

RESOLUTION 2005-216

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A TENTATIVE SUBDIVISION MAP
MORADI REZONE AND TENTATIVE SUBDIVISION
#EG-04-782 – APN: 116-1090-103**

WHEREAS, Ali Moradi (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone and Tentative Subdivision Map; 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 proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 116-1090-103; and

WHEREAS, CEQA Guidelines §15332, Class 32 exemption applies to infill development; and

WHEREAS, the project involves a Rezone of a one-acre parcel from AR-10 to RD-10, and a Tentative Subdivision Map that would divide the subject parcel into six lots; and

WHEREAS, the proposed project is consistent with the General Plan Land Use Policy Map and Zoning Code requirements; and

WHEREAS, all required services and access to the proposed parcels in compliance with the City's standards are available; and

WHEREAS, no adverse environmental effects were identified during staff review of the development application and project site visit on January 13, 2005; and

WHEREAS, no special circumstances exist that create a reasonable possibility that the activity may have a significant adverse impact on the environment.

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on June 16, 2005 and recommended City Council approval of the project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the project, subject to the conditions of approval as illustrated in Exhibit A, based on the following findings:

CEQA

Finding: The proposed project is categorically exempt as a Class 32 Exemption (CEQA §15332).

Evidence: Class 32 consists of projects characterized as in-fill development that are consistent with general plan policies and designations, occur on project sites less than five acres substantially surrounded by urban uses, have no value as habitat, can be adequately served by utilities and public services, and would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed project consists of a Rezone of a 1-acre parcel from AR-10 to RD-10, and a Tentative Subdivision Map that would divide the subject parcel into six parcels that range in size from 5,063 to 17,614 square feet. The proposed Rezone is consistent with the General Plan designation for the site (Medium-Density Residential) and the lots created by the Tentative Subdivision Map are consistent with the development standards of the Zoning Code. Access to Parcels 1 through 5 would be off of Generations Drive, while access to Parcel 6 (the northern lot) would be provided via a 15' ingress/egress right-of-way. The project site contains maintained lawn and disturbed grassland. Two pine trees and an oak tree are currently located on the site. There are two structures on the site: a single family residence and a detached garage, which is proposed to be removed. The project site (1-acre) is substantially surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species. The proposed project will be served by the Sacramento County Sanitation District-1, SMUD, and PG&E. Planning staff reviewed the proposed project and did not find any evidence that there is a reasonable probability that the project will have a significant adverse effect on the environment.

General Plan

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

Evidence: The General Plan identifies the site for Medium Density Residential use. The project is consistent with the goals and policies of the General Plan for residential development with the City of Elk Grove.

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 Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed project is consistent with the 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 Elk Grove General Plan and rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of residential development.
- d. The site is appropriate for the specified density of development.
- e. The proposed Tentative Subdivision Map is consistent with the General Plan and zoning and therefore would not cause substantial environmental damage. It was determined that the project was categorically exempt from CEQA review pursuant to CEQA §15332 (In-Fill Development Projects).
- f. The design of the subdivision 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.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of July 2005.



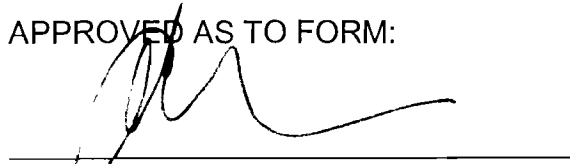
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

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>
On-Going				
1.	The development approved by this action is for a Rezone from AR-10 to RD-10 and a Tentative Subdivision Map to divide one lot into six lots as illustrated in the project plans dated March 15, 2005. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2.	The Tentative Subdivision Map is valid for 36 months from the date of approval.	36 months from the date of City Council 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 Applicant may not provide for a nuisance during the construction phase of the project.	On-Going	Community Enhancement	
6.	If there are any discrepancies between the approved Tentative Map and the conditions of approval, the conditions of approval shall supersede the approved Tentative Map.	On-Going	Public Works	
7.	The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
8.	Construction, including building/home, shall be limited to the hours of 7:00am to 6:00pm Monday through Friday, and 8:00am to 5:00pm Saturdays. No construction work shall occur on	On-Going	Public Works	

