TRACT NO. 5983, PHASE 1 OF VESTING TENTATIVE MAP NO. 5983, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.

LICENSED LAND SURVEYOR
GARY J. DIXON
LS 5277
EXP. 12-31-11
STATE OF CALIFORNIA

SURVEYOR'S STATEMENT

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF 5983 ENTERPRISES, L.P. ON MARCH 1, 2011. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

_____ _____
GARY J. DIXON L.S. 5277 EXP. 12-31-11 — DATE

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF. THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH.

_____ _____
SCOTT L. MOZIER, P.E. 54417 — DATE
LICENSE EXPIRES 12-31-2011
CITY ENGINEER

CONSULTING LAND SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

ACTING FOR THE CITY OF FRESNO:
BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS
451 CLOVIS AVENUE, SUITE 200, CLOVIS, CA 93612

BY: _____ _____
HIMAWAN BRASALI, L.S. 7800 — DATE
LICENSE EXPIRES 12-31-2011

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN CONFORMS TO AND IS IN COMPLIANCE WITH THE APPROVED TENTATIVE MAP AND THE REQUIREMENTS IMPOSED BY THE FRESNO CITY PLANNING COMMISSION AS A CONDITION TO THE ACCEPTANCE OF THE FINAL MAP.

_____ _____
JOHN M. DUGAN, AICP — DATE
SECRETARY OF THE FRESNO CITY PLANNING COMMISSION

CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF FRESNO, BY RESOLUTION NO. _____ ADOPTED ON _____, APPROVED THE WITHIN MAP AND ACCEPTED ON BEHALF OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND APPROVED THE ABANDONMENT OF THOSE PUBLIC STREETS AND/OR PUBLIC EASEMENTS NOT SHOWN ON THE MAP AND NOTED AS ABANDONED BY THE FILING OF THE MAP.

REBECCA E. KLISCH, CMC
CITY CLERK

BY: _____ _____
DEPUTY — DATE

RECORDER'S CERTIFICATE

DOCUMENT NO. _____ FEE $ _____

FILED THIS ___ DAY OF _____, 2011, AT _____ M. IN VOLUME ___

OF PLATS, AT PAGES _____, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY

FRESNO COUNTY RECORDS.
PAUL DICTOS, C.P.A., RECORDER

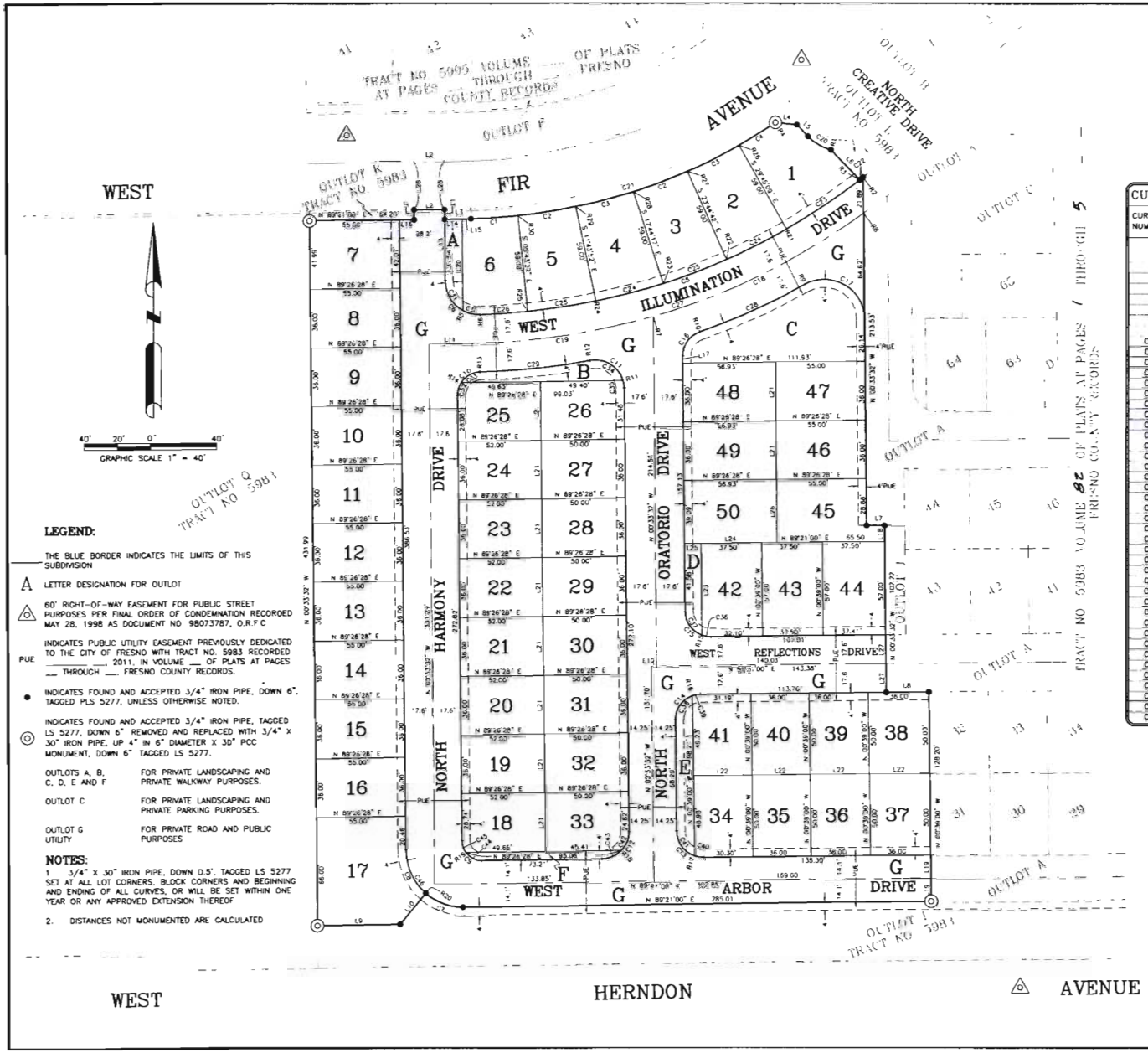
BY: _____
DEPUTY

Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300 • Clovis, California 93612
(559) 325-7676 • Fax (559) 325-7699

W.O. #10-018

TRACT NO. 5996

PHASE 3 OF VESTING TENTATIVE MAP NO. 5983
IN THE CITY OF FRESNO,
FRESNO COUNTY, CALIFORNIA
SURVEYED AND PLATTED IN MARCH, 2011
BY HARBOUR AND ASSOCIATES
CONSISTING OF 2 SHEETS
SHEET 2 OF 2



LEGEND:

THE BLUE BORDER INDICATES THE LIMITS OF THIS SUBDIVISION

A — LETTER DESIGNATION FOR OUTLOT

△ — 60' RIGHT-OF-WAY EASEMENT FOR PUBLIC STREET PURPOSES PER FINAL ORDER OF CONDEMNATION RECORDED MAY 28, 1998 AS DOCUMENT NO 98073787, O.R.F.C

PUE — INDICATES PUBLIC UTILITY EASEMENT PREVIOUSLY DEDICATED TO THE CITY OF FRESNO WITH TRACT NO. 5983 RECORDED _____, 2011, IN VOLUME ___ OF PLATS AT PAGES ___ THROUGH ___, FRESNO COUNTY RECORDS.

● — INDICATES FOUND AND ACCEPTED 3/4" IRON PIPE, DOWN 6", TAGGED PLS 5277, UNLESS OTHERWISE NOTED.

◎ — INDICATES FOUND AND ACCEPTED 3/4" IRON PIPE, TAGGED LS 5277, DOWN 6" REMOVED AND REPLACED WITH 3/4" X 30" IRON PIPE, UP 4" IN 6" DIAMETER X 30" PCC MONUMENT, DOWN 6" TAGGED LS 5277.

OUTLOTS A, B, C, D, E AND F	FOR PRIVATE LANDSCAPING AND PRIVATE WALKWAY PURPOSES.
OUTLOT C	FOR PRIVATE LANDSCAPING AND PRIVATE PARKING PURPOSES.
OUTLOT G UTILITY	FOR PRIVATE ROAD AND PUBLIC PURPOSES

NOTES:

1. 3/4" X 30" IRON PIPE, DOWN D.5'. TAGGED LS 5277 SET AT ALL LOT CORNERS, BLOCK CORNERS AND BEGINNING AND ENDING OF ALL CURVES, OR WILL BE SET WITHIN ONE YEAR OR ANY APPROVED EXTENSION THEREOF
2. DISTANCES NOT MONUMENTED ARE CALCULATED

CURVE DATA:

CURVE NUMBER	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH
C 1	5°04'26"	336.00'	29.75'	29.75'
C 2	6°00'26"	336.00'	35.23'	35.21'
C 3	6°00'27"	336.00'	35.23'	35.21'
C 4	4°30'52"	336.00'	26.47'	26.47'
C 5	36°36'39"	395.00'	252.40'	248.12'
C 6	90°49'29"	21.40'	33.92'	30.48'
C 7	41°00'17"	35.40'	25.33'	24.80'
C 8	49°05'11"	35.40'	30.33'	29.41'
C 9	90°05'28"	12.40'	19.50'	17.55'
C 10	89°18'25"	14.40'	22.45'	20.24'
C 11	99°43'15"	17.40'	30.28'	26.60'
C 12	89°54'32"	16.40'	25.73'	23.17'
C 13	90°05'28"	16.40'	25.79'	23.21'
C 14	89°54'32"	15.40'	24.17'	21.76'
C 15	90°05'28"	15.40'	24.21'	21.80'
C 16	71°12'12"	15.40'	19.14'	17.93'
C 17	118°19'37"	24.40'	50.39'	41.90'
C 18	20°02'31"	412.60'	144.33'	143.59'
C 19	15°27'15"	412.60'	111.29'	110.95'
C 20	32°03'49"	29.50'	16.51'	16.29'
C 21	33°37'04"	336.00'	197.14'	194.33'
C 22	0°22'43"	395.00'	2.61'	2.61'
C 23	7°51'43"	395.00'	54.20'	54.16'
C 24	6°00'27"	395.00'	41.42'	41.40'
C 25	6°00'26"	395.00'	41.41'	41.40'
C 26	4°20'27"	395.00'	29.93'	29.92'
C 27	35°29'46"	412.60'	255.62'	251.55'
C 28	9°31'49"	430.20'	71.56'	71.47'
C 29	9°01'40"	430.20'	67.78'	67.71'
C 30	29°54'05"	21.40'	11.17'	11.04'
C 31	60°55'24"	21.40'	22.75'	24.70'
C 32	33°20'25"	14.40'	8.38'	8.26'
C 33	55°58'00"	14.40'	14.07'	13.51'
C 34	84°39'25"	17.40'	25.71'	23.43'
C 35	15°03'50"	17.40'	4.57'	4.56'
C 36	20°32'13"	15.40'	5.52'	5.49'
C 37	69°33'15"	15.40'	18.69'	17.57'
C 38	71°42'50"	15.40'	19.28'	18.04'
C 39	18°11'42"	15.40'	4.89'	4.87'
C 40	20°21'10"	16.40'	5.83'	5.80'
C 41	69°44'18"	16.40'	19.96'	18.75'
C 42	43°57'02"	16.40'	12.58'	12.27'
C 43	45°57'30"	16.40'	13.15'	12.81'
C 44	54°13'31"	12.40'	11.74'	11.30'
C 45	35°51'57"	12.40'	7.76'	7.64'
C 46	90°05'28"	35.40'	55.66'	50.10'

LINE DATA:

LINE NUMBER	BEARING	DISTANCE
L 1	N 00°33'32" W	6.00'
L 2	N 89°21'00" E	19.00'
L 3	N 89°21'00" E	16.56'
L 4	S 84°14'07" E	13.76'
L 5	S 43°25'41" E	9.83'
L 6	S 43°25'41" E	25.35'
L 7	N 89°26'28" E	10.50'
L 8	N 89°21'00" E	25.43'
L 9	N 89°21'00" E	51.00'
L 10	N 40°21'17" E	24.76'
L 11	N 89°21'00" E	27.28'
L 12	N 89°21'00" E	3.35'
L 13	N 00°33'32" W	43.54'
L 14	N 89°21'00" E	11.00'
L 15	N 89°21'00" E	5.56'
L 16	N 89°21'00" E	9.20'
L 17	N 00°33'32" W	4.46'
L 18	N 00°33'32" W	10.02'
L 19	N 00°39'00" W	14.10'
L 20	N 00°33'32" W	56.26'
L 21	N 00°33'32" W	36.00'
L 22	N 89°21'00" E	36.00'
L 23	N 00°39'00" W	58.02'
L 24	N 89°21'00" E	56.93'
L 25	N 89°21'00" E	9.93'
L 26	N 00°33'32" W	39.00'
L 27	N 00°33'32" W	17.60'
L 28	N 00°33'32" W	30.00'

RADIAL DATA:

RADIAL NUMBER	RADIAL BEARING	RADIUS
R 1	S 14°30'30" W	29.50'
R 2	S 37°59'40" E	395.00'
R 3	S 37°36'53" E	395.00'
R 4	S 34°16'04" E	336.00'
R 5	S 28°31'04" W	21.40'
R 6	S 01°23'01" E	21.40'
R 7	S 16°06'15" E	412.60'
R 8	S 36°08'46" E	412.60'
R 9	S 28°53'09" E	430.20'
R 10	S 19°21'20" E	430.20'
R 11	N 74°22'38" E	17.40'
R 12	N 10°16'42" W	17.40'
R 13	N 01°15'02" W	14.40'
R 14	N 57°13'02" W	14.40'
R 15	S 19°53'13" W	15.40'
R 16	N 18°50'42" W	15.40'
R 17	S 19°42'10" W	16.40'
R 18	S 46°36'30" E	16.40'
R 19	S 53°34'31" W	12.40'
R 20	S 40°21'17" W	35.40'
R 21	S 29°45'14" E	395.00'
R 22	S 23°44'47" E	395.00'
R 23	S 17°44'21" E	395.00'
R 24	S 11°43'54" E	395.00'
R 25	S 05°43'28" E	395.00'
R 26	S 29°45'12" E	336.00'
R 27	S 23°44'45" E	336.00'
R 28	S 17°44'19" E	336.00'
R 29	S 11°43'52" E	336.00'
R 30	S 05°43'26" E	336.00'

Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300 • Clovis, California 93612
(559) 325-7676 • Fax (559) 325-7699

