

RESOLUTION NO. 2004-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE ANDERSON TENTATIVE PARCEL MAP PROJECT NO. EG-03-471, SUBJECT TO THE FINDINGS AND MODIFIED CONDITIONS OF APPROVAL

WHEREAS, Anderson Rezone and Tentative Parcel Map, represented by Claybar Engineering (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for Assessor's Parcel Number 122-0260-091; and

WHEREAS, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the Planning Commission considered the applicant's request at a public hearing on March 11, 2004 and recommended City Council approval of the project; and

WHEREAS, the Planning Commission considered the applicant's request at a public hearing on March 11, 2004 and recommended City Council approval of the project; and

WHEREAS, the City Council continued the Tentative Subdivision Map discussion to allow for modifications to the original conditions of approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. Approve the Anderson Tentative Parcel Map project #EG-03-471 based on the following findings and the attached parcel map and conditions of approval included as Exhibits A and B respectively.

Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and there is no substantial evidence that the project will have a significant adverse impact on the environment.

The City also determined that there is no evidence before them that the project will have any potential for a significant adverse individual or cumulative effects on wildlife resources.

General Plan

Finding: The proposed project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The project has been designed to be consistent with the goals and policies of the Elk Grove General Plan, as well as the Rural Residential land use designation established for the subject property. In addition, the project has been conditioned to ensure development occurs in compliance with all applicable requirements. The Anderson / Alexander Tentative Parcel Map and Rezone is consistent with the Elk Grove General Plan.

Rezone

Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence:The Planning Commission has reviewed the proposed rezone and staff report, and has received public testimony at a duly noticed public hearing regarding the matter. As described above, the applicant's proposal is consistent with the allowed density ranges and uses Elk Grove General Plan and General Plan Land Use Map. The proposed project is consistent with the General Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Tentative Subdivision Map

Finding: Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.

- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The above Findings #a. through #g. do not apply to the proposed Tentative Subdivision Map.

- a. The proposed map is consistent with the land use designation and policies in the Elk Grove General Plan.
- b. The design or improvements of the proposed parcel map are consistent with the Elk Grove General Plan.
- c. The site is being improved for residential use in accordance with previously approved entitlements.
- d. The site is located in an existing Residential zone and will meet the minimum lot size requirements for this zone as public facilities will be available to the site.
- e. An Initial Environmental Study was prepared for the proposed project and any potential impacts were determined to be less than significant.
- f. The design of the parcel map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

Exception

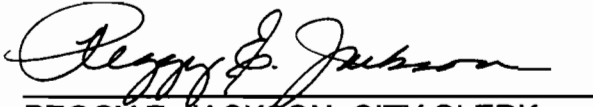
Finding: The granting of the exception will not be detrimental to the health, safety, comfort or general welfare of persons residing or working in the subdivision and that the requirements to provide domestic water supply would create a financial burden.

Evidence: Staff from County Sanitation District 1, Sacramento County Zone 40 Water and Sacramento County Environmental Health Department have been contacted in regard to the ability of two acre parcels to provide adequate spacing for septic tanks and domestic water wells and the long term effect on the aquifer within the Sheldon area. There is no evidence in the record or evidence provided to indicate that the health of surrounding neighbors will be compromised. The applicant has also indicated that the cost of public water is prohibitive.

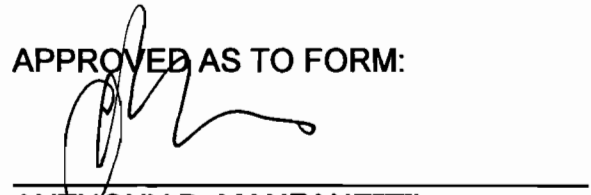
PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 2nd day of June 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

| <u>Conditions of Approval</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
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| On-Going | | | |
| 1. The development approved by this action is for a Rezone and Tentative Parcel Map, as described in the City Council report and associated Exhibits and Attachments dated May 5, 2004. | On-Going | Planning | |
| 2. The Tentative Parcel Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved. | Three years, commencing with the date of Planning Commission approval. | Planning | |
| 3. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures. | On-Going | Planning | |
| 4. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action. | On-Going | Planning | |
| 5. The two Sycamore trees located within the front yard setback of the new parcel shall be required to stay in the event of the issuance of any building permit for any structure to be located on the newly created parcel. | On- Going | Planning | |
| 6. If there are any discrepancies between the approved parcel map and the conditions of approval, the conditions of approval shall supercede the approved tentative map. | On-Going | Public Works | |
| 7. Addresses for all lots shall be provided to the Fire | On- Going | CSD Fire | |

