## RESOLUTION NO. 2002-183

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP FOR ASSESSOR PARCEL NUMBER 116-0021-003, PARK MEADOWS NORTH EG 01-170, SUBJECT TO THE FINDINGS AND MMRP/CONDITIONS OF APPROVAL

WHEREAS, Park Meadows North, represented by AKT Development (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Community Plan Amendment changing the 1.71 acres designation from Agriculture Residential to Residential, a request to Rezone 1.71 acres from AR-5 to RD-7, a Tentative Subdivision Map to divide the 1.71 acres into nine single family lots, (Assessor Parcel Number 116-0021-003); 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, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on July 11, 2002 and recommended City Council approval of the project.

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

- 1. Adopt the Mitigated Negative Declaration prepared for Park Meadows North project and direct staff to file a Notice of Determination.
- 2. Approve the Park Meadows North Tentative Subdivision Map (Exhibit A) and the Conditions of Approval/MMRP (Exhibit B) based on the following findings.
  - a. <u>Finding</u>: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

<u>Evidence</u>: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

b. <u>Finding</u>: 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.

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

- a. The proposed map is consistent with the density limits as specified in the Franklin-Laguna Community Plan and Elk Grove General Plan.
- b. The design or improvements of the proposed subdivision are consistent with the Franklin-Laguna Community Plan and Elk Grove General Plan.
- c. The site is physically suitable for the development. The applicant is proposing 9 single-family lots on a total of 1.71 acres, which conforms to the allowable densities in the Zoning Code.
- d. The site is physically suitable for the proposed density of development. The applicant is proposing 9 single-family lots on a total of 1.71 acres, which conforms to the allowable densities of the RD-7 zoning.
- e. The Mitigated Negative Declaration prepared for the project determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be mitigated to less than significant levels with implementation of the proposed mitigation measures and conditions of approval.
- f. The Mitigated Negative Declaration prepared for the project determined that potential serious health problems were not identified for the project or will be mitigated to less than significant levels with implementation of the proposed mitigation measures and conditions of approval.
- 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.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 16<sup>th</sup> day of October 2002.

ich from RICK SOARES, MAYOR of the

CITY OF ELK GROVE

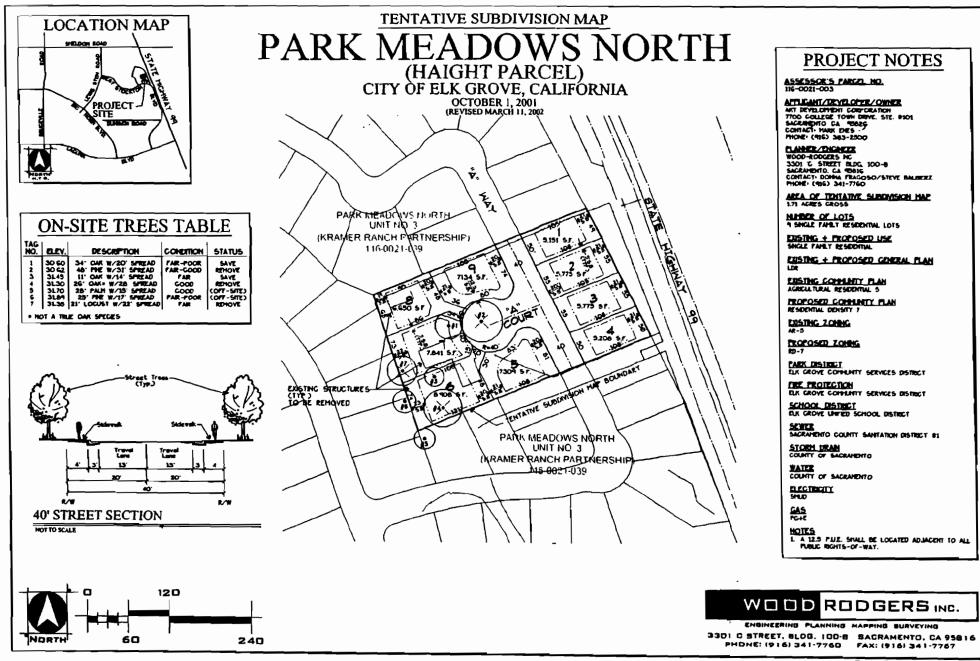
ATTEST:

SON, CITY CLERK

APPRQVED AS TO FORM:

ANTHONY B. MANZANETTI, CITY ATTORNEY

AYES:Soares, Briggs, Cooper<br/>Scherman, LearyNOES:NoneABSTAIN:NoneABSENT:None



XHIBIT TENTATIVE SUBDIVISION MAP

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	Conditions of Approval / Mitigation Measure	TimIng/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date <u>and Signature)</u>
1.	The development approved by this action is for a Community Plan Amendment, Rezone, and Tentative Subdivision Map for 9 single family lots as described in the Planning Commission report and associated Exhibits and Attachments.	On-Going	Planning Division	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning Division	
3.	The Tentative Subdivision 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 City Council approval	Planning Division	
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 Division	
5.	Comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with (1.71 acres). Until the MMPR has been recorded and the MMRP deposit of \$1500 has been paid, no final subdivision map for the subject property shall be approved and no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved.	Prior to Issuance of Grading Permit	Planning Division	