D&A W.O.# 10-045
H&A W.O.#

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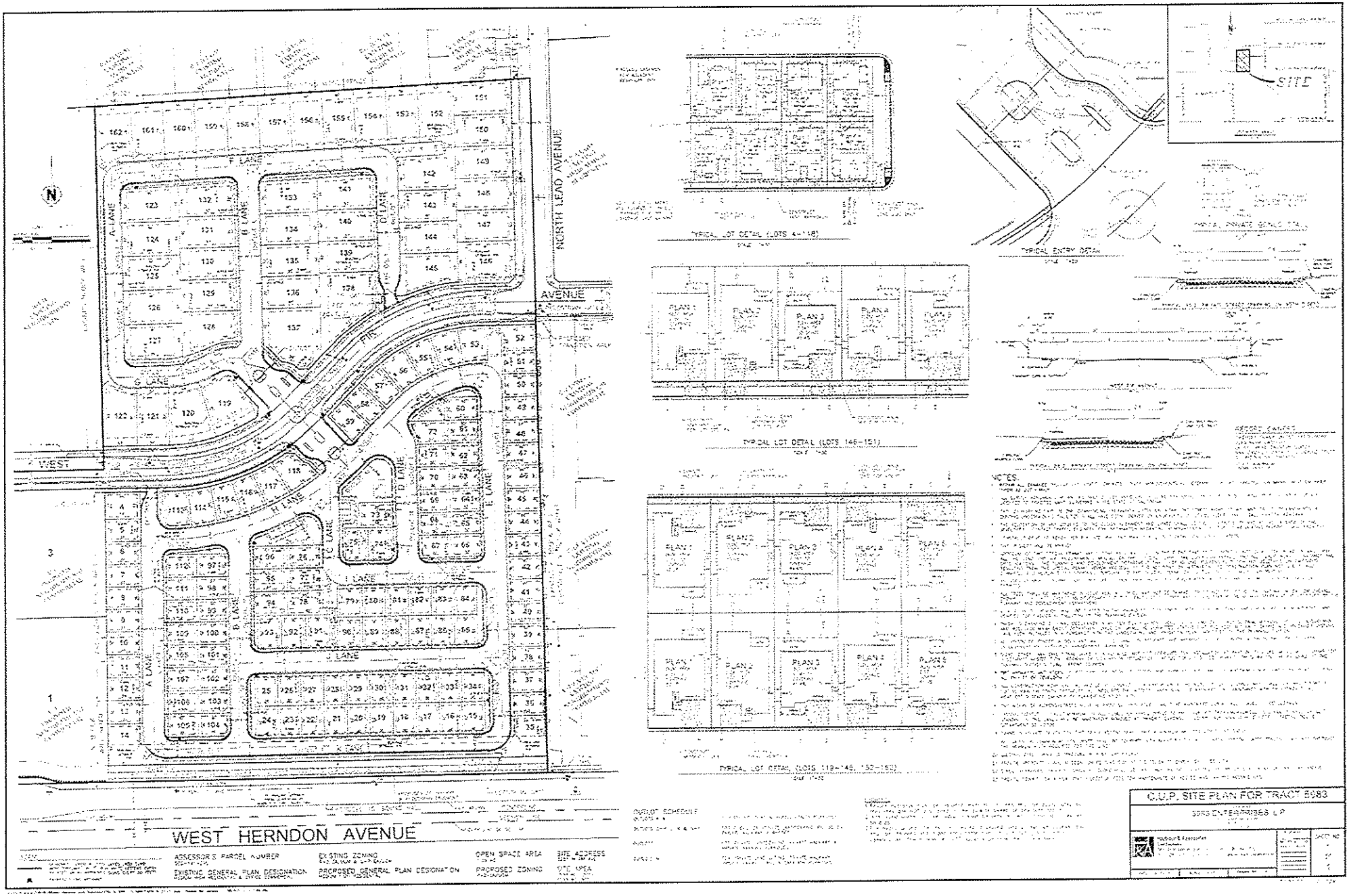


WEST HERNDON AVENUE
NORTH LEAD AVENUE
AVENUE
WEST
A LANE
B LANE
C LANE
D LANE
E LANE
F LANE
G LANE
H LANE
I LANE
J LANE
K LANE
TYPICAL LOT DETAIL (LOTS 4-118)
TYPICAL LOT DETAIL (LOTS 146-151)
TYPICAL LOT DETAIL (LOTS 119-145, 152-153)
TYPICAL ENTRY DETAIL
SITE
NOTES:
C.U.P. SITE PLAN FOR TRACT 5983
ASSESSOR'S PARCEL NUMBER
EXISTING GENERAL PLAN DESIGNATION
EXISTING ZONING
PROPOSED GENERAL PLAN DESIGNATION
OPEN SPACE AREA
PROPOSED ZONING
SITE ADDRESS
SITE AREA

City of FRESNO

REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII.F.
COMMISSION MEETING 12/15/10

DEPARTMENT DIRECTOR

December 15, 2010

FROM: KEVIN FABINO, Planning Manager
Development & Resource Management Department

THROUGH: MIKE SANCHEZ, Planning Manager
Development Services Division

BY: WILL TACKETT, Planner III
Development Services Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-10-09; REZONE APPLICATION NO. R-10-07; CONDITIONAL USE PERMIT APPLICATION NO. C-10-195; VESTING TENTATIVE TRACT MAP NO. 5983/UGM; AND, RELATED ENVIRONMENTAL ASSESSMENT NO. A-10-09/R-10-07/C-10-195/T-5983.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. RECOMMEND APPROVAL (to the City Council) of the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 for the purpose of the proposed plan amendment and rezone applications.

2. RECOMMEND APPROVAL (to the City Council) of Plan Amendment Application No. A-10-09 proposing to amend the 2025 Fresno General Plan, Bullard Community Plan and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium-High Density Residential.

3. RECOMMEND APPROVAL (to the City Council) of Rezone Application No. R-10-07 requesting authorization to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM (*Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management*) zone district.

4. APPROVE the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983 for the purpose of the proposed Conditional Use Permit and Vesting Tentative Tract Map applications.

5. APPROVE Conditional Use Permit Application No. C-10-195 subject to the findings included within the Staff Report to the Planning Commission dated December 15, 2010; and, compliance with the Conditions of Approval dated December 15, 2010.

6. APPROVE Vesting Tentative Tract Map No. 5983/UGM subject to the findings included within the Staff Report to the Planning Commission dated December 15, 2010; and, compliance with the Conditions of Approval dated December 15, 2010.

EXECUTIVE SUMMARY

Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, has filed Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM pertaining to approximately 20.14 acres of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues.

Plan Amendment Application No. A-10-09 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium High Density Residential.

Rezone Application No. R-10-07 proposes to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

These applications have been filed in order to facilitate approval of a proposed 159-lot single family residential gated private street planned development subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM. An additional three commercial lots are also proposed to be created by the proposed subdivision map for the approximately 3.58 acre portion of the subject property.

Portions of the existing public street rights-of-way adjacent to the proposed commercial lots are also proposed to be vacated in order to facilitate the planned alignment of North Prospect Avenue.

The proposed amendment to the 2025 Fresno General Plan, Bullard Community Plan and Sierra Sky Park Land Use Policy Plan planned land use designation for, and the subsequent rezoning of, the subject property pursuant to Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07, facilitates consistency between the zoning and planned land use designation of the subject property for the purposes of future subdivision and development. Furthermore, the proposed subdivision and residential planned development of the subject property at an overall density of approximately 14.12 dwelling units per acre pursuant to Vesting Tentative Tract Map No. 5983/UGM and Conditional Use Permit Application No. C-10-195 is consistent with the proposed Medium-High Density Residential planned land use designation requiring between 10.38 and 18.15 dwelling units per acre.

PROJECT INFORMATION

PROJECT Plan Amendment Application No. A-10-09 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium High Density Residential.

Rezone Application No. R-10-07 proposes to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

These applications have been filed in order to facilitate approval of a proposed 159-lot single family residential gated private street planned development subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM. An additional three commercial lots are also proposed to be created by the proposed subdivision map for the approximately 3.58 acre portion of the subject property.

APPLICANT Dirk Poeschel Land Development Services, Inc., on behalf of,

Wilson Homes & 5983 Enterprises, L.P., subdivider.

LOCATION North side of West Herndon Avenue between North Valentine and North Marks Avenues.

(Council District 2, Councilmember Borgeas)

SITE SIZE Approximately 20.14 acres.

PLANNED LAND USE Existing - Office Commercial & Medium-High Density Residential

Proposed - Neighborhood Commercial & Medium-High Density Residential

ZONING	Existing	- C-P/EA/UGM (*Administrative and Professional Office District/ Expressway Area Overlay/Urban Growth Management)*; and, R-2/EA/UGM *(Low Density Multiple Family Residential District/Expressway Area Overlay/Urban Growth Management)*
	Proposed	- C-1/EA/UGM (*Neighborhood Shopping Center District/ Expressway Area Overlay/Urban Growth Management)*; and, R-2/EA/UGM *(Low Density Multiple Family Residential District/Expressway Area Overlay/Urban Growth Management)*

PLAN DESIGNATION AND CONSISTENCY

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC, the proposed C-1 and R-2 zone district classifications proposed for the subject property and the proposed Neighborhood Commercial and Medium-High Density Residential planned land use designations for the subject property may be found consistent.

ENVIRONMENTAL FINDING

Finding of a Mitigated Negative Declaration filed on November 12, 2010.

PLAN COMMITTEE RECOMMENDATION

To date, a formal recommendation has not yet been provided by the District 2 Plan Implementation Committee. The item will be scheduled for consideration by the Committee at its regular meeting to be held on December 13, 2010; and, any recommendations will be presented by staff to the Commission for consideration at the public hearing scheduled for December 15, 2010.

STAFF RECOMMENDATION

Recommend Approval (to the City Council) of: (1) Adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-06/R-10-06/T-5971 for the Plan Amendment and Rezone Applications; (2) Plan Amendment Application No. A-10-09; and, (3) Rezone Application No. R-10-07.

Recommend Approval (by the Planning Commission) of: (1) Adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-06/R-10-06/T-5971 for the Conditional Use Permit and Vesting Tentative Tract Map applications; (2) Conditional Use Permit Application No. C-10-195; and, (3) Vesting Tentative Tract Map No. 5983/UGM.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium-Low Density Residential	**R-1-B/UGM** *Single Family Residential / Urban Growth Management*	Single Family Residential
East	Medium-High Density Residential & Neighborhood Commercial	**R-2-A/UGM** *Low Density Multiple Family Residential/Conditions of Zoning* **&** **C-1/EA/UGM/cz** *Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*	Multiple Family Residential Development & Commercial
South	Medium-Low Density Residential	**R-1-C** *Single Family Residential*	Single Family Residential
West	Open Space / Park & Office Commercial	**R-A//EA/UGM** *Single Family Residential-Agricultural/Expressway Area Overlay/Urban Growth Management*	Neighborhood Park & Vacant

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Bullard Community Plan and Sierra Sky Park Land Use Policy Plan areas, including the Master Environmental Impact Report (MEIR) No. 10130 for the 2025 Fresno General Plan (SCH#2001071097) and Mitigated Negative Declaration (MND) No. A-09-02 (SCH#2009051016). These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed amendment of the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible

significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and has prepared a draft mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-10-09/R-10-07/C-10-195/T-5983 was published on November 12, 2010 with no comments or appeals received to date.

BACKGROUND / ANALYSIS

Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, has filed Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM pertaining to approximately 20.14 acres of property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues.

Plan Amendment Application No. A-10-09 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and, an approximately 7.65 acre portion from Office Commercial to Medium High Density Residential.

Rezone Application No. R-10-07 proposes to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

These applications have been filed in order to facilitate approval of a proposed 159-lot single family residential gated private street planned development subdivision of the subject property in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM. An additional three commercial lots are also proposed to be created by the proposed subdivision map for the approximately 3.58 acre portion of the subject property.

Portions of the existing public street rights-of-way adjacent to the proposed commercial lots are also proposed to be vacated in order to facilitate the planned alignment of North Prospect Avenue.

The Subdivision Map Act (Section 66400 et. Seq. of the California Government Code) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the applicable general plan and applicable specific plan.

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC) the proposed C-1 (*Neighborhood Shopping Center*) and R-2 (*Low Density Multiple Family Residential*) zone districts are consistent with the proposed Neighborhood Commercial and Medium-High Density Residential (10.38-18.15 dwelling units/acre) planned land use designations for the subject property, respectively.

Therefore, the proposed future residential subdivision and planned development of the subject property at an overall density of approximately 14.12 dwelling units per acre, in a manner which is consistent with the permitted uses and property development standards of the proposed R-2 (*Low Density Multiple Family Residential*) zone district (as proposed by Vesting Tentative Tract Map No. 5983/UGM) may be determined to be consistent with the proposed Medium-High Density Residential planned land use designation for the subject property.

Vesting Tentative Tract Map No. 5983/UGM and Conditional Use Permit Application No. C-10-195 provide for the subdivision and development of a proposed 159-lot, single family residential gated private street planned development with modified lot area, lot dimension, lot coverage, and building setback requirements at an overall density of approximately 14.12 dwelling units/per acre. The proposed residential planned development may be described as being broken into two "hemispheres".

Lots proposed within the gated area to be located *north of West Fir Avenue* (Lots 119 through 162 of Vesting Tentative Tract Map No. 5983/UGM) are characterized as being lots of a more conventional size and type, ranging in size from approximately 4,500 square feet in area to approximately 8,570 square feet in area; with the vast majority of those lots being of a size less than 5,000 square feet in area. Lots proposed within the gated area to be located *south of West Fir Avenue* (Lots 4 through 118 of Vesting Tentative Tract Map No. 5983/UGM) are smaller in size, ranging from approximately 1,800 square feet in area to approximately 3,650 square feet in area; with the vast majority of those lots being of a size less than 2,000 square feet in area.

The conditional use permit will also provide for reduced front and rear yard setbacks as are typically provided in planned development subdivisions. Lots proposed for the area located to the north of West Fir Avenue have building envelopes providing for front yard setbacks of no less than 10 feet in depth, rear yard setbacks of no less than 13 feet in depth, and typical side yard setbacks of a minimum 5 feet in width. Lots proposed for the area located to the south of West Fir Avenue incorporate minimum 2-foot front yard setbacks, minimum 4-foot rear yard setbacks and minimum 5-foot side yards. Rear yard fence locations on these lots will cross property lines perpendicular to, and connecting, opposing rear elevations of residential units; thereby utilizing adjoining rear yard setback areas and off-set rear elevations to provide private rear yard spaces of up to 16 feet in depth (see Typical Lot Detail [Lots 4-118] on Exhibit "A" of Conditional Use Permit Application No. C-10-195 for further information).

Residential units range from 2,139 to 2601 square feet in floor area for those lots located north of West Fir Avenue and units range from 1,200 to 1,555 square feet on those lots located south of West Fir Avenue. One-car, two-car, and three-car garages are optional throughout the subdivision.

The subject property is bounded on the north by an existing single family residential subdivision (Tract 3186 recorded in 1981). Property to the east of the subject property has been developed with multiple family residential and neighborhood commercial land uses. Properties to the south of the subject property, and across West Herndon Avenue, have also been developed with single family residences at medium-low residential densities. Property to the west of the subject property, and across proposed North Prospect Avenue remain vacant and are planned for Office Commercial land uses. A neighborhood park also exists to the west of the subject property, north of West Fir Avenue.

Land Use Plans and Policies

Objective C-9 of the 2025 Fresno General Plan directs planning for the diversity and quality of residential housing, at locations necessary to provide for adequate and affordable housing opportunities. Housing patterns should support balanced urban growth, and should make efficient use of resources and public facilities. Supporting policy C-9-k recommends that Medium-High Density Residential uses shall be distributed to maximize utilization of available of planned public facilities and services and to provide housing opportunities with convenient access to employment, shopping, services, and transportation.

Objective C-10 of the 2025 Fresno General Plan promotes the development of more compact friendly, single-family residential projects to aid in the conservation of resources such as land, energy, and materials. Supporting policy C-10-a recommends facilitating the construction of higher density single family residential development while maintaining a pleasant living environment. Policy C-10-d encourages the development of two-story homes as a means to conserve land, maintain open space on residential lots, and provide adequate living space.