<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Sundays or Holidays.			
9.	The Applicant shall implement Best Management Practices (BMPs) to ensure that long-term water quality is protected. The BMPs shall be designed, constructed and maintained to meet a performance standard established by the City. Either the Applicant, or the City at the Applicant's request, shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. <i>Monitoring activities, along with funding for monitoring, shall be established and shall include (but not be limited to) initial setup, yearly maintenance, and yearly monitoring, to the satisfaction of the City Engineer.</i>	On-Going	Public Works	
10.	If an access gate is installed on Lot 6, the gate shall be open or slat fencing.	On-Going	Planning	
Prior to Improvement Plans/Grading/Construction				
11.	The Applicant shall locate, identify on the map, and isolate any water well and any septic system that may be located on the parcel. Prior to any development, the Applicant shall properly destroy any well and septic system under permit from Sacramento County Environmental Health.	Prior to approval of Improvement Plans	Community Enhancement	
12.	The Applicant shall comply with all NPDES Permit and City's Stormwater Ordinance requirement before, during, and after construction as required by the Permit and the Ordinance, and in accordance with the latest version of the Guidance Manual of On-site Stormwater Quality Control Measure.	Prior to approval of Grading Permit and/or deemed needed by Public Works	Public Works	
13.	Prior to the issuance of grading permits, the Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall address spill prevention and include counter measure plan describing measures to ensure proper collection and disposal	Prior to issuance of Grading Permits	Public Works	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance and may include but not necessary limited to: (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into any receiving water body; and (6) any other suitable measures. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review. A copy of the SWPPP shall be kept accessible on the project site at all times.</p>			
14.	<p>In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) must be filed prior to construction to obtain coverage under the State's General Construction Activity Storm Water Permit.</p>	<p>Prior to Issuance of Grading Permits</p>	<p>Public Works</p>	
15.	<p>All driveways shall require an encroachment permit. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.</p>	<p>Prior to approval of Encroachment Permit</p>	<p>Public Works</p>	
16.	<p>The root systems of all Oak trees 18" or greater shall be protected from damage caused by construction.</p>	<p>During Grading and Construction</p>	<p>Development Services - Planning</p>	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
17.	Prior to the Final Map, the project area shall annex into a Mello-Roos Community Facilities District (CFD) to fund a portion of the additional costs for police service related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax.	Prior to recording a Final Map	Finance Department	
18.	Prior to the Final Map, the project area shall annex into Street Maintenance Assessment District No. 1 to fund a portion of the additional costs for long-term roadway maintenance related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments.	Prior to recording a Final Map	Finance Department	
19.	The Applicant shall pay all applicable City of Elk Grove administered development impact fees prior to building permit issuance. The project would pay the Zone 1 roadway fees under the City's proposed citywide roadway fee program even though it is located in Zone 2 as it was exempt from the Laguna CFD.	Prior to recording a Final Map	Finance Department	
20.	The Applicant shall dedicate the north five feet of Lot 6 as a public utility easement for underground facilities and appurtenances.	Prior to recording a Final Map	SMUD	
21.	Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.	Prior to recording a Final Map	CSD-1	
22.	Each lot or building structure with a sewerage source shall have a separate connection to the CSD-1 sewer system.	Prior to recording a Final Map	CSD-1	
23.	CSD-1 requires sewers to be located 10 feet from all other parallel utilities (water, drain, electrical, etc.). Prior to recording the Final Map, the Applicant shall prepare a utility plan that	Prior to recording a Final Map	CSD-1	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	demonstrates this condition is met.			
24.	Sewer easements may be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be 20 feet in width and ensure continuous access for installation and maintenance.	Prior to recording a Final Map	CSD-1	
25.	A private sewer easement may be required. All private sewer easements shall be 10 feet in width and ensure continuous access for installation and maintenance.	Prior to recording a Final Map	CSD-1	
26.	Water supply will be provided by the Sacramento County Water Agency.	Prior to recording a Final Map	Department of Water Resources	
27.	The Applicant shall provide separate public water service to each parcel and dedicate maintenance easements in all public and private streets over all water lines to the satisfaction of Sacramento County Water Agency prior to Final Map approval.	Prior to Final Map	Department of Water Resources	
28.	All improvements shall be designed in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Prior to recording a Final Map	Public Works	
29.	The Applicant shall dedicate a 12.5 foot public utility easement for underground facilities and appurtenances adjacent to all public and private streets, where not existing.	Prior to recording a Final Map	Public Works	
30.	Improvement plans shall be approved prior to approval of the Final Map.	Prior to recording a Final Map	Public Works	
31.	The Applicant shall provide drainage easements (prior to recordation of final map) and install facilities (prior to the issuance of building permits) pursuant to the City of Elk Grove Floodplain Management Ordinance and City of Elk Grove Improvement Standards, including any fee required by the City of Elk Grove. The pertinent provisions of the above-referenced	Prior to recording Final Map/ Issuance of Building Permits	Public Works	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	codes, standards, fees, and ordinances shall be applicable at the time of site improvement plan approval.			
32.	The rear property line of Lot 1 shall be moved north 19 feet to align with the rear property line of Lot 2.	Prior to recording a Final Map	Development Services - Planning	
Prior to Building Permits				
33.	If the furthest point of the house on Lot 6 is in excess of 250 feet from the nearest hydrant (on Gwerder Ct), the home shall be provided with an automatic fire sprinkler system, or an on-site fire hydrant shall be provided capable of meeting the minimum fire flow.	Prior to the Issuance of the 1 st Building Permit	EGCSD – Fire Department	
34.	The Applicant shall 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 the Issuance of the 1 st Building Permit	EGCSD – Parks and Recreation	
35.	The Applicant shall pay Park and Recreation Review Fees as required by the EGCSD.	Prior to the Issuance of the 1 st Building Permit	EGCSD – Parks and Recreation	
36.	Prior to the issuance of any building permits for the project, 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 the Issuance of the 1 st Building Permit	Department of Water Resources	
37.	Prior to the issuance of any building permits, the project shall conform to the specific provisions of the City of Elk Grove Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to the Issuance of the 1 st Building Permit	Department of Water Resources	
38.	All improvements shall be constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to the Issuance of the 1 st Building Permit	Public Works	
39.	Final Map shall be completed, approved and recorded prior to	Prior to the	Public Works	