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| | Department within sixty (60) days of Fire Department signature of approval for development plans | | Department | |
| 8. | When improvements are complete, a grant deed shall be conveyed to the District for ongoing maintenance, operation, repair and replacement. Applicant shall be responsible to pay the direct cost associated with the performance of this work until such time as the District incorporates the cost of doing this work into the assessment district budget and the resulting assessments are confirmed by compliance with the balloting procedures dedicated by proposition 218. The obligation of the applicant may be met by entering into a subsidy agreement with the District. | On- Going | CSD Parks and Recreation Department | |
| 9. | Pay all appropriate fees charged by the City and other Special Districts providing services to the site | On-Going | Public Works | |
| Prior to Recordation of Final Map | | | | |
| 10. | Provide park land dedication and/or fees according to standards set forth in Chapter 22.40, Title 22 of the City of Elk Grove Code. | Prior to Recordation of Final Map | CSD Parks and Recreation | |
| 11. | Pay Park and Recreation Review Fees as required by the EGCSO. | Prior to Recordation of Final Map | CSD Parks and Recreation | |
| 12. | Grant the City of Elk Grove right-of-way on Street "A", east half section of 30' from the approved centerline, for an ultimate right-of-way of 60'. Half street plus 12' improvements shall be improved unless otherwise deferred on the map in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. | Final Map | Public Works | |
| 13. | Grant the City of Elk Grove right-of-way at the intersection of Calvine Road and Street "A" based upon an expanded intersection in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Public Works. | Final Map | Public Works | |
| 14. | Show all existing Public Utility Easements recorded on Book 111 of Maps, Map No. 1. | Final Map | SMUD | |

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| 15. | Dedicate a 12.5 foot public utility easement for overhead underground facilities and appurtenances adjacent to the public streets. | Final Map | Public Works/SMUD | |
| 16. | Provide drainage easement, if needed to off-set projects impact, as necessary, at no cost to the City of Elk Grove pursuant to the Sacramento County Floodplain Management Ordinance, and the City Of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code. | Final Map | Public Works | |
| 17. | No new driveways will be taken from Calvine Road. Dedicate Access rights (direct vehicular ingress and egress to Calvine Road) to the City of Elk Grove, except for an existing 16' driveway for Lot 2. | Final Map | Public Works | |
| 18. | Provide an ingress and egress easement across the southern part of Lot 1 for the benefit of Lot 2. | Concurrently with Recordation of Final Map | Public Works | |
| 19. | Provide an IOD of 29' adjacent to Calvine Rd. to allow for future separation of pedestrians and Calvine Rd. | Final Map | Public Works | |
| 20. | Demonstrate that the open ditch adjacent to the Street "A" has adequate capacity to meet the requirements of section 9-24 of the improvement standards. Additional right-of-way maybe required. | Final Map | Public Works | |
| 21. | Place a statement on the Final Parcel Map that states Calvine Road along Lots 1 and 2 and Street "A" frontage improvements shall be required to be constructed in accordance with City Standards and to the satisfaction of Public Works prior to issuance of any permits for development of either Lot 1 or Lot 2. | Final Map | Public Works | |
| Prior to approval of improvement plans | | | | |
| 22. | Show Locations of storm water quality treatment devices for treating storm water runoff prior to discharge into the City's storm water drainage system. | Improvement Plans | Public Works | |
| 23. | Permits and/or fees are required by the Elk Grove CSD Fire Department and Parks Department for the | Prior to approval of Improvement Plans | CSD Fire Department and | |

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| | following reviews: civil plans, architectural plans, parks/ landscape plans, fire sprinkler plans, and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project. | | Parks Department | |
| 24. | Any homes built on the proposed lots will be required to be fire sprinklered | Prior to approval of Improvement Plans | CSD Fire Department | |
| 25. | Fire Department access onto the properties will be required if access to homes from Calvine Road exceeds 150'. | Prior to approval of Improvement Plans | CSD Fire Department | |
| 26. | Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds. | Prior to approval of Improvement Plans | CSD Fire Department | |
| 27. | Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code. | Prior to approval of Improvement Plans | CSD Fire Department | |
| 28. | All civil engineering plans are required to be submitted in an electronic format. When plan is ready for final signature, it is required that the engineering firm will submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disc or on compact disc (CD). E-mailed copies will not be accepted at this time. | Prior to approval of Improvement Plans | CSD Fire Department | |
| 29. | Provide calculation for the pipe and/or culvert capacity and hydraulic grade line in conference with the 1996 Hydrology Standards Volume 2 and City of Elk Grove Improvement Standards. Provide hydraulic calculations for the existing 29"x48" CMP arch culvert. | Prior to approval of Improvement Plans | Public Works | |
| 30. | All new driveways must be designed and constructed to the satisfaction of Public Works and to the appropriate section of 4-10 Driveways in the City of Elk Grove Improvement Standards. | Prior to approval of Improvement Plans | Public Works | |
| 31. | The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances. | Prior to approval of Improvement Plans | Public Works | |
| 32. | Provide Calculations and layout showing drainage areas and flows, and show the overland flows are to | Prior to approval of Improvement Plans | Public Works | |