Furthermore, Objective C-12 provides that commercial land uses shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts. Supporting Policy C-12-d recommends planning for the appropriate location, size, and distribution of neighborhood commercial uses to implement the planned urban form, promote stability and identity of neighborhood areas, and allow efficient access without compromising the operational effectiveness of planned major streets. Furthermore, this policy acknowledges that neighborhoods should be anchored by commercial centers with a mix of uses that meet the area's need to achieve activity centers that create a sense of place.

Similarly, the goals of the Bullard Community Plan are directed toward: (1) The provision of a diversity of housing types and housing opportunities to meet the needs of all ages and income levels; (2) Providing for efficient use of land while protecting the integrity of established neighborhoods; (3) Encouraging a mix of uses along major transportation corridors; (4) Providing for safe, clean and aesthetically pleasing neighborhoods; and, (5) Providing for compatible relationships between differing housing types and densities. Goals for commercial uses include distributing new commercial land use designations at logical, marketable, convenient and accessible locations.

The proposed project meets the goals, objectives and policies of the 2025 Fresno General Plan and Bullard Community Plan by providing a project which introduces higher density single family residential development in a manner which will maintain a pleasant living environment through reservation of adequate living spaces and protecting the integrity of adjacent neighborhoods. The close proximity of existing and planned neighborhood commercial, office commercial, open space / neighborhood park, school, and single and multiple family residential uses provides for a unique and diverse context, which the proposed project will complement and embellish. The proposed project facilitates comprehensive

infill development through the completion of another segment of the planned multi-purpose trail system, the completion and improvement of the local street network within the limits of the proposed subdivision, and the introduction of a diversity of housing types, which will further meet the needs of balanced urban growth.

Therefore it is staff's opinion that the proposed project is consistent with respective general and community plan objectives and policies. Furthermore, conditions of approval respective to the proposed project will assure compliance with the objectives and policies of the Sierra Sky Park Land Use Policy Plan.

Circulation Element Plan Policies and Major Street System Traffic Capacity

The subject property is located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues. The adjacent segment of West Herndon Avenue is planned as a 10-lane divided expressway by the 2025 Fresno General Plan with ultimate mitigation.

The mitigation measures established by the certification of MEIR No. 10130, requires that all plan amendments are required to prepare a traffic impact study (TIS). Applying the factors outlined in the Institute of Traffic Engineers (ITE) Trip Generation Manual, upon completion of development of the subject property pursuant to Vesting Tentative Tract Map No. 5983/UGM, the use of the subject property is expected to generate an average of approximately 3,495 average daily trips (ADT). Of these vehicle trips it is projected that 176 will occur during the morning (7 to 9 a.m.) peak hour travel period and 379 will occur during the evening (4 to 6 p.m.) peak hour travel period. The existing 2025 Fresno General Plan planned land uses for the subject property would generate 2,093 ADT, 242 trips occurring during the a.m. peak hour and 248 trips during the p.m. peak hour.

Calculating the number of dwelling units which could be developed on the currently planned Medium-High Density Residential portion of the subject property at the maximum density allowed by the Medium-High Density Residential planned land use designation of the 2025 Fresno General Plan (approximately 7.22 net acres at 18.15 dwelling units/acre), yields approximately 132 dwelling units. Comparing this figure to the 159 dwelling units proposed to be developed on the subject property represents a difference of 27 dwelling units; or, an approximately 20 percent increase in the number of dwelling units planned to be developed on the subject property.

The proposed planned development subdivision, with the proximity and connectivity of residential, open space, and neighborhood commercial land uses, provides for a pattern of development which is anticipated to have the potential to reduce the number of average daily vehicle trips. The proposed pattern of residential development, with nodes of higher housing densities in areas of the development that are easily served by proximate neighborhood commercial uses along with open spaces and pedestrian paths which augment a well connected street network will provide a system of integrated and interesting travel routes to various destinations.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the plan amendment, rezone, conditional use permit and vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division and City Engineer dated November 18, 2010 and December 01, 2010, respectively. These requirements generally include: (1) Adjacent public street improvements, right-of-way dedications and vacations

(including, but not limited to, construction of concrete curbs, gutters, and sidewalks, permanent pavement, underground street lighting systems, concrete medians, roundabouts and traffic circles, and turn pockets at the intersection of West Herndon with North Valentine/North Prospect Avenues); (2) Dedication of an easement for, and construction of, the planned multi-purpose trail along West Herndon Avenue; (3) Restrictions for curbside parking at specific locations and installation of bike lanes; (4) Identification and installation (as may be appropriate) respective to a "safe route to school" for the nearby elementary school; and, (5) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and the Regional Transportation Mitigation Fee (RTMF) Fee.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Services

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130; the construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies; and, the implementation of project specific mitigation measures as identified within the conditions of approval for the proposed project and the associated Mitigated Negative Declaration finding prepared for the project.

For sanitary sewer service these infrastructure improvements and facilities include only typical requirements for construction and extension of sanitary sewer mains and branches.

However, the City of Fresno Urban Water Management Plan (UWMP) identifies a water allocation of up to 76.58 acre-feet per year for the project site based upon the existing planned land use designation of the 2025 Fresno General Plan. With approval of Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07, the proposed project has the potential to increase the water demand for the project site to 109.47 acre-feet per year (UWMP, Table 6-4, 2008). Therefore, any increase in water demand resulting from the proposed project, which is greater than the adopted allocation, will be required to be offset or mitigated in a manner acceptable to the Department of Public Utilities. For this purpose, the developer is required to provide a detailed water usage analysis identifying water fixtures, landscape, and laundry efficiencies to document water conservation design characteristics. The water usage analysis is subject to approval by the Director of Public Utilities. The proposed project will be required to provide two independent sources of water, meeting Federal and State Drinking Water Act Standards as is typical.

Therefore, implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130, along with the implementation of the Water Resources Management Plan and the identified project specific mitigation measures will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of private fire hydrants and the provision of adequate fire flows per Public Works Standards,

also with two sources water. Additionally, the proposed project will be required to designate specific locations within the proposed private street network as "Fire Lanes", with on-street parking restrictions in order to accommodate emergency vehicle movements. Hydrants and street furniture will be required to be located outside the sweep of any turn radii. Emergency vehicle access (EVA) and gated entries will be required to provide approved Police/Fire bypass locks, visual recognition features, and battery backups for gates. Covenants, Conditions, and Restrictions (CCR's) for the proposed project will also be required to contain terms and provisions for annual fire inspection fees for maintenance of access and parking restriction requirements.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that drainage service is available for the development subject to the developer constructing FMFCD "Non-Master Plan Facilities" as determined by the district. However, the Storm Drainage Master Plan Facilities have already been installed in this area and the drainage system was designed to serve medium-low density residential uses. These facilities do not have capacity to service the proposed medium-high density residential and commercial land uses. The developer therefore, shall mitigate impacts of the increased runoff from the proposed land uses to a rate to a rate that would be expected if developed to medium density residential. The developer may either make improvement to the existing pipeline collection system to provide additional capacity or may use permanent peak reducing facilities in order to eliminate adverse impacts on the existing system. A drainage report that identifies the adequacy of the conveyance capacity of the streets within the project for major storm flows, including but not limited to, the height of curb, elevation of finish floors, and the setback distances of structures to property lines will also be required. Amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code, prior to approval of the final map.

State Department of Transportation (Caltrans)

Along with other cities and Fresno County, the City of Fresno has partnered with the Fresno County Council of Governments and Caltrans on a regional study for the greater Fresno-Clovis-Madera Metropolitan area. The study may provide the nexus/rough proportionality study necessary for determining a developer's proportionate responsibility for capital improvements to the state highway system.

The California Department of Transportation (Caltrans), District 6, Office of Intergovernmental Relations has reviewed the proposed project's vehicle trip generation and potential for traffic related impacts to state facilities and has determined that the proposed project. The Department of Public Works, Traffic Engineering Division has required that the applicant shall pay its fair share contribution as determined by Caltrans.

The City Traffic Engineer has also provided that the proposed project will be required to pay the TSMI Fee, which includes improvements to the State Route 99/West Herndon Avenue facilities. Furthermore, the proposed project is required to pay the FMSI and RTMF Fees. Therefore, it is anticipated that with the adoption of these impact fee programs, the project subject to the conditions of approval will be paying its nexus towards State facilities and cumulative impacts.

District 2 Plan Implementation Committee and Community Outreach

To date, a formal recommendation has not yet been provided by the District 2 Plan Implementation Committee. The item has been scheduled for consideration by the Committee at its regular meeting to

be held on December 13, 2010; and, any recommendations will be presented by staff to the Commission for consideration at the public hearing scheduled for December 15, 2010.

On December 08, 2010 the project applicant held a neighborhood meeting at Forkner Elementary School. Property owners were notified to a distance of 500 feet from the boundary of the subject property, consistent with public notice and mailing requirements for the proposed Plan Amendment Application (435 invitations were mailed). At this meeting there were approximately 20-25 project neighbors in attendance. Representation from the District 2 Councilmember's Office, Department of Public Works, Traffic Engineering, and the project applicant were present to address and respond to questions, comments, and concerns from the neighboring property owners. The general disposition of the neighboring property owners respective to the proposed project was perceived to be positive in nature.

Conditional Use Permit Findings

Based upon analysis of the conditional use permit application and subject to the applicant's compliance with all of the conditions of approval noted, staff concludes that the following required findings of Section 12-405-A-2 of the Fresno Municipal Code (FMC) can be made.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2.	
a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,	
Finding a:	The area of the proposed residential planned development is approximately 11.26 net acres in size. The subject site has been proposed to be subdivided into 159 residential lots, with lot sizes ranging from 1,800 to 8,570 square feet in area at an overall density of approximately 14.12 dwelling units/acre. Multi-department/agency review of the proposed development plan (Conditional Use Permit Application No. C-10-195) has demonstrated that there is adequate space to meet all applicable requirements of the Code as established and modified in the Special Permit conditions of approval dated December 15, 2010; including yards, spaces, walls and fences, parking, landscaping and open spaces and other required features.
b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,	
Finding b:	Staff from the Public Works Department, Transportation Planning section has estimated that the proposed development will generate approximately 176 a.m./379 p.m. peak hour vehicle trips which can be accommodated by the adjacent streets subject to the respective requirements for dedications, vacations, and improvement of adjacent portions of West Herndon, North Prospect, West Fir, and North Lead Avenues in accordance with the Department of Public Works and Public Utilities memorandums referenced above. These requirements are necessary for the traffic generated by the project and to accommodate city services and meet the needs of the proposed subdivision.
c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses which are subject to the provision of Section 12-306-N-30 of this Code.	

Finding c:	The staff of the Development and Resource Management Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the related vesting tentative tract map application review and conditional use permit application review processes.

Tentative Tract Map Findings

The Subdivision Map Act (California Government Code Section 66400 et. seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan contingent upon City Council approval of Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07; proposing to designate and zone the subject property for Neighborhood Commercial and Medium-High density residential land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC the project design meets the density and zoning ordinance criteria for development in this planned land use and zone district designation.

2. This site is physically suitable for the proposed type and density of development, because conditions of approval prepared will ensure adequate access and drainage on and off the site; and, that development shall occur in accordance with adopted standards, goals, objectives, and policies for development in the City of Fresno.

3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because all agricultural uses on the subject property have been discontinued and the site is located within an area, which has been substantially developed with urban uses.. The subject property remains fallow without trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to species other than vermin.

4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems, because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards, specifications, and policies.

5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.

6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed lots.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance except as modified in accordance with Planned Development allowances. 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.

Action by the Planning Commission regarding the conditional use permit and vesting tentative tract map are final unless appealed in accordance with the Fresno Municipal Code, Sections 12-406-I and 12-1019, respectively.

Conclusion

Action by the Planning Commission regarding the plan amendment, rezone application and associated environmental assessment will be a recommendation to Council.

Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM require approval by the Planning Commission contingent upon affirmative action by the City Council respective to the proposed plan amendment and rezone applications as well as adoption of the recommended finding of a Mitigated Negative Declaration for the associated environmental assessment. Unless the Planning Commission decision respective to the conditional use permit and vesting tentative map is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, the Bullard Community Plan, and the Sierra Sky Park Land Use Policy Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, Conditional Use Permit Application No. C-10-195, and Vesting Tentative Tract Map No. 5983/UGM are appropriate for the project site.

Attachments: Vicinity Map
2010 Aerial Photograph
Public Hearing Notice Mailing List Vicinity Map
2025 Fresno General Plan Planned Land Use Map
Proposed Planned Land Use Map
Vesting Tentative Tract Map No. T-5983/UGM
Exhibits for Conditional Use Permit Application No. C-10-195
Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM dated December 15, 2010.
Conditions of Approval for Conditional Use Permit Application No. C-10-195 dated December 15, 2010.
Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983, finding of a Mitigated Negative Declaration dated November 12, 2010.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 15, 2010

(REVISED BY THE PLANNING COMMISSION)

VESTING TENTATIVE TRACT MAP NO. 5983/UGM

"A PLANNED DEVELOPMENT"

NORTH SIDE OF WEST HERNDON AVENUE BETWEEN NORTH VALENTINE AND NORTH MARKS AVENUES

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

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 5978, the subdivider may prepare a Final Map in accordance with the approved tentative map, and Conditional Use Permit Application No. C-10-195.

2. An Air Impact Assessment (AIA) application for the proposed project shall have been submitted to the San Joaquin Valley Air Pollution Control District prior to the submittal/acceptance of any phase of the Final Map for recordation/processing.

3. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.

4. Submit grading plans and a soils report to the City of Fresno Planning and Development Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of

any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.

5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development Departments 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.

6. 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.

7. 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.

8. 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. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.

9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 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.

10. 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 (FMC) and the State Subdivision Map Act. 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.

11. 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.

GENERAL INFORMATION

12. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.

a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

   i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement – New Construction Form.

13. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.

14. 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 of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.

15. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.

16. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.

17. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

18. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If 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 archaeologists.

~~19. 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.~~

20. If animal fossils are uncovered, the Museum of Paleontology at the University of California, 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.

21. 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 or 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 such lot, parcel, or interest to the requested apportionment.

    d) 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.

ZONING & PROPERTY DEVELOPMENT STANDARDS

22. Approval of Vesting Tentative Tract Map No. 5983/UGM is contingent upon City Council approval of Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07.

23. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 5983 is contingent upon approval of Conditional Use Permit Application No. C-10-195; authorizing the planned development of the subject property.

24. Pursuant to Rezone Application No. R-10-07 the subject property is proposed to be zoned C-1/EA/UGM (*Neighborhood Shopping Center District/Expressway Area Overlay/Urban Growth Management*) and R-2/EA/UGM (*Low Density Multiple Family Residential District/Expressway Area Overlay/Urban Growth Management*). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the respective C-1/EA/UGM and R-2/EA/UGM zone districts except as may be modified herein pursuant to Conditional Use Permit Application No. C-10-195.

a) The planned development of the subject property pertains only to that portion of the subject property proposed to be subdivided for residential uses (Lots 4-162 of Vesting Tentative Tract Map No. 5983/UGM).

i) Development of that portion of the subject property proposed to be subdivided for commercial purposes (Lots 1-3 of Vesting Tentative Tract Map No. 5983/UGM) shall occur in accordance with Section 12-217 of the FMC (C-1 [Neighborhood Shopping Center District]).

25. The subject property is located within the Primary Review Area of the Sierra Sky Park the following conditions shall apply and be satisfied prior to recordation of the Final Map.

a) An avigation easement shall be dedicated to the City of Fresno, which contains the following property rights:

i) Right-of-flight at any altitude above acquired easement surfaces.

ii) Right to generate noise, vibrations, fumes, dust, and fuel particle emissions.

iii) Right of entry to remove, mark, or light any structures or growths above easement surfaces.

iv) Right to prohibit creation of electrical interference, unusual light sources, and other hazards to aircraft flight.

v) Right to prevent erection or growth of all objects above acquired easement surfaces.