6.	The project shall comply with the City's Land Grading	Prior to Issuance of	Department of	
	and Erosion Control Ordinance.	Grading Permit	Water Resources	
7.	The project applicant shall place the following mitigation requirements on all grading and improvement plans and construction contracts and shall require the use of Best Available Control Technologies (BACT), including but not limited to the requirements listed below. During the construction phase of the project, compliance with District Rule 403-Fuitive Dust is required. Proof of these contractor requirements shall be provided to the City prior to the issuance of grading permits.	Prior to Issuance of Grading Permits	Planning Division & SMAQMD	
	shall comply with SMAQMD Rule 403 that requires taking reasonable precautions to prevent the emissions of fugitive dust, such as "using water or chemicals for control of dust in the construction operations, the construction of roadways, or the clearing of land" where possible and applying "asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dust."			
	<ul> <li>Clean earth-moving construction equipment with water once per day.</li> </ul>			
	<ul> <li>Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less.</li> </ul>			
	<ul> <li>Use low-emissions on-site stationary equipment whenever possible.</li> </ul>			
	<ul> <li>Encourage construction employees to carpool to the work site.</li> </ul>			

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8.	<ul> <li>Minimize idling time to 10 minutes.</li> <li>Maintain construction equipment through regular and proper maintenance.</li> <li>All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance.</li> <li>During initial grading, earthmoving, or site preparation a 100-foot paved (or palliative- treated) apron shall be constructed, extending onto the construction site from the adjacent paved road(s) where vehicles and equipment egress.</li> <li><u>Category 1:</u> Reducing NOx emissions from off-road diesel powered equipment.</li> <li>The prime contractor shall provide a plan for approval by the City of Elk Grove and SMAQMD demonstrating that the heavy-duty (&gt;50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and</li> </ul>	Prior to Issuance of Grading Permit	Planning Division & SMAQMD	
	or any subcontractor, will achieve a fleet-averaged 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent			
	The prime contractor shall submit to the City of Elk Grove and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the			

	horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.			
	and:			
	<u>Category 2:</u> Controlling visible emissions from off- road diesel powered equipment.			
	The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for			
	more than three minutes in any once hour. Any equipment found to exceed 40 opacity shall be repaired immediately, and the City of Elk Grove and SMAQMD shall be notified within 48 hours of			
	identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual			
	survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period			
	in which no construction activity occurs. The monthly summary shall include the quantity and type of			
	vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine			
	compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.			
9.	Nesting surveys to determine the presence of raptors shall be conducted during the spring/early summer.	Prior to Issuance of any permits for Grading or	Planning Division, California	

	<ul> <li>If construction activities are expected to occur during the nesting season (February-August), a pre-construction raptor survey shall be conducted by a qualified biologist within 30 days of the onset of construction to determine the activity status of any nests found on the project site. In the event that nesting raptors are found, a 250' no- construction zone shall be established around the nest until the young have fledged. If active nests are present, the applicant shall consult with CDFG and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the</li> </ul>	Improvements Plans.	Department of Fish and Game & U.S. Fish & Wildlife.	
	<ul> <li>species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site.</li> <li>If construction activities commence during the non-breeding season (September-January), a survey is not required and no further studies are necessary.</li> </ul>			
10.	All oak trees that are 6 inches dbh or larger, or landmark trees, on the project site that have been selected for preservation, all portions of adjacent off- site oak trees which have driplines that extend onto the project site, and all off-site oak trees which may be impacted by improvements associated with this project, shall be protected as follows:	Prior to Issuance of Improvement or Grading Plans	Planning Division	
	<ol> <li>A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and</li> </ol>			

defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area.	
2) Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines."	
3) Temporary protective fencing shall be installed at least one foot outside the driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems.	
4) No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed.	
5) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of protected trees.	
<ol> <li>No grading (grade cuts or fills) shall be allowed with the driplines of protected trees.</li> </ol>	
<ol> <li>Drainage patterns on the site shall not be modified so that water collects or stands within, or is</li> </ol>	

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	diverted across, the dripline of any protected tree.			
	8) No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist.			
	9) The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist.	·		
	10) No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of protected trees. An above-ground drip irrigation system is recommended.			
	11) Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those which are tolerant of the natural semi- arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.	·		
11.		Prior to Issuance of Improvement or Grading Plans	Planning Division	

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for the loss of native trees larger than 6-inch dbh and all non-native trees larger than 19-inch dbh that are proposed for removal or that would be adversely affected by the project. The Plan shall comply with the City Code and General Plan policies and be submitted to the City for review. Per the Tentative Subdivision Map (Appendix A) the following trees can be removed: tree 2 (48" Pine), tree 4 (26" Non-native Oak) and tree 7 (21" Locust) can be removed. The Tree Replacement Planting Plan shall include the following elements:		
<ol> <li>Species, size and location of all replacement plantings;</li> </ol>		
2) Method of irrigation;		
<ol> <li>The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage;</li> </ol>		
4) Planting, irrigation and maintenance schedules;		
5) Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement trees which do not survive that period;		
6) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of oak trees;		
7) No grading (grade cuts or fills) shall be allowed		