<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	1 st building permit.	Issuance of the 1 st Building Permit		
40.	The ingress/egress for parcel number 6 shall be installed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to the Issuance of the 1 st Building Permit	Public Works	
41.	At all street intersections, public or private, within one block of the proposed project, applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	Prior to the Issuance of the 1 st Building Permit	Public Works	
42.	The elevation of all building pads must be certified by a registered Civil Engineer or licensed Land Surveyor and submitted to the City prior to issuance of a building permit and the lowest finished floor elevation must be a minimum of 1 (one) – foot above the 100-year frequency water level.	Prior to the Issuance of the 1 st Building Permit	Public Works	
43.	The front door of the existing house on Lot 2 shall be relocated to the south side of the building along the street frontage.	Prior to the Issuance of the 1 st Building Permit	Planning	
Prior to Occupancy				
44.	The Applicant shall submit Flood Elevation Certification for each structure or appropriate documents as determined by Public Works.	Prior to Occupancy	Public Works	
45.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Public Works	

General Compliance Items for Building Permit

1. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
2. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in residential, single-family home areas.
3. If homes exceeding 3,600 square feet (including garages and covered porches) will be built in this subdivision, additional fire flow analysis of the water system must be conducted. Single-family dwellings 3,601 square feet to 4,800 square feet require 1,750 gpm. Homes 4,801 square feet to 6,200 square feet require 2,000 gpm.
4. An approved automatic fire sprinkler system shall be installed within all new R-3 occupancies when the total floor area (area under roof including garages and attached solid roof canopies) exceeds 5,999 square feet and/or the total livable area (area not including garages and attached solid roof canopies) exceeds 4,999 square feet.
5. As of February 1, 2003, all contractors for single-family homes and duplexes (R-3 Occupancies) shall provide an option for residential fire sprinklers. Prior to the prospective buyer signing a sales contract, the contractor or their agent shall obtain from the Fire Department an informational packet containing education materials approved by the fire department, including a form explaining the option for residential sprinklers. The contractor or their agent shall provide the approved informational packet to any and all prospective buyers and require the execution of signed receipt for the educational material from the prospective buyer. The contractor shall install residential fire sprinklers upon the request and execution of a purchase agreement by the homebuyer. Fire sprinkler systems for single-family homes and duplexes shall be designed and installed to not less than the minimum requirements contained in NFPA 13D, 1999 edition.
6. All civil engineering plans are required to be submitted in an electronic format. When plans are ready for final signature, it is required that the engineering firm 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 disks or on compact disk (CD). E-mailed copies will not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:
 - DXF (Drawing Interchange file) any DXF version is accepted
 - DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted
7. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
8. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of access roadways shall not exceed 10% for asphalt and 50% for concrete.

Conditions of Approval

The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage.

9. EGCSDFD approved traffic pre-emption devices of a type approved by the Elk Grove Fire Department shall be installed on all traffic signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the Elk Grove Fire Department.
10. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.
11. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other traffic calming devices is subject to standards outlined by the Elk Grove Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-216**

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

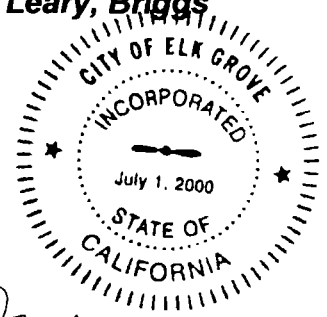
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 13th day of July, 2005 by the following vote:

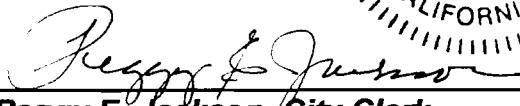
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Leary, Briggs

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





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