- NOTE: The easement surfaces acquired shall be based on Part 77 of the Federal Aviation Regulations except that no easement surface less than 35 feet shall be acquired.

b) The subdivider shall record a covenant for the subject property memorializing that it is understood by the owners and owners' successors in interest that the real property in question lies close to Sierra Sky Park and that the operation of the airport and the landing and take-off of aircraft may generate noise levels which will affect the habitability and quiet enjoyment of the property; and, that the owners covenant to accept and acknowledge the operation of Sierra Sky Park.

i) The covenant shall also contain a term providing a "buyer notification statement" as a requirement for the transfer of title of any property located within the proposed subdivision. This statement should indicate that the buyer is aware of the proximity of Sierra Sky Pak, the characteristics of the airport's current and projected activity, and the likelihood of aircraft over-flights of the affected property.

- NOTE: The above easements and covenants, conditions and restrictions shall run with the land and shall be binding upon the owners and subsequent owners of the property.

26. Proposed Outlots "Z" & "AA" shall be dedicated for future development purposes.

Lot Area and Dimensions

27. Pursuant to Section 12-306-N-21 of the FMC the Director of the Development and Resource Management Department or the Planning Commission may modify the property development standards of the underlying zone district if determined that the proposed development conforms to the provisions of the abovementioned section. However, in no case shall proposed parcels be less than the following minimum standards:

    a) Proposed lots shall be configured and dimensioned in accordance with Vesting Tentative Tract Map No. 5983/UGM.

Building Setbacks

28. Building setbacks shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-195.

Fences, Hedges & Walls

29. Fences Hedges and Walls shall be provided in accordance with the Conditions of Approval and the approved site plan (Exhibit[s] "A") for Conditional Use Permit Application No. C-10-195.

LANDSCAPING AND OPEN SPACE

30. Dedicate a minimum 26-foot wide easement for Bike and Pedestrian purposes (Trail) along the West Herndon Avenue frontage of all lots within the proposed subdivision (south property line of Lot 1 & Outlot "V" of Vesting Tentative Tract Map No. 5983/UGM).

31. Dedicate a minimum 5-foot wide landscape easement along the south property line of Lot 146 of Vesting Tentative Tract Map No. 5983/UGM (West Fir Avenue frontage).

32. Two to five percent (2%-5%) of the site (less street dedications) should consist of common passive/active open space in accordance with: the City of Fresno Proposed Guidelines for Landscape Open Space and Pedestrian Walkway Requirements for Residential Development; the Conditions of Approval for Conditional Use Permit Application No. C-10-195; and, the following:

    a) All subdivisions that are 10 net acres in area or greater shall provide a minimum of 2.5 percent of the site with aggregate open space.

        - NOTE: As the proposed subdivision is located immediately adjacent to an existing public neighborhood park, which is approximately 5 acres in size, this subdivision is exempt from the provision of aggregate open space.

    b) Landscaped pedestrian connections/walkways shall be provided for all subdivisions in order to promote "walkability", link neighborhoods and to provide residents the opportunity to reach destinations, including (but not limited to) residences, bus stops, trails, parks (including mini, neighborhood, community, regional parks, etc.), schools, shopping centers, other subdivisions, etc.

c) Entryways should contain enhanced landscaping (and irrigation systems), surface materials, and fencing/wall treatments that respectively improve and better define a project's visual image and character.

d) Proposed Outlots "C" through "H" & "J" through "Y" of Vesting Tentative Tract Map No. 5983/UGM shall be utilized and dedicated for public or private landscaping, public or private walkways, private parking, and recreation purposes in accordance with the Outlot Schedule of Vesting Tentative Tract Map No. 5983/UGM.

- NOTE: Ownership of proposed Outlots will not be accepted by the City of Fresno. Where proposed, Outlots shall remain private and not become property of the City

33. All proposed landscaped open spaces, pedestrian connections, entryways, and pathways shall be improved in accordance with the approved landscape improvement plans, which are to be submitted to the Development and Resource Management Department for review and approval prior to Final Map approval.

- NOTE: Lighting details shall be provided with the submittal of the landscape improvement plans.

34. Maintenance of all Outlots proposed within the boundary of Vesting Tentative Tract Map No. 5983/UGM shall be provided pursuant to the Maintenance Obligations stipulated herein below or in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

35. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.

36. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscape easements as determined by the Planning and Development Department. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.

37. Comply with all of the: (1) Street Tree; (2) Buffer Landscape & Maintenance; (3) Median Island Landscape; and, (4) Bike Path requirements stipulated within the Department of Public Works, Streets/MIM Division memorandum dated October 31, 2010; **with the following exceptions:**

a) Based upon the proposed front yard setbacks of proposed residential units, street trees will not be required to be planted within a 10-foot Public Planting and Utility Easement. Locations of street trees for the proposed project shall be approved by the Department of Public Works, Parks Supervisor prior to issuance of a street tree

planting permit or prior to approval of landscape plans, which are required to be submitted to serve as a street tree planting permit for on-site trees, which may alternatively be planted outside of street rights-of-way and within ten feet of the back of the sidewalk.

STREETS AND RIGHTS-OF-WAY

The following street names shall be corrected on the tentative map:

Street Name	Status	Required Change
North Valentine Avenue	Change	North Prospect Avenue
(Interior Private Streets)	Add	(Provide new street names for review & approval)

38. 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 FMC and the State Subdivision Map Act.

39. Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandums dated November 18, 2010 and December 01, 2010 (Mitigation measure requirements of Traffic Manager respective to project Traffic Impact Study [TIS10-013] dated July 28, 2010) with the following exceptions:

    a) In accordance with City Council Resolution No. 2010-279, the proposed project is exempt from providing sidewalks on both sides of private streets subject to the execution of an indemnification agreement, in a form provided by the City of Fresno, prior to City Council action respective to Plan Amendment Application No. A-10-09 and Rezone Application A-10-07.

        - NOTE: Should the exemption to the requirement for installation of sidewalks on both sides of streets become effective, then the provision of sidewalks within the proposed subdivision shall be afforded consistent with Conditional Use Permit Application No. C-10-195.

    b) The portions of Outlots of Vesting Tentative Tract Map No. 5983/UGM, which front onto a public street are not required to be changed to easements so long as ownership of said Outlots remains private. The City of Fresno will not accept ownership of any Outlots within the proposed subdivision. If these areas adjacent to the public street rights-of-way are eligible and proposed to be included within CFD maintenance, then said Outlots shall be changed to public easements.

    c) **Local streets are not required to be designed with a minimum 250-foot radius. Provide street radii in accordance with Vesting Tentative Tract Map No. 5983/UGM.**

    d) **The applicant is not required to pay a fair share contribution for the proposed project for impacts to State of California Department of Transportation facilities. The project shall pay all other applicable City and County development impact fees.**

40. Proposed Outlots "A" & "I" of Vesting Tentative Tract Map No. 5983/UGM shall be dedicated and utilized for private road and public utility purposes.

SANITARY SEWER SERVICE

The nearest sanitary sewer mains to serve the proposed project is an 8-inch main located in West Fir Avenue. The following sewer conditions shall be required prior to providing City sewer service to the project:

41. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated November 22, 2010.

WATER SERVICE

The nearest water main to serve the proposed project is an 8-inch main located in West Fir Avenue and an 8-inch main located in North Lead Avenue. The following water improvements shall be required prior to providing City water service to the project:

42. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated November 04, 2010.

SOLID WASTE SERVICE

Solid Waste requirements for Commercial lots proposed to be subdivided within this tract will be addressed upon the submittal of future development applications. The residential planned development subdivision within this tract will be serviced Single Family Residential properties with basic container service, subject to the following conditions:

43. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated November 16, 2010.

FIRE SERVICE

Fire service is available to the proposed tract subject to the following requirements:

44. Comply with all of the requirements stipulated within the attached Fresno Fire Department memorandum dated November 03, 2010.

FLOOD CONTROL AND DRAINAGE

45. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (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. These requirements are identified in the District's letters to the Planning and Development Department dated December 10, 2010.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

46. Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated October 26, 2010.

FRESNO UNIFIED SCHOOL DISTRICT

47. Comply with all of the requirements stipulated within the attached Fresno Unified School District memorandum dated October 14, 2010.

RIGHT-OF-WAY ACQUISITION

48. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.

49. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.

50. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.

51. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.

52. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

53. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer.

54. Comply with all the requirements stipulated within the attached Public Works Department memorandum respective to Communities Facilities District Maintenance dated November 16, 2010 and the following:

    - NOTE: Proposed Outlots of Vesting Tentative Tract Map No. 5983/UGM, which front onto a public street are not required to be changed to easements so long as ownership of said Outlots remains private. The City of Fresno will not accept ownership of any Outlots within the proposed subdivision. If these areas adjacent to the public street rights-of-way are eligible and proposed to be included within CFD maintenance, then said Outlots shall be changed to public easements.

a) If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.

- NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (http://www.fresno.gov) under the Public Works Department Developer Doorway.

b) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.

- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

c) Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

d) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.

55. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City pursuant to Section 12-1026 of the Fresno Municipal Code. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.

- NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.

b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review two weeks prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated January 11, 1985.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

- Applicable Flood Fees as determined by the Fresno Metropolitan Flood Control District.

SEWER CONNECTION CHARGES	FEE RATE
a. Lateral Sewer Charge [1]	$0.10/sq. ft. (to 100' depth)
b. Oversize Charge [1]	$0.05/sq. ft. (to 100' depth)
c. Trunk Sewer Charge [2] Service Area: Herndon - Residential (SFR) - Commercial/Residential (MFR)	 $496.00/living unit S.T.E.P.**
d. Wastewater Facilities Charge [3] - Residential (SFR) - Commercial/Residential (MFR)	 $2,119.00/living unit S.T.E.P.**
e. House Branch Sewer Charge [2]	N/A

WATER CONNECTION CHARGES	FEE RATE
f. 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.
g. Frontage Charge [1]	$6.50/lineal foot
h. Transmission Grid Main Charge [1]	$643.00/gross acre (parcels 5 gross acres or more)

i. Transmission Grid Main Bond Debt [1] Service Charge	$243.00/gross acre (parcels 5 gross acres or more)
j. UGM Water Supply Fee [2] Service Area: 142	$379.00/net acre
k. Well Head Treatment Fee [2] Service Area: 201	$0/living unit
l. Recharge Fee [2] Service Area: 201	$0/living unit
m. 1994 Bond Debt Service [1] Service Area: 201	$0/living unit

CITYWIDE DEVELOPMENT IMPACT FEES	FEE RATE
n. Fire Facilities Impact Fee – Citywide [4]	
- Residential	$539.00/living unit
- Residential, Multi-Family	$439.00/living unit
- Commercial	$236.00/1000 sq.ft. †
o. Park Facility Impact Fee – Citywide [4]	
- Residential	$2,278.00/living unit
- Residential, Multi-Family	$1,853.00/living unit
p. Quimby Parkland Dedication Fee [2]	
- Residential	$1,120.00/living unit
- Residential, Multi-Family	$911.00/living unit
q. Citywide Regional Street Fee [3]	
- Residential	$8,361.00/adj. acre
- Residential, Multi-Family	$13,846.00/adj. acre
- Commercial Office	$13,726.00/adj. acre
- Commercial Retail	$16,131.00/adj. acre
r. New Growth Area Major Street Fee [3]	
- Residential	$18,790.00/adj. acre
- Residential, Multi-Family	$30,775.00/adj. acre
- Commercial Office	$29,848.00/adj. acre
- Commercial Retail	$37,495.00/adj. acre
s. Police Facilities Impact Fee – Citywide [4]	
- Residential	$624.00/living unit
- Residential, Multi-Family	$508.00/living unit
- Commercial	$665.00/1000 sq.ft. †
t. Traffic Signal Charge [1]	
- Residential	$450.94/living unit
- Residential, Multi-Family	$316.65/living unit

- Commercial	$47.12/ADT †
u. Street Acquisition/Construction Charge [2]	$201,832.00

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

The Board of Directors of the Fresno County Regional Transportation Mitigation Fee Agency approved Resolution No. 2009 – 01 requiring the payment of Regional Transportation Mitigation Fee. The effective date of this resolution is January 1, 2010. Contact the Council of Fresno County Governments (FCOG) to determine this fee obligation. Confirmation by the FCOG is required before the City of Fresno can issue building permits.

* Living Unit Equivalents are calculated by multiplying the number of Net Acres by 5.8 Living Unit Equivalents for commercial or 3.0 Living Unit Equivalents for industrial to arrive at the total number of Living Unit Equivalents.

**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).

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

† Building areas to be calculated to the nearest square foot. Traffic Signal Fee is subject to review and conditions of approval from Transportation Planning through the entitlement review process based on Average Daily Trips of the proposed project. Average Daily Trips to be determined by Traffic Engineering.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT

CONDITIONS OF APPROVAL

DECEMBER 15, 2010

(Revised by the Planning Commission)

CONDITIONAL USE PERMIT APPLICATION NO. C-10-195

"A PLANNED DEVELOPMENT"

NORTH SIDE OF WEST HERNDON AVENUE BETWEEN NORTH VALENTINE AND NORTH MARKS AVENUES

PART A - PROJECT INFORMATION

1.	Assessor's Parcel No(s):	500-191-39
2.	Street Location:	Located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues. **(Council District 2, Councilmember Borgeas)**
3.	Existing Zoning	"C-P/EA/UGM" (*Administrative and Professional Office / Expressway Area Overlay/Urban Growth Management*) "R-2/EA/UGM" (*Low Density Multiple Family Residential District / Expressway Area Overlay /Urban Growth Management)*)
4.	Proposed Zoning	"R-2/EA/UGM" (*Low Density Multiple Family Residential District / Expressway Area Overlay /Urban Growth Management)*)
5.	Existing Planned Land Use:	Office Commercial; and, Medium-High Density Residential (10.38-18.15 dwelling units/acre)
6.	Proposed Planned Land Use:	Medium-High Density Residential (10.38-18.15 dwelling units/acre)
7.	Plan Areas:	Bullard Community Plan, Sierra Sky Park Land Use Policy Plan
8.	Project Description:	Requests authorization to establish a 159-lot single family residential gated private street planned development with modified property development standards for lots proposed to be created by Vesting Tentative Tract Map No. 5983/UGM.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The City of Fresno Planning Commission, on December 15, 2010, approved the special permit application subject to the enclosed list of conditions and Exhibit(s) "A", "E", "F" & "L" of Conditional Use Permit Application No. C-10-195.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed **either verbally or in writing to the City of Fresno Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. C-10-69 and Vesting Tentative Tract Map No. T-5978.**

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,

3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions. (Include this note on the site plan.)

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. (Include this note on the site plan.)

Transfer all red line notes, etc., shown on the original site plan exhibit(s) to the final site plan(s). CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by December 01, 2014 (four years from the date of Director approval). The time limits for any special permit conditionally granted in conjunction with an approved tentative tract map shall be automatically extended upon the extension of such tentative tract map pursuant to Section 12-1005.1 of the FMC.

To complete the back-check process for building permit relative to planning and zoning issues, submit copies of this corrected, final site plan, together with copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division **must be substituted** for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please contact Will Tackett at (559) 621-8063 or via e-mail at Will.Tackett@fresno.gov to schedule an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, 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, reservation or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be

imposed whenever such conditions are disclosed.