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	within the driplines of the oak trees;			
	8) Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree;			
	9) No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist;			
	10) The construction of impervious surfaces within the driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist;			
	11) No sprinkler or irrigation system shall be installed in such a manner that sprays water or requires trenching within the driplines of oak trees. An above ground drip irrigation system is recommended;			
	12) Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural, semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.			
12.	<ul> <li>Noise barriers shall be constructed as proposed at the location shown on Figure 2 of the noise study (Appendix B). A continuation of the 12-foot tall</li> </ul>	Prior to Final Inspection	Planning Division	

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12	<ul> <li>wall previously approved for the Park Meadows North project is predicted to reduce future traffic noise levels within the outdoor activity areas of this development to approximately 65 dB Ldn.</li> <li>Suitable materials for the noise barriers include masonry block and precast concrete panels. Other materials may be acceptable but shall be reviewed by an acoustical consultant prior to use.</li> </ul>			
13.	• Air conditioning shall be included in each of the residences proposed within this 9-lot development to allow occupants to close doors and windows as designed for acoustical isolation.	Prior to Issuance of Building Permit	Planning Division	
	• Residences constructed on lots 1-4 of this development shall either be limited to single-story dwellings or acoustical improvements to second floor façade construction would be required. Such improvements consist of the installation of STC-35 windows and use of 3-coat stucco at the north, east and south-facing second-floor facades of the residences constructed on lots 1-4.			
14.	parcel and dedicate maintenance easements in all public and private streets over all water lines to the satisfaction of the Sacramento County Water Agency prior to Final Map Approval.	Prior to Recordation of Final Map	Department of Water Resources	
15.	not issue connection permits or sign improvement plans until adequate water supplies have been identified and secured to the satisfaction of the SCWA.	Prior to approval of Improvement Plans	Department of Water Resources	
16.	Destroy all abandoned wells on the proposed project site in accordance with the requirements of the	During Grading and Construction	Department of Water Resources	

17.	Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction. The project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.	Prior to Issuance of Building Permit	Department of Water Resources	
18.	Prior to issuance of any building permit for the projects shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to Issuance of Building Permit	Department of Water Resources	
19.	Dedicate drainage easements and install facilities pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvements Standards, including any fee required by the Sacramento County Water Agency Code.	Prior to Recordation of the Final Map	Department of Water Resources- Drainage	
20.	Dedicate right-of-way for the indicated streets and install public street improvements pursuant to the Elk Grove City Improvement Standards.	Prior to Recordation of the Final Map and During Construction	LDSIR	
21.	Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to "A" Way and "A" Court.	Prior to Recordation of the Final Map	SMUD	
22.	Dedicate the Easterly 12.5 feet of Lots 1, 2, 3, and 4 as a public utility easement for overhead facilities and appurtenances.	Prior to Recordation of the Final Map	SMUD	
23.	In order to obtain sewer service, construction of public collector will be required to the satisfaction of	Prior to Recordation of Final Map.	CSD-1	

	CSD-1. Sacramento County Improvement Standards apply to any on-site sewer construction.			
24.		Prior to Issuance of Building Permits	EGCSD Fire Department	
25.	Install a fire hydrant at the end of "A" Court.	During Construction	EGCSD Fire Department	
26.	If homes built in the area are to be 3,601 square feet or greater (including the garage and porch patio) an additional water flow analysis will be required. Homes 3,601 square feet to 4,800 square feet require 1,750 gpm and homes 4,801 square feet to 6,200 square feet require 2,000 gpm for fire flow.	Prior to Occupancy	EGCSD Fire Department	
27.	Provide park land dedication fees as required by City of Elk Grove/County of Sacramento Code.	Prior to Issuance of Building Permits	EGCSD Parks & Recreation	
28.	All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District. Prior to approving improvement plans or issuing any building permits; the owners of all real property within the boundaries of a project shall execute and deliver to the EGCSD a written petition in an acceptable form approved by District consenting to: (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services, (iii) the budget, formulas and cost of living	Prior to rezoning the property or approving improvement plans	EGCSD Parks & Recreation	

	indexes use to establish the amount of the annual assessments; and (iv) the levying of the annual assessment to fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems lakes, creeks and other recreational and aesthetic amenities.			
29.	A Construction Activities Storm Water General Permit shall be obtained prior to site disturbance.	Prior to any site disturbance	California Regional Water Quality Control Board	

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#### Advisory Comments

- a. Unless otherwise noted, all improvements and fees shall be at the expense of the developer, including and fee required by Ordinance No. 1 of the Sacramento County Water Agency Code.
- b. Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.
- c. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk for sewer impact fee information.
- d. The applicant shall comply with standards EGCSD Fire Department requirements.

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e. Secure approval from the Public Works Department of a civil-engineered site improvement plan for all on-site and off-site improvements associated with this project.

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