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| | be conveyed to a point of discharge. | | | |
| 33. | Install stop sign at the intersection of Street "A" and Calvine Road. Street "A" shall be a right-in and right-out. At the time of improvement plan submittal this road will be evaluated for a left-in | Improvement Plans/Install Prior to 1 st Occupancy | Public Works | |
| Prior to issuance of Building Permits | | | | |
| 34. | All Finished floor elevations must be a minimum of 1 foot above the 100-year water surface elevation in the area, calculated with a method acceptable to the City of Elk Grove, Public Works, Drainage. Please Provide hydraulic calculations as to the manner the 100-year water surface elevations were arrived at. | Building Permit | Public Works | |
| 35. | Construct half-street frontage improvements on Calvine Road for the entire length of Lot 1 and Lot 2. Calvine Road ROW shall be based upon 108-foot equivalent thoroughfare in accordance with the City of Elk Grove Improvement Standards, and shall include an additional 29-foot dedication for ultimate landscape and sidewalk uses. Improvements shall be designed and constructed to the satisfaction of Public Works. At time of issuance of building permit for either lot, at the discretion of Public Works, a cash payment in-lieu of improvements may be accepted. Where improvements qualify for reimbursement under the City's Transportation improvement fund, a reimbursement agreement will be processed. Street Cross section shall exclude curb and gutter for in-lieu payment. | Prior to issuance of Building Permit | Public Works | |
| 36. | Lot 1 and Lot 2 driveway location(s) must be approved by Public Works. | Prior to issuance of Building Permit | Public Works | |
| 37. | Subdivider shall be responsible for the improvement of Street "A" along their frontage. Due to the need to coordinate these improvements with future Calvine Road improvements and adjoining approved tentative maps, Subdivider shall design and improve Street "A" from the intersection with Calvine Road to the southern edge of a new | Prior to issuance of Building Permit | Public Works | |

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| | driveway access to Lot 1. Improvements shall be half-street improvements based upon a Class C rural street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Subdivider shall provide a security in-lieu of improvements for the remaining half-street frontage improvements (driveway to south boundary) and the necessary future transitions at the intersection with a fully improved Calvine Road. Location of new driveway, type of security and estimate of secured costs shall be subject to review and approval of Public Works. | | | |
| 38. | Though not required, it is recommended that all single family dwellings be equipped with an automatic fire sprinkler system. As approximate 80% of all fire deaths occur in residential dwellings, these life safety systems drastically improve the occupant's chance of surviving a fire. | Prior to issuance of Building Permits | Fire Department | |
| 39. | A permit release letter from the Elk Grove Community Services District Fire Department (EGCSDFD) shall be required prior to the Elk Grove Building Department issuing any construction permits. | Prior to issuance of Building Permits | Fire Department | |
| 40. | Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project. | Prior to issuance of Building Permits | Fire Department | |
| 41. | This development is required to provide a fire flow from public water system capable of delivering as a minimum 1,000 gpm at 20 psi. Hydrants shall be spaced a maximum of 300 feet apart. Buildings of certain types of construction, size and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum. | Prior to Issuance of Building Permits | Fire Department | |
| 42. | All required roadways, water mains, fire hydrants and fire flow shall be provided prior to the existence of any combustible construction or storage in this | Prior to issuance of Building Permits | Fire Department | |

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| | development. | | | |
| 43. | The installation of roadways, gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells and/or traffic islands are subject to standards outlined by the EGCSDFD. | Prior to issuance of Building Permit | Fire Department | |
| Prior to issuance of Occupancy Permit | | | | |
| 44. | Submit Flood Elevation Certification for each structure | Prior to Occupancy | Public Works | |

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-121

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 2nd day of June 2004 by the following vote:

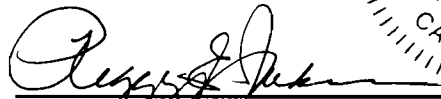
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





Peggy E. Jackson, City Clerk
City of Elk Grove, California