Questions relating to dedications, street improvements or off-street parking geometrics may be directed to Louise Gilio at (559) 621-8678 / Louise.Gilio@fresno.gov of the City of Fresno Public Works Department, Engineering Division, Traffic Section.

1. STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

   a) Exhibit(s) "A" is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights-of-way.

   b) ENCROACHMENT PERMITS. The construction of any overhead, surface or sub-surface private structures and appurtenances extending within the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts/Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved prior to issuance of building permits.

   c) DEDICATIONS. The following dedication requirements must be satisfied prior to the issuance of building permits:

      i) Dedications shall take place in accordance with the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM.

   d) VACATIONS. The following vacation requirements must be satisfied prior to issuance of building permits:

      i) A feasibility study for all proposed vacations of existing public rights-of-way is required to be completed prior to recordation of the Final Map. Contact Alan James, Supervising Engineering Technician at (559) 621-8693 for further information.

2. STREET IMPROVEMENTS

   a) All public improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division at (559) 621-8693, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.

   b) Existing off-site concrete improvements to remain in place shall be repaired if damaged and/or off grade as determined by the Public Works Department, Construction Management Division (559) 621-5500. Such repairs must be completed prior to final occupancy.

   c) Where required design and construct curb, gutter, AC paving, and residential sidewalk patterns

to Public Works standards, specifications, and policies. Plans shall be prepared by a registered Civil Engineer.

- NOTE: Reference Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM for requirements respective to major and interior local public streets.

d) Install streetlights on all frontages to City Standards as determined by the City Traffic Engineer. Street lighting plans are required and must be approved by the Public Works Department/Engineering Services prior to commencement of the work.

e) Underground all existing off-site overhead utilities within the limits of this site as per FMC Section 12-1011, Section 8-801 and Resolution No. 78-522/88-229.

f) Submit four copies of a Geometric Approval Drawing (GAD) to Traffic Engineering for review and approval, per the attached checklist, prior to submittal of street plans.

g) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section, (559) 621-8682, for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans.

3. SURVEY MONUMENTS AND PARCEL CONFIGURATION

a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice Land Surveying in the State of California. (Include this note on the site plan.)

PART D - PLANNING/ZONING REQUIREMENTS

1. PLANNING

a) Development is subject to the following plans and policies:

i) "R-2," *Low Density Multiple Family Residential District (Section 12-212 of the FMC)*
ii) "EA", *Expressway Area Overlay District (Section 12-244 of the FMC)*
iii) "UGM", *Urban Growth Management (Section 12-4.500 et seq. of the FMC)*
iv) 2025 Fresno General Plan
v) Bullard Community Plan
vi) Sierra Sky Park Land Use Policy Plan

2. ZONING

a) Approval of Conditional Use Permit Application No. C-10-69 is contingent upon approval of Vesting Tentative Tract Map No. 5983/UGM; and, City Council approval of Plan Amendment Application No. A-10-09 and Rezone Application No. R-10-07.

3. USES PERMITTED

   a) Contingent upon approvals referenced herein above, the subject property is authorized for development with single family residential uses in accordance with Conditional Use Permit Application No. C-10-195 and Vesting Tentative Tract Map No. 5983/UGM.

4. POPULATION DENSITY

   a) Pursuant to the Medium-High Density Residential planned land use designation for the subject property; the subject property shall be developed in accordance with Vesting Tentative Tract Map No. 5983/UGM and Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195.

      i) Based upon the number of dwelling units (du) allowed per acre, respective to the Medium-High Density Residential planned land use designation, the subject property is required to be developed with between 10.38-18.15 du/acre to meet the density requirements of the 2025 Fresno General Plan and FMC.

         - NOTE: Pursuant to Vesting Tentative Tract Map No5983/UGM and Conditional Use Permit Application No. C-10-195, the subject property is proposed to be developed at an overall density of approximately 14.12 du/acre.

      ii) A subsequent entitlement will be required in order to revise the current development proposal or authorize an alternative development scheme for the subject property. Further environmental review may also be required for any future revisions dependent upon the level of intensification that may be proposed.

5. BUILDING HEIGHT

   a) No building or structure erected in the R-1 (*Single Family Residential*) zone district shall have a height greater 35 feet.

   b) All accessory buildings on the subject property, or lots proposed to be created by Vesting Tentative Tract Map No. 5983/UGM shall comply with the requirements and provisions of the development standards of the FMC for the R-1 zone district and are subject to the provisions of Section 12-306-N-1 (Accessory Buildings) of the FMC.

      - NOTE: Exceptions. Over height structures may be approved by the City of Fresno Planning Commission or Director of the Planning and Development Department. However, no roof structure or any space above the height limit shall be allowed for the purpose of providing additional living or floor space.

6. BUILDING AND YARD SETBACKS AND SPACES BETWEEN BUILDINGS

   Setbacks shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195, the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM; and, the following:

a) In accordance with Section 12-244 of the FMC (*Expressay Area Overlay District*), on properties zoned for residential uses, no building shall be erected within 200 feet of an abutting expressway right-of-way line except as follows:

   i) On those properties zoned for residential uses for which noise is reduced to not more than 60 Ldn, as determined by noise evaluation and noise reduction procedures approved by the Office of Noise Control, California Department of Health, the minimum building setback shall be not less than 75 feet from the center line of the nearest moving traffic lane of the abutting expressway.

      - NOTE: In accordance with the implementation and mitigation measures of the 2025 Fresno General Plan, an acoustical analysis was prepared for the proposed project by Brown-Buntin Associates, Inc., dated July 19, 2010. The acoustical analysis provides recommendations for mitigation of noise from the abutting expressway, which are incorporated herein as conditions of approval and project specific mitigation measures. Compliance with these conditions of approval will effectively mitigate noise levels to less than 60 Ldn.

b) For Lot 146 of Vesting Tentative Tract Map No. 5983/UGM the side yard abutting the street shall be not less than 10 feet (building setback).

c) ~~Front yard setbacks for Lots 146 through 151 of Vesting Tentative Tract Map No. 5983/UGM shall be tapered; providing for a smooth transition away from the front yard setbacks of adjacent single family lots fronting on North Lead Avenue.~~

   i) ~~Lots 150 & 151 of Vesting Tentative Tract Map No. 5983/UGM shall be developed with proposed plans utilizing a 16-foot front yard setback.~~

d) Any proposed deviation from the building setbacks established by Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 requires a revision to Conditional Use Permit Application No. C-10-195.

e) Spaces between buildings shall be provided in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM.

f) Proposed structures are required to be found in compliance with the fire resistive standards of the Uniformed Building Code. In the event structures do not comply they must be modified so as to meet the requirement.

7. <u>LOT COVERAGE</u>

a) Lot coverage shall be permitted in accordance with the approved building setbacks and building envelopes for individual properties respective to Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and the Conditions of Approval for Vesting Tentative Tract Map No. 5983/UGM.

8. OPEN SPACES AND LANDSCAPING

The subdivider shall provide and maintain all landscaping (and irrigation systems) in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5983/UGM, and the following:

a) A landscape and irrigation plan prepared by a landscape professional, shall be submitted to the Planning Division and approved for all open space and recreational areas within the development. These plans must be reviewed and approved prior to obtaining building permits.

b) Outlots of Vesting Tentative Tract Map No. 5983/UGM, which are proposed to be dedicated for open space purposes shall be landscaped by the developer in accordance with the approved landscape and irrigation plans and shall thereafter be maintained by the property owner/subdivider in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

c) All yards (including private) and areas designated for open space purposes shall be landscaped and maintained in accordance with Sections 12-306-N-24 of the FMC.

   i) All yards and landscaped areas located adjacent to street frontage shall be provided automatic irrigation systems.

   ii) All yards (including private) and areas designated for open space purposes shall comply with the water efficient landscape standards in accordance with Section 12-306-N-23 of the FMC.

d) All required Walls or fences, which are accessible to the public, shall incorporate an adjacent landscaped buffer area pursuant to the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards."

e) Provide a minimum of 318 medium sized trees on-site per FMC Section 12-306-N-24-g and in accordance with the following:

   i) Provide a minimum of one medium size tree for each required parking space, plus one medium sized tree for each residential unit.

      - NOTE: One medium size tree is defined as attaining a height of 30-60 feet at maturity. Two small size trees, up to 30 feet high at maturity may be substituted for one medium size tree.

f) No building permit shall be issued for any development for which a special permit has been issued until the requirements for street trees as provided in Article 3 of Chapter 11 of the FMC have been met and street tree inspection fees paid pursuant to the Master Fee Schedule.

   - NOTE: Street trees shall be planted by the property owner and shall be inspected by the City pursuant to the payment of street tree inspection fees.

i) Fresno Municipal Code requires one (1) street tree per 60 linear feet of public street frontage.

- NOTE: The Department of Public Works may approve a request for waiver of street tree requirements if the applicant agrees to plant a minimum of one (1) tree (of similar type and size) for every 60 linear feet of street frontage on private property within ten feet of the back of the sidewalk.

- NOTE: An approved landscape plan, properly scaled and dimensioned, shall serve as a street tree planting permit for on-site trees not in the public right of way. A copy of this plan shall be kept at the job site at all times.

ii) Call (559) 621-5600 to notify the Public Works Department Construction Management Division 72 hours prior to tree hole drilling/tree planting in the public right-of-way, in order to verify tree locations, to obtain inspection of drilling operations, and to check backfilling procedures and safety barriers.

iii) All planting, irrigation and related work within the city right-of-way shall comply with the City of Fresno Public Works Department Standard Specifications, Section 25 and 26.

iv) All landscaping and related work to be performed within the city right-of-way shall be done by a qualified contractor and requires a street encroachment permit from the Public Works Department prior to commencement. Call (559) 621-8685 for information on encroachment permits and required insurance and bonding.

g) All trees shall be maintained in good health. 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. (Include this note on the site plan and landscape plan.)

h) All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight, or disease, and any such vegetation which shows signs of such damage or injury at any time shall be replaced by the same, similar, or substitute vegetation of a size, form, and character, which will be comparable at full growth.

i) Landscaping shall be kept free from weeds and undesirable grasses.

j) Landscaping must be in place before issuance of the certificate of occupancy for each individual dwelling.

i) 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. (Include this note on the site and landscape plans.)

- NOTE: The hold on occupancy may be released at the discretion of the Development and Resource Management Department to subjectively accommodate inappropriate

planting conditions, which are outside of the control of the developer/subdivider (e.g. weather conditions which may be prohibitive to planting in a timely and appropriate manner, etc.).

- NOTE: The use of utilities for temporary occupancy may be allowed by the Building Official pursuant to FMC Section 13-100.110.1.2 et seq.

ii) Prior to granting of final occupancy, a written certification, signed by a landscape professional approved by the Development and Resource Management Department Director, shall be submitted stating that the required landscaping and irrigation system have been installed in accordance with the landscaping and irrigation plans approved by the Planning Division. (Include this note on the site and landscape plans.)

9. FENCES, HEDGES, AND WALLS

Fences, hedges and walls shall be provided in accordance with the Conditions of Approval of Vesting Tentative Tract Map No. 5983/UGM and, the following:

a) All proposed fences, hedges and walls, etc. shall be reviewed and approved prior to installation by the City of Fresno, Development and Resource Management Department. (Include this note on the site plan.)

i) Clearly depict any proposed/existing fences, hedges and walls on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195. Note that all proposed/existing fences, hedges and walls must comply with all policies, ordinances, regulations, etc. of the City of Fresno, Development and Resource Management Department.

ii) Submit a rendering depicting the fence, hedge or wall height, material, location etc. for review and approval.

- NOTE: Only those fences, hedges and walls as shown on the site plan shall be reviewed for approval.

b) All fences, hedges and walls shall conform to the provisions of Section 12-306-H of the FMC except as may be modified herein below.

- NOTE: Without exception, all present and future fences, hedges, and walls shall not exceed three feet in height within the corner cut-off area defined at Section 12-306-H-3-e of the FMC; and, shall conform to all aspects of the corner cut-off provisions of Section 13-227 (Obstruction to Visibility at Intersection) and 13-228 (Intersection Visibility, Investigation and Enforcement. Lien.) of the FMC.

c) Fences, hedges, and walls, not greater than six feet in height, shall be permitted on all rear and interior side property lines and on or to the rear of all front and street side yard setback lines with the following exceptions:

- NOTE: Fence locations for Lots 4-118 of Vesting Tentative Tract Map No. 5983/UGM

shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195.

i) Fences, hedges, and walls proposed to be located along the street side yard of proposed Lot 146 of Vesting Tentative Tract Map No. 5983/UGM may be located on or to the rear of the required 5-foot wide landscape easement.

d) No fence, hedge, or wall over three feet in height shall be permitted in any required front yard setback area or within the required side yard setback area on the street side of a corner lot.

e) Boundary fences and walls shall be provided in accordance with Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and recommended mitigation measure of the acoustical analysis prepared for the proposed project by Brown-Buntin Associates, Inc. dated July 19, 2010; and, the following:

ii) Construct a 10-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC along the West Herndon Avenue frontage of the project site for noise mitigation.

- NOTE: The proposed pedestrian access opening in the sound wall along West Herndon Avenue should have an interior overlapping wall. Assuming a 4-foot wide gate opening, the minimum length of the overlapping wall shall be 20 feet. Other designs for the access opening may be acceptable, but shall be reviewed prior to construction by a qualified acoustical consultant.

iii) Construct an 8-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC along the west property line of Lots 13 & 14 of Vesting Tentative Tract Map No. 5983/UGM for noise mitigation.

iv) Construct a 6-foot high solid masonry sound wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 12-306-H of the FMC along the west property line of Lots 4-12 of Vesting Tentative Tract Map No. 5983/UGM.

v) The existing masonry wall along the eastern boundary of the project site adjacent to the existing neighborhood shopping center (i.e., east property line of proposed Lots 35-52 of Vesting Tentative Tract Map No. 5983/UGM) shall be replaced with an 8-foot high solid masonry wall (at finished grade of proposed site) pursuant to the requirements of Section 12-306-H of the FMC.

f) Temporary fences to secure projects under construction are allowed. Any temporary fence shall be adequately secured and constructed to prevent overturning due to wind, vandalism, and/or casual contact by the general public. The construction shall be performed in such a manner as to minimize any potential safety hazard, which may occur as a result of improper fence installation or damage to the fence.

9. ACCESS

a) There shall be vehicular access from a dedicated and improved street, alley or recorded private access to off-street parking facilities.

b) There shall be pedestrian access from a dedicated and improved street, alley or recorded private access to property used for residential purposes.

c) Vehicular and/or pedestrian access shall be maintained and remain clear at all times.

d) Provide vehicular and/or pedestrian access as noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195 and as indicated per Conditions of Approval for Vesting Tentative Tract Map No. T-5983/UGM.

10. OUTDOOR ADVERTISING AND MARKETING

a) Signs, *other than directional signs, if applicable*, are not approved for installation as part of this special permit. Submit for a separate Master Sign Program or Sign Review Application. Applications and requirements for submittal are available at the Planning Division's Public Front Counter. (Include this note on the site plan).

11. BUILDING STANDARDS AND ELEVATIONS

Building plans and elevations for all residential dwellings in the subject planned development shall be subject to review and approval by the Development and Resource Management Department in accordance with the following:

a) Residential construction shall comply with all recommendations of the Acoustical Analyses prepared for the proposed project by Brown-Buntin Associates, Inc., dated July 19, 2010.

b) Clearly identify all condensing units, air conditioning and heating units on the site and elevation plans. Roof mounted mechanical equipment shall be recessed and shall not be visible from the public right-of-way (or private street) or shall be placed on the ground outside of the required yards.

- NOTE: When placed on the ground outside of required yards, condensing units shall be screened from view of the public right-of-way with structures, fencing and/or landscaping as may be appropriate.

c) Pursuant to Policy numbers C-20-f, C-21-a, C-21-b and C-21-c of the 2025 Fresno General Plan, all proposed buildings shall include design features and decorative treatments. Visible sides of buildings shall not be developed with featureless "blank" walls. Design measures should be utilized to avoid large scale, massive, monolithic, and repetitive "institutional" visual appearances. This may be accomplished by varying the building footprint with indentations, projections, offsets, different building materials, or adding polyfoam with a stucco finish to add visual interest and to break up monotonous walls. Submit elevations inclusive of modifications for review and approval.

i) Elevations which are visible from the public streets rights-of-way shall incorporate "Lot Enhancements" as depicted on proposed Exhibit(s) "E" of Conditional Use Permit Application No. C-10-195.

ii) Second-story windows should be directed, to the extent feasible, away from adjacent single-story residential uses; or, adequate setback and landscape screening shall be provided to protect the privacy of adjacent properties.

iii) Roofing material shall consist of: architectural grade composition roofing guaranteed by the manufacturer for at least 20 years; cement or clay tile; treated wood shakes; and/or, architectural-grade metal and coated non-glare decorative metal roofing products.

iv) Garage doors with decorative features (which may include windows) shall be provided for each dwelling on all lots within the subdivision which front onto, and gain access from a street.

v) Where proposed, attic vents shall be decorative, consistent with the style and character of each structure.

12. AIRSPACE PROTECTION

The subject property is located within the Primary Review Area of the Sierra Sky Park Land Use Policy Plan.

a) No structure, tree, or other object shall be permitted to exceed the height limits established in accordance with Part 77, Subpart C, of the Federal Aviation Regulations (FAR). This criterion applies unless, in the case of a proposed object or growing tree, one or more of the following apply:

i) The object would be substantially shielded by existing permanent structures or terrain in a manner such that it clearly would not affect the safety of air navigation.

ii) The FAA has conducted an aeronautical study and either determined that the object would not result in a hazard to air navigation or made recommendations for the object's propert marking and lighting as an obstruction.

iii) The object is otherwise exempted from the requirements of FAR Part 77.

b) No object shall be permitted to be erected which because of height or other factors, would result in an increase in the minimum ceiling or visibility criteria for an existing or proposed instrument approach procedure.

c) The FAR Part 77 surfaces depicted on the Land Use Policy Plan Map shall be used in conjunction with the above air space policies to determine whether the height of an object is acceptable.

PART E - CITY AND OTHER SERVICES

1. TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

   a) Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated November 18, 2010 and any requirements noted on Exhibit(s) "A" of Conditional Use Permit Application No. C-10-195.

   → Exceptions:

   b) Comply with all of the requirements stipulated within the attached memorandum from the City Traffic Engineer dated December 01, 2010 (Mitigation measure requirements respective to project Traffic Impact Study [TIS10-013] dated July 28, 2010).

2. SOLID WASTE COLLECTION

   a) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Solid Waste Division memorandum dated November 16, 2010.

3. FIRE PROTECTION REQUIREMENTS

   a) Comply with all of the requirements stipulated within the attached City of Fresno Fire Department memorandum dated November 03, 2010.

4. STREET TREES, BUFFER, PARKWAY AND MEDIAN ISLAND LANDSCAPING

   a) Comply with all of the requirements stipulated within the attached Department of Public Works, Streets/MIM Division memorandum dated October 31, 2010.

   → Exceptions:

5. FLOOD CONTROL REQUIREMENTS

   a) Comply with all of the requirements stipulated within the attached Fresno Metropolitan Flood Control District memorandum dated December 10, 2010.

6. PUBLIC UTILITIES REQUIREMENTS

   a) Comply with all of the requirements of the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated November 22, 2010.

   b) Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated November 04, 2010.

7. COUNTY OF FRESNO, DEPARTMENT OF COMMUNITY HEALTH

   b) Comply with all of the requirements stipulated within the attached County of Fresno Department of Public Health memorandum dated October 26, 2010.

8. FRESNO UNIFIED SCHOOL DISTRICT

   a) Comply with all of the requirements stipulated within the attached Fresno Unified School District memorandum dated October 14, 2010.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits and the following:

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.

2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. 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.

3. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved.

Unless the Planning Commission decision is set for hearing to the Council in accordance with Section 12-406-J of the FMC, the decision of the Commission shall be final and effective at 12:01 a.m. on the sixteenth day after the date of the decision, subject to writ of administrative mandamus under 1094.6 of the Code of Civil Procedures.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III
Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.8794)
Streets/MIM Division

DATE: October 31, 2010

SUBJECT: Tract 5983; 3251 West Fir Avenue; (APN: 500-191-39S) located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues. The Department of Public Works has reviewed the Tentative Tract Subdivision Map proposed by Harbour & Associates Civil Engineers on plans dated September 13, 2010. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, and outlots:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881.

2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater. ~~Tree planting shall be within a 10' Public Planting and Utility Easement.~~

   a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.

   b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."

   c. Landscape plans for all public use areas, such as parkways, shall be reviewed and approved by the Department of Public Works, Streets/MIM Services. A street tree planting permit shall be required for all residential street tree plantings.

   d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications and Drawings of the City of Fresno.

   e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

Recommended tree species to be planted as follows:

STREET NAME	STREET TREE SPECIES/COMMON NAME
West Herndon Avenue	Platanus acerifolia 'Columbia' (Columbia Sycamore) and Quercus virginiana (Southern Live Oak)

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association (this is a PUD).

2. **Maintenance Service through Annexation into the Community Facilities District would include amenities along W. Fir, Lead Ave. and the bicycle/pedestrian trail along W. Herndon Ave.--only. Interior streets for this project will be maintained through an HOA or other such agreement with the property owner(s).**

Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code regarding Water Efficient Landscaping and Buffer landscaping and AB 1881.

B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.

C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.

D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.

E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.

MEDIAN ISLAND LANDSCAPE REQUIREMENTS

1. When median islands front onto the proposed development project, applicants shall submit

Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project.

2. The Public Works Department will review and evaluate existing median island(s) for a determination of all required improvements prior to approval of Final Map.

3. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23. The Public Works Department requires all proposed median islands to be constructed with 2 foot wide colored concrete strips, flush along curb edge, in a 12 inch by 12 inch brick red slate pattern.

4. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet wide shall be capped with concrete as an integral part of the offsite improvements, whether or not the median is landscaped.

BIKE PATH

1. All proposed Multipurpose Paths shall be constructed in accordance with city requirements and standards. Cross-sections will be required with Street Plans and Landscaping Plans for review.

City of
FRESNO

DATE: November 18, 2010

TO: Will Tackett, Planner III
Development and Resource Management Department

THROUGH: Bryan Jones, TE, PTP, AICP City Traffic Engineer, Division Manager
Public Works Department, Traffic & Engineering Division

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

SUBJECT: Public Works Conditions of Approval
TT 5983 / C-10-195, (Herndon and Prospect)
Owensby Family Limited Partnership / Harbour & Associates

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.

Provide the following information on the tentative tract map and / or complete the following, <u>prior</u> to Planning Commission.

1. The portions of outlots F, G, J, and Y that front a public street shall be changed to Public Easements.
2. Outlots H and X shall be changed from outlots to Public Easements.
3. Provide details for the roundabout and traffic circle.
4. Provide gate operational statements for the Conditional Use Permit.

<u>General Conditions:</u>

1. <u>Curb Ramps</u>: Provide curb ramps at all corners within the limits of this subdivision.
2. <u>Pedestrian Easements</u>: **Identify** all pedestrian easements on the map.
   a. Major Streets: A 2' dedication for a pedestrian easement is required.
   b. Local Streets: If constructed 42' or 50' a 1'pedestrian easement is required on streets with driveway approaches.
3. <u>Overhead Utilities</u>: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.
4. <u>Intelligent Transportation Systems (ITS)</u>: Street work on major streets shall be designed to include ITS in accordance with the Public Works ITS Specifications, where not existing.
5. <u>Entrances:</u> (local street / major street intersections) Dedicate a minimum of 60' of street right of way and construct concrete medians to Public Works Standard **P-86**. A 52' transition is required from the proposed 60' right of way entrances to the 50' right of way streets. **<u>No parking is allowed within the limits of the proposed median.</u>**
6. ~~Design local streets with a minimum of 250' radius.~~
7. <u>Local street lengths</u> exceeding 800' and four way intersections require traffic calming measures. Construct permanent traffic circles per Public Works Standards **P-83**, **P-84** and/or **P-85**. <u>Identify and provide cross sections on the map.</u> **No parking is allowed adjacent to the circles.**

r Planning Commission 11/15/10

8. Dead-end Streets: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the Public Works Standard **P-100**.
9. Outlots: If the subdivider seeks to dedicate to the City, in fee, an outlot for open space purposes, subdivider shall prove to the City that the outlot 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 Soils Investigation. The soils Investigation report shall be submitted to the Public Works Department for review and approval. The subdivider must obtain Public Works approval of the soils investigation report and complete any mitigation work identified by the soils investigation prior to subdivider's submittal of the Final Map to the Development Department. Any and all costs associated of the soils investigation and any required mitigation work shall be performed at the sole expense of the subdivider.
10. Plan Submittal: 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.
11. Street widening and transitions shall also include utility relocations and necessary dedications.

Frontage Improvement Requirements:

Fir Avenue: Local, both sides

1. Dedicate 30' of property, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. Additional right of way may be required for the traffic circle. Provide a detail for review and approval.
2. Dedicate a 2' pedestrian easement to accommodate the proposed sidewalk.
3. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to an 11' residential pattern. Construct a 5' walk with 2' pedestrian easement, see map for cross section. Transition sidewalk to the standard position at the west end. Transition sidewalk on the southeast portion to match the existing sidewalk.
4. Construct 19' of permanent paving (measured from face of curb) within the limits of this subdivision.
5. Construct an underground street lighting system to Public Works Standard **E-3** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.
6. Relinquish direct vehicular access rights to Fir Avenue from all lots (excluding outlots A and I) within this subdivision.

Prospect Avenue: modified Local,

1. Dedicate **52'-82'** of property, or as approved on street plans, from center line, for public street purposes within the limits of this subdivision to meet the current City of Fresno Collector Standards. Additional right of way will be required for the roundabout. Provide a detail for review and approval.
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a 10' residential pattern.
3. Construct Prospect Avenue, **both sides**, with permanent paving, as shown on the approved street plans, within the limits of this subdivision.
4. Construct an underground street lighting system to Public Works Standard **E-3** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets.
5. Construct a concrete median, as approved with the street plans.

6. Provide all modifications, as needed, at the intersection of Herndon and Prospect for the removal of the frontage road bulb and intersection alignment, per approved street plans.
7. Relinquish direct vehicular access rights to Avenue from all lots within this subdivision with the exception of one access point as approved by the Traffic Engineer.

Herndon Avenue: Expressway

1. If not existing, dedicate an additional 10' of property, at Prospect to provide for a 200' west bound right turn pocket, for public street purposes, within the limits of this subdivision, to meet the modified City of Fresno Expressway Standards.
2. If not existing, construct any necessary pavement per City of Fresno standards, for the right turn pocket
3. If not existing, remove and replace concrete curb and gutter for right turn pocket and construct missing curb and gutter to Public Works Standard **P-5**. The parkway shall be constructed to a 10' pattern.
4. Bike and Pedestrian Trail/Path: Dedicate a 26' (minimum) easement for Bike and Pedestrian purposes **only**. (Additional right of way may be required for grading and drainage purposes.) Construct a 12' wide asphalt and concrete Bike and Pedestrian trail/path, complete with lighting, signing, striping and landscaping, per the 2025 Fresno General Plan, Multi-Purpose Trails Plan Map and Public Works Standards **P-58 and P-60**. Identify route on the map and provide a cross section **7 days prior** to the planning commission hearing. Construct an expressway barrier fence within the limits of this subdivision, per Public Works Standard **P-74 and P-75.** Submit engineered construction plans to Public Works. Submit lighting, signing and striping plan to Traffic and Engineering for approval. Submit grading, landscape and irrigation plans to Engineering Services. Contact the Development and Resource Management Department. Provide transition, as needed, to connect to the existing adjacent trail segment on the east.
5. Construct 20' of permanent paving within the limits of this tract and transition paving as necessary.
6. Construct an underground street lighting system to Public Works Standard **E-1** within the limits of this subdivision. Spacing and design shall conform to Public Works Standard **E-10** for Expressways.
7. Relinquish direct vehicular access rights to Herndon Avenue from all lots within this subdivision.

Interior Streets: Private
Construct sidewalks on both sides of the private streets per ADA standards and the 2025 General Plan. Refer to page 69 E-1-j - **OR** - as approved by the City Traffic Engineer.

Specific Mitigation Requirements: This residential portion, 159 single family residential lots, will generate **119 a.m. / 161 p.m.** peak hour trips; therefore, a Traffic Impact Study (TIS) **is required.** Comply with the mitigation measure requirements of the Traffic Engineering Manager.

1. Relinquish direct vehicular access rights to portions of :
    a. the west property line of lots1 and 2, as approved on the street plans.
2. The intersection of :
    a. Herndon and Prospect Avenues shall be designed with a full median opening to allow for left turns-in and left turns-out.
3. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
4. A feasibility study for all **proposed** vacations of existing public rights of way is required to be completed **prior** to the approval of the tentative map. See Alan James' comments.

5. Prospect Avenue: Design and construct a roundabout at the intersection of Prospect and the approved entrance.
6. Fir Avenue: Design and construct a traffic circle at the intersection of Fir and the entrances.
7. Amend Official Plan Line number 97-01.
8. No parking allowed in driveways when the distance from the garage to the back of walk or the garage to the curb (where no walk) is less than 18'. Covenant required, contact Planning.

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 single family units and commercial lots(fee rate as shown in the Master Fee Schedule).

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

1. Herndon Avenue at Prospect, Modify and relocate the existing signal pole to the ultimate location. Complete with a 200-watt safety light and an oversize street sign to Public Works Standards.
2. If not existing, install an ITS camera on the northeast corner.

Fresno Major Street Impact (FMSI) Fee :

This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

Regional Transportation Mitigation Fee (RTMF):

Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; www.fresnocog.org. Provide proof of payment or exemption **prior** to issuance of building permits.

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.

Fresno
All-America City
2000

City of
FRESNO

City Hall 559-621-8800
2600 Fresno Street, Rm. 4064
Fresno, CA 93721-3623
www.fresno.gov

Public Works Department
Patrick Wiemiller, Director

December 1, 2010

TJKM
Jose Luis Benavides, P.E.
516 W. Shaw Avenue, Suite 200
Fresno, CA 93704-2515

SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY (TIS) FOR THE PROPOSED HERNDON and VALENTINE GENERAL PLAN in the northeast Quadrant of Herndon Avenue/Valentine Avenue intersection
TIS10-013 dated July 28, 2010 T5983

TRAFFIC IMPACT STUDY APPROVED FOR PLANNING COMMISSION

We reviewed the Traffic Impact Study (TIS) by TJKM for the proposed subject project which consists of approximately ~~96 Apartment res~~idential dwelling units.
159 SFR

GENERAL COMMENTS and CONDITIONS

1. The trip generation based on ITE Trip Generation Manual is acceptable. The proposed project and General Plan Amendment is projected to generate 3,495 daily trips, 176 trips during the AM peak hour and 379 trips during the PM peak hour.

   The existing General Plan land use generates 2,093 ADT, 242 trips during the AM peak hour and 248 trips during the PM peak hour.

2. This project shall pay its Traffic Signal Mitigation Impact (TSMI) Fee of $47.12 per ADT 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 and the Master Fee Schedule. The TSMI fee based on the project description above and the current fee is $164,684.40. The fee shall be paid at time of building permit.

   This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

3. This project shall pay its Fresno Major Street Impact (FMSI) Fee which will be determined at time of building permit. This FMSI fee is creditable towards major street roadway improvements included in the nexus study for the FMSI fee.

4. The project shall pay the Regional Transportation Mitigation Fee (RTMF) Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; www.fresnocog.org. Provide proof of payment or exemption prior to issuance of building permits. If applicable based on vesting rights.

5. Curbside parking shall be restricted on Prospect Drive between Herndon Avenue to Fir Avenue. Bike lanes shall be installed on Prospect Drive

6. A Roundabout shall be installed to provide left-turn access into the commercial retail/office center on the east of Prospect Drive and the realigned Herndon Frontage roadway to the west.

7. A traffic circle shall be installed on Fir Avenue to allow for traffic calming on Fir Avenue and a four way intersection into the two gated subdivision main entrances. The two19' travel lanes on Fir Avenue allow for a 12' lane and 7' bike lane to be installed and restrict parking.

8. The project shall construct the trail along the Herndon property frontage and provide direct access from the gated subdivision to the trail. Noise/sound issues will need to be mitigated with the opening but the sound wall can be overlapped.

9. The project should work with FUSD and Forkner Elementary to have a gate opening near the intersection of Fir/Prospect.

10. The project shall construct a southbound left-turn, through lane, and right-turn at the southbound approach to Herndon/Prospect/Valentine. Traffic signal modifications maybe necessary.

11. The City of Fresno has a CIP project to install 6 lanes on Herndon Avenue along property frontage from Marks to Valentine.

12. The proposed project shall make necessary improvements and right-of-way dedications along adjacent public streets as per City of Fresno requirements.

13. This project shall provide a safe routes to schools sidewalk connection to the nearby elementary schools so students do not have to walk in the street.

If you have any further questions regarding this matter, please contact me at (559) 621-8792 or bryan.jones@fresno.gov .

Sincerely,

Bryan D. Jones, TE, PTP, AICP
City Traffic Engineer/Division Manager
Traffic & Engineering Services Manager
Public Works Department, Traffic Engineering Division

C: Traffic Engineering Reading File
Copy filed with Traffic Impact Study
Kevin Fabino, Planning & Development Dept.
Mike Sanchez, Planning & Development Dept.
Louise Gilio, Traffic Planning Supervisor
Will Tackett, Planning & Development Dept.

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES

Providing Life's Essential Services

Date: November 22, 2010

To: WILL TACKETT, Planner III
Planning and Development

From: DOUG HECKER, Supervising Engineering Technician
Department of Public Utilities, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5983/UGM AND C-10-195

General

T-5983-UGM, A-10-009, R-10-007 & C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approx. 20.14 acres of vacant property located on the north side of W. Herndon Ave. between N. Valentine and N. Marks Avenues; the property is bisected east to west by W. Fir Ave., 3251 West Fir Avenue, APN 500-191-39S. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for approx. 3.58 acres of property from the comm. office planned land use designation to the community comm. land use designation and approx. 7.65 acres of property from comm. office planned land use designation to the med.-high density res. land use designation. R-10-007 proposes to reclassify approx. 3.58 acres of property located on the west portion of the property south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to C-1-EA-UGM, Neigh. Shopping Center-Expressway Area Overlay-UGM, zone district; and reclassify approx. 7.65 acres of property located south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to R-2-EA-UGM, Low Density Multi-Family Res.-Expressway Area Overlay-UGM, zone district. T-5983-UGM proposes to subdivide approx. 20.14 acres of property into a planned unit development of 163 single family res. lots and 3 comm. parcels. C-10-195 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

Sanitary Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is an 8-inch main located in West Fir Avenue. The following sewer improvements shall be required prior to providing City sewer service to the project:

1. Construct an 8-inch sanitary sewer main (including sewer house branches to adjacent properties) in North Prospect Avenue from the existing 8-inch main located in West Fir Avenue south across the project frontage.
2. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
3. Separate sewer house branches are required for each new lot created.

4. Connection to the existing 45-inch sewer main in West Herndon Avenue shall not be allowed.
5. A Preliminary sewer design layout shall be prepared by the Developer's Engineer and submitted to the Department of Public Utilities for review and conceptual approvals prior to submittal or acceptance of the developers final map and engineered plan & profile improvement drawing for City review.
6. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
7. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies

Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

1. Lateral Sewer Charge.
2. Sewer Oversize Charge.
3. Sewer Facility Charge (Residential)
4. Sewer Oversize Service Area: # 12
5. Trunk Sewer Charge: Herndon

City of
FRESNO

DEPARTMENT OF PUBLIC UTILITIES – WATER DIVISION

DPU

Providing Life's Essential Services

DATE: November 4, 2010

TO: WILL TACKETT, Planner III
Development and Resource Management Department – Current Planning Division

THROUGH: MICHAEL CARBAJAL, Chief Engineering Technician
Department of Public Utilities – Water Division

FROM: ROBERT A. DIAZ, Senior Engineering Technician
Department of Public Utilities – Water Division

SUBJECT: **WATER REQUIREMENTS FOR PLAN AMENDMENT NO. A-10-009, REZONE NO. R-10-007, VESTING TENTATIVE TRACT 5983 AND CONDITIONAL USE PERMIT C-10-157.**

General

T-5983-UGM, A-10-009, R-10-007 & C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approx. 20.14 acres of vacant property located on the north side of W. Herndon Ave. between N. Valentine and N. Marks Avenues; the property is bisected east to west by W. Fir Ave., 3251 West Fir Avenue, APN 500-191-39S. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for approx. 3.58 acres of property from the comm. office planned land use designation to the community comm. land use designation and approx. 7.65 acres of property from comm. office planned land use designation to the med.-high density res. land use designation. R-10-007 proposes to reclassify approx. 3.58 acres of property located on the west portion of the property south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to C-1-EA-UGM, Neigh. Shopping Center-Expressway Area Overlay-UGM, zone district; and reclassify approx. 7.65 acres of property located south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to R-2-EA-UGM, Low Density Multi-Family Res.-Expressway Area Overlay-UGM, zone district. T-5983-UGM proposes to subdivide approx. 20.14 acres of property into a planned unit development of 163 single family res. lots and 3 comm. parcels. C-10-195 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

Water Service

The nearest water mains to serve the proposed project are an 8-inch main located in West Fir Avenue and an 8-inch main located in North Lead Avenue. The following water improvements shall be required prior to providing City water service to the project:

1. Separate water services with meters shall be provided to each lot created.

2. Dedicate the proposed street outlots for public utility purposes.

3. The developer shall provide a detailed water usage analysis identifying water fixture, landscape, and laundry efficiencies to document water conservation design characteristics, subject to approval by the Director of Public Utilities.

4. The development shall incorporate water use efficiency for landscaping including the use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features as appropriate and sanitary.

5. The City of Fresno Urban Water Management Plan (UWMP) identifies a water allocation of up to 76.58 af/yr for the project site based upon the planned land use designated in the 2025 General Plan. With approval of A-10-009 and R-10-007, the proposed project has the potential to increase the water demand for the project site to 109.47 af/yr. (UWMP, Table 6-4, 2008). Any increase in water demand, greater than the adopted allocation, resulting from the proposed development, will be required to be offset or mitigated in a manner acceptable to the Department of Public Utilities.

6. The retrofit or modification of public and/or private landscape and/or structures to provide a reduction in water use to mitigate any proposed increase in water demand in excess of the adopted water allocation for the land use adopted in the 2025 General Plan will be subject to Department of Public Utilities approval as an acceptable mitigation measure.

7. Seal and abandon any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.

8. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.

9. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Water System. Depict neighboring parcels and proposed plans for their continued service.

10. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

Water Fees

The following Water Connection Charges are due and shall be paid for the Project:

1. Wet-tie(s), water service(s) and/or meter(s) installation(s).

City of
FRESNO
DEPARTMENT OF PUBLIC UTILITIES

November 16, 2010

TO: Will Tackett, Planner III
Development Department, Planning Division

THROUGH: Robert Weakley, Chief of Operations
Department of Public Utilities, Solid Waste Division

FROM: Chris Weibert, Management Analyst II
Department of Public Utilities, Administration

SUBJECT: TT 5983/UGM, A-10-009, R-10-007 & C-10-195, Solid Waste Conditions of Approval
Location: North side of West Herndon Avenue between North Valentine and North Marks Avenues (APN 500-191-39S)

The Department of Public Utilities, Solid Waste Division has completed a review of the Vesting Tentative Tract Map 5983/UGM, Plan Amendment A-10-009, Rezone R-10-007, and Conditional Use Permit C-10-195 that was submitted by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Department of Public Utilities.

General Requirements:

- Solid Waste requirements for Commercial Lots 1, 2, and 3 shall be addressed upon the submittal of future applications.

- Tract 5983 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.

- The owners, lessees or other tenants of the residential dwellings on service day, before 5:30 a.m., shall place their solid waste containers at the edge of the curb approximately 4 feet apart and shall not block any vehicle accesses, nor be placed within any traffic circle, in accordance with the City of Fresno's Solid Waste Management Division Standards.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(11). No solid waste container nor residential rubbish shall be allowed to remain at the curbline after 8:00 p.m. on the collection day.

- Per Municipal Code, Section 6-205 Solid Waste, Recycling and Green Waste Disposal Regulations, Section (c)(10). No material container shall be stored in the front yard or side yard

on a street as said yards are described in Chapter 12, Articles 2 and 3 of this Code, unless the container is screened from view from the street in accordance with that article of the Code.

Special Conditions:

Developer shall provide a minimum 18' of clearance at all entrance and exit gates for solid waste vehicles.

Covenant Requirements:

Those lots that are part of a dead-end street, or a street that the solid waste vehicle can only access one-way, shall place their containers at another location on the solid waste service day by 5:30 a.m.:

- Lots 4 & 5 shall place their containers on the north side of Lot 112
- Lots 77 & 78 shall place their containers on the west side of Lot 75
- Lots 51 & 52 shall place their containers on the north side of Lot 60
- Lots 152 through 157 shall place their containers on the north side of Lots 133 & 141
- Lots 142 through 145 shall place their containers on the east side of Lots 138 through 141
- Lots 119 through 122 shall place their containers on the south side of Lots 127 & 128
- Lots 158 through 162 shall place their containers on the north side of Lots 123 & 132

City of FRESNO

FIRE DEPARTMENT

Date: November 3, 2010

To: WILL TACKETT, Planner II
Planning and Development Department , Advance Planning

From: MIKE SCHMIDT, Supervising Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: T-5983-UGM, A-10-009, R-10-007 & C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approx. 20.14 acres of vacant property located on the north side of W. Herndon Ave. between N. Valentine and N. Marks Avenues; the property is bisected east to west by W. Fir Ave. 3251 West Fir Avenue, APN 500-191-39S. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for approx. 3.58 acres of property from the comm. office planned land use designation to the community comm. land use designation and approx. 7.65 acres of property from comm. office planned land use designation to the med.-high density res. land use designation. R-10-007 proposes to reclassify approx. 3.58 acres of property located on the west portion of the property south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to C-1-EA-UGM, Neigh. Shopping Center-Expressway Area Overlay-UGM, zone district; and reclassify approx. 7.65 acres of property located south of W. Fir Ave. from C-P-EA-UGM, Administrative and Professional Office-Expressway Area Overlay-UGM, to R-2-EA-UGM, Low Density Multi-Family Res.-Expressway Area Overlay-UGM, zone district. T-5983-UGM proposes to subdivide approx. 20.14 acres of property into a planned unit development of 163 single family res. lots and 3 comm. parcels. C-10-195 proposes a gated planned unit development with private streets and modified property development standards, lot area, lot dimensions, lot coverage, and building setbacks.

Hydrants

Private hydrants must be installed. Hydrant locations shall be coordinated so that they are NOT positioned in the outside sweep of any turn radius.

With rolled curbs, all fire hydrants shall be provided with approved protective bollards.

Note on plan: Fire hydrants shall be installed, tested, approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The hydrant 4 1/2" outlet shall face the access lane.

General

Note on plan: Two means of ingress/egress must be provided. This access must be maintained during all phases of development.

Note on plan: All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. All required fire access lanes shall be provided and maintained with an approved 'all weather' surface capable of supporting 80,000 lb.

Streets highlighted on the plan shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1. Designate highlighted curbs as fire lanes (red curb with "Fire Lane" in 3" white letters every 50 feet or approved signs every 50 feet).

Provide sign(s) (17" X 22" minimum) at all public entrance drives to the property "Warning - Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense - 22658 California Vehicle Code - Fresno Police Department 621-2300."

Turns in private drives for fire truck access shall have minimum 44 foot centerline turn radius. **Provide approved turn radius at "Emergency Only Access" gate for north complex and at the inside throat of the main entrance for the south complex (at the median island).**

Provide details of the proposed 'roundabout' between the entrances of the two complexes. Confirm that the turn radius (44' centerline) around the 'roundabout' is provided to allow fire apparatus to make left hand turns into both complexes.

All gates on common access drives shall be equipped with approved Police/Fire bypass lock (BEST LOCK: Cylinder lock 1W7B2) and "Click to Enter"system. Gates/fences shall not obstruct the minimum width required for fire lanes.

Electric gates shall be provided with battery backup.

Provide approved visual recognition feature/sign at the "Click to Enter" gate locations.

Street furniture locations shall be coordinated so that they are NOT positioned in the outside sweep of any turn radius.

Provide CC&Rs for annual fire inspection fees for maintenance of access and parking restrictions requirements.

Emergency Access Only Roadways

The entrance to all emergency accesses shall be posted with permanent signs: "FIRE ACCESS (6" LETTERS) vehicles removed at owner's expense (2" letters) FRESNO POLICE DEPARTMENT 621-2300 (1" letters).

The "Emergency Only Access" drive access gates shall have a clear open width of 20' minimum. All gates on the "emergency access roadway" shall be fitted with a Police/Fire bypass lock (BEST LOCK: Cylinder lock 1W7B2) and "Click to Enter"system. Gates/fences shall not obstruct the minimum width required for fire lanes.

Electric gates shall be provided with battery backup.

Provide approved visual recognition feature/sign at the "Click to Enter" gate locations.

File No. 210.45

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

FR TRACT No. 5983

PUBLIC AGENCY

WILL TACKETT
PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF FRESNO
2600 FRESNO STREET, ROOM 3043
FRESNO, CA 93721-3604

DEVELOPER

JEFFREY B. HARRIS / WILSON HOMES
7550 N. PALM AVE., SUITE 102
FRESNO, CA 93711

PROJECT NO: **5983**
ADDRESS: **3251 W. FIR AVE.**
APN: **500-191-39S**

SENT:

Drainage Area(s)	Preliminary Fee(s)
AB	$66,877.00
AB	$32,411.00
AC	$1,530.00
	TOTAL FEE: $100,818.00

RECEIVED
DEC 10 2010
DEVELOPMENT DEPARTMENT
CITY OF FRESNO

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of the final map at the rates in effect at the time of such approval. The fee indicated above is based on the tentative map. Contact the FMFCD project engineer prior to approval of the final map for the fee.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

a.) Fees related to undeveloped or phased portions of the project may be deferrable.

b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.

c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.

d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable $300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. ____ **a.** Drainage from the site shall BE DIRECTED TO

   X **b.** Grading and drainage patterns shall be as identified on Exhibit No. 1

   ____ **c.** The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:

   X Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".

   ____ None required.

3. The following final improvement plans shall be submitted to the District for review prior to final development approval:

   X Grading Plan

   X Street Plan

   X Storm Drain Plan

   X Water & Sewer Plan

   X Final Map

   ____ Other

   ____ None Required

4. Availability of drainage facilities:

   ____ **a.** Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).

   ____ **b.** The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.

   ____ **c.** Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available. TEMPORARY SERVICE IS AVAILABLE THROUGH

   X **d.** See Exhibit No. 2.

5. The proposed development:

   ____ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)

   X Does not appear to be located within a flood prone area.

6. ____ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FR TRACT No. 5983

5469 E. OLIVE - FRESNO, CA 93727 - (559) 456-3292 - FAX (559) 456-3194

FR TRACT No. 5983

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.

   a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre\ if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.

   b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.

   c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.

8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.

9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.

10. x See Exhibit No. 2 for additional comments, recommendations and requirements.

Gerald E. Lakeman
District Engineer

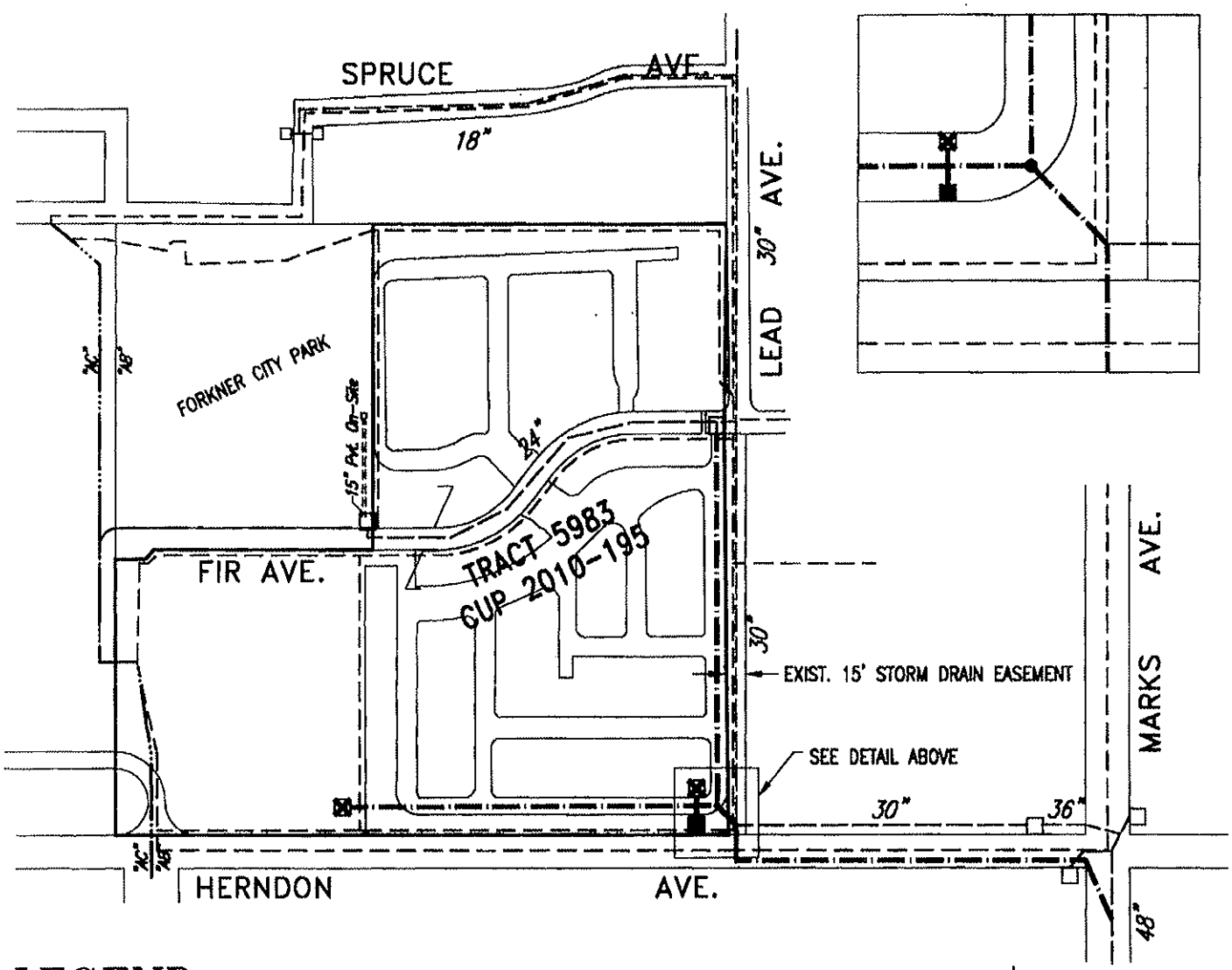
Gary Chapman
Project Engineer

CC:

DIRK POESCHEL LAND DEVELOPMENT SERVICES, INC.
923 VAN NESS AVE., SUITE 200
FRESNO, CA 93721

FR TRACT No. 5983

NOTE:
THIS DRAWING IS SCHEMATIC,
DISTANCES ARE APPROXIMATE.



LEGEND

- MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER – INLET & LATERAL
- NON-MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER – (SIZE TO BE DETERMINED) NOT ELIGIBLE FOR FEE CREDIT
- EXISTING MASTER PLAN FACILITIES
- DRAINAGE AREA BOUNDARY
- INLET BOUNDARY

SCALE = 1"=300'

N

TRACT 5983
CUP 2010-195
DRAINAGE AREA: "AB" & "AC"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

K:\Autocad\DWGS\0EXHIBIT\CITYCUP\2010-195.dwg

TM/KES 12/8/2010

OTHER REQUIREMENTS
EXHIBIT NO. 2

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easement if any, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit/reimbursement. The developer shall pay the drainage fee prior to final map or entitlement and the District will reimburse the developer from said fee upon completion and acceptance of the Master Plan facilities.

A minimum fifteen-foot (15') wide storm drain easement will be required whenever storm drain facilities are located on private property. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The Storm Drainage Master Plan Facilities have already been install in this area and the drainage system was designed to serve medium-low density residential uses. These facilities do not have capacity to serve the proposed medium high/commercial land use. The developer shall mitigate the impacts of the increased runoff from the proposed medium-high/commercial land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline collection system to provide additional capacity or may use permanent peak reducing facilities in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures may be deferred until the time of development. Mitigation must reduce runoff from a ten-year storm produced by a medium-high/commercial density development, to a two-year discharge, which would be produced by the property if developed medium-low density residential. Any mitigation must be designed such that hydraulics of the existing system are unaffected.

No drainage will be permitted to be direct to Herndon Avenue, as a travel lane is very close to the curb. A non-Master Plan pipeline will be required to intercept the drainage from the proposed neighborhood commercial area as shown on Exhibit No. 1. The developer shall pay a non-conforming facility fee for non-Master plan facilities to be maintained by the District.

Development No. Tract 5983

OTHER REQUIREMENTS
EXHIBIT NO. 2

The developer shall provide the District a drainage report that identifies the adequacy of the conveyance capacity of the streets within the project for major storm flows, including but not limited to, the height of curb, elevation of finish floors and garage floors, and the set back distance of structures to the property line (acknowledged 5 feet from face of curb to property line shown on tentative map).

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are available. Contact the District's Environmental Department for further information regarding these policies related to industrial site requirements.

Development No. Tract 5983

engr\permits\exhibit2\tract\5983(gc)

County of Fresno
Department of Public Health
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

October 26, 2010

999999999
LU0015822
PE 2602

Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5983/UGM, A-10-009, R-10-007, C-10-195

PROJECT DESCRIPTION AND LOCATION:
Plan Amendment Application No. A-10-009, Rezone Application No. R-10-007, Vesting Tentative Map of Tract No. 5983/UGM, and Conditional Use Permit Application No. C-10-195 were filed by Dirk Poeschel Land Development Services, Inc., on behalf of Jeffrey B. Harris of Wilson Homes, and pertains to approximately 20.14± acres of vacant property located on the north side of West Herndon Avenue between North Valentine and North Marks Avenues; the property is bisected east to west by West Fir Avenue.

Plan Amendment Application No. A-10-009 proposes to amend the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan for 3.58± acres of property located on the west portion of the property south of West Fir Avenue from the commercial office planned land use designation to the community commercial land use designation and 7.65± acres of property located south of West Fir Avenue from commercial office planned land use designation to the medium-high density residential land use designation.

Rezone Application No. R-10-007 proposes to reclassify 3.58± acres of property located on the west portion of the property south of West Fir Avenue from C-P/EA/UGM *(Administrative and Professional Office/Expressway Area Overlay/Urban Growth management)* to C-1/EAIUGM *(Neighborhood Shopping Center/Expressway Area Overlay/ Urban Growth Management)* zone district; and reclassify 7.65± acres of property located south of West Fir Avenue from C-P/EA/UGM *(Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management)* to R-2/EAIUGM *(Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management)* zone district.

Vesting Tentative Map of Tract No. 5983/UGM proposes to subdivide approximately 20.14± acres of property into a planned unit development of 163 single family residential lots and 3 commercial parcels.

Conditional Use Permit Application No. C-10-195 proposes a gated planned unit development with private streets and modified property development standards (lot area, lot dimensions, lot coverage, and building setbacks).

APN: 500-191-39S
Zoning: C-P/EA/UGM to C-1/EA/UGM and R-2/EA/UGN
Address: 3251 West Fir Avenue & 3208 west Herndon Avenue

Recommended Conditions of Approval:

- Construction permits for the 163-lot residential subdivision and 3 commercial parcels should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

- Construction permits for the 163-lot residential subdivision and 3 commercial parcels should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.

- The Fresno County Department of Public Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

  Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

  The Department of Public Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Wayne Fox, Supervising Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.

- Due to the proximity of the proposed residential uses to an existing thoroughfare, consideration should be given to conformance with the Noise Element of the City of Fresno General Plan. A noise study should be conducted in order to identify the potential noise impacts and offer mitigation alternatives.

REVIEWED BY:

Janet Gardner Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division, ou=Fresno County Public Health Department, email=jgardner@co.fresno.ca.us, c=US
Date: 2010.10.26 13:05:40 -07'00'

R.E.H.S., M.P.H.
Environmental Health Specialist III

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(559) 445-3271

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jg

cc: Wayne Fox, Environmental Health Division

T-5983, A-10-009, R-10-007, C-10-195

Fresno Unified
School District
Preparing Career Ready Graduates

BOARD OF EDUCATION
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Michael E. Hanson

October 14, 2010

Will Tackett, Development Services/Planning
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

SUBJECT: **PLAN AMENDMENT APPLIATION NO. A-10-009**
REZONE APPLICATION R-10-007
VESTING TENTATIVE MAP OF TRACT 5983
CONDITIONAL USE PERMIT APPLICATION C-10-195
3251 W. FIR AVE. (APN 500-191-39S)

Dear Mr. Tackett,

In response to your request for review and comment on Plan Amendment Application No. A-10-009, Rezone Application R-10-007, Vesting Tentative Map of Tract 5983, and Conditional Use Permit C-10-195, Fresno Unified School District submits the following:

Any urban residential development occurring as a result of project approval will have an impact on the District's student housing capacity. The District, through local funding, is in a position to mitigate its shortage of classrooms to accommodate planned population growth for the foreseeable future. However, the District recognizes that the legislature, as a matter of law, has deemed, under Government Code Section 65996, that all school facilities impacts are mitigated as a consequence of SB 50's Level 1, 2 and 3 developer fee legislative provisions.

Any new development on the subject property or conversion of non-habitable to habitable space is subject to development fees of $2.97 per square foot for residential and $0.47 per square foot for commercial development. Any new development on the property will be subject to the development fee prior to issuance of a building permit.

1. Attendance area information: The project is presently within the attendance areas of the schools identified below.

Elementary School:	Forkner
Intermediate School:	Tenaya
High School:	Bullard

2. Transportation will be available for students attending the above identified elementary, intermediate and high schools in accordance with District standards in effect at the time of enrollment. The cost of transportation is currently $41.50 per hour. The cost of providing transportation services to students from the project will add to District transportation expenses.

3. This project could potentially generate 86 K-12 students which may have an impact on nearby schools. Additional transportation could be required if the assigned neighborhood schools cannot accommodate the increased number of students.

Thank you for the opportunity to comment. Please contact me at 457-3074 if you have any questions or require additional information regarding our comments.

Sincerely,

Lisa LeBlanc, Executive Director
Facilities Management and Planning

LL:hh

City of
FRESNO

PUBLIC WORKS DEPARTMENT

DATE: November 16, 2010

TO: WILL TACKETT, Supervising Planner
Planning and Development Department

FROM: JOE PAFF, Senior Engineering Technician
Public Works Department

SUBJECT: CONDITIONS FOR TENTATIVE TRACT NO. 5983 AND MASTER CONDITIONAL USE PERMIT NO. C-10-195 RELATING TO COMMUNITY FACILITIES MAINTENANCE DISTRICT

1. The property owner shall be responsible for providing for the maintenance of certain public improvements associated with TT5983 and C-10-195.

2. These improvements **may** be maintained by a City Community Facilities Maintenance District pending final approval of the City Council.

3. Should the City Council or the property owner choose not to include the maintenance of these items in a CFD, the property owner shall provide for the maintenance of all of the items in a manner approved by the City of Fresno City Engineer.

Improvements eligible for Maintenance District:

A. The property owner shall be responsible for providing for the maintenance of all trail; landscaping, hardscaping and barrier fencing located in Outlot V and along Herndon Ave adjacent to Lot 1 of the project.

B. The property owner shall be responsible for providing for the maintenance of all median island and roundabout landscaping and hardscaping within Fir, Herndon and Prospect Avenue adjacent to the project.

C. The property owner shall be responsible for providing for the maintenance of the curbs and gutters, curbing, valley gutters, sidewalks, street lights and street signage within the street rights-of-way of Prospect, Fir and Lead Avenues within and adjacent to this project.

4. Maintenance of the any landscaping, hardscaping or any other features located within or adjacent to this project and not listed above shall be the responsibility of the property owner(s) and is NOT eligible for inclusion in a City maintenance district.

5. Provide the following information on the tentative tract map and / or complete the following prior to Planning Commission:

a. The portions of outlots F, G, J and Y that front a public street shall be changed to Public Easements.
b. Outlots H and X shall be changed from outlots to Public Easements.

6. Street trees in local street ROW adjacent to the residential areas shall be the responsibility of the respective homeowners associations and are not eligible for inclusion in a City maintenance district.

7. Street trees in local street ROW adjacent to the commercial parcels shall be the responsibility of the property owners and are not eligible for inclusion in a City maintenance district.

8. All features to be placed into a City maintenance district must have construction plans approved by the City of Fresno Department Public Works.

9. Any changes to the map or special permit shall require review and possible revision of these conditions by the City of Fresno Department Public Works.

If you have any questions, please call Joe Paff at 621-8695.