

RESOLUTION NO. 2019-081

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO
STATE CEQA GUIDELINES SECTION 15183 AND APPROVING A TENTATIVE
PARCEL MAP FOR THE KITENZA MAP PROJECT (EG-18-088):
ASSESSOR PARCEL NUMBER 123-0190-048**

WHEREAS, the Development Services Department of the City of Elk Grove (the "City") received an application on September 27, 2018, from Lokoko and Linda Kitenza (the "Applicant") requesting a Rezone and Tentative Parcel Map (the "Project"); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN 123-0190-048; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq : and

WHEREAS, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Title 14 of the California Code of Regulations ("State CEQA Guidelines") provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site;" and

WHEREAS, based on staff's review of the Project, no further environmental review is required as the request is consistent with the General Plan designation and policies and no special circumstances exist that would create a reasonable possibility that the Project will have a significant effect on the environment beyond what was previously analyzed as part of the General Plan Environmental Impact Report (EIR); and

WHEREAS, the proposed parcels will be served by on-site water well and septic systems and access to each of the proposed parcels will be provided via public roads and the existing unnamed private lane; and

WHEREAS, the subject property has not been involved in a subdivision within the last two years and the property is relatively flat; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on March 21, 2019, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting, and voted 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on April 24, 2019, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove finds that no further environmental review is required under the California Environmental Quality Act (CEQA) for the Project pursuant to State CEQA Guidelines Sections 15183 based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required for the Project under CEQA pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: CEQA requires analysis of agency approvals of discretionary "projects." A "project." under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

State CEQA Guidelines Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning for which an environmental impact report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." An EIR was prepared and certified by the City Council as part of the Elk Grove General Plan (SCH# 2017062058)

The proposed Project is consistent with the development density established by the General Plan EIR because the parcel split will result in new parcels over two acres in size at a density consistent with the rural area range of 0.1 to 0.5 units per acre. New construction on the resulting parcels will comply with EGMC development standards for land grading and erosion control (Chapter 16.44), Swainson's hawk surveys and possible mitigation (Chapter 16 130), in addition to other pre-construction surveys as defined by the General Plan EIR. Compliance with these standards has been included in the conditions of approval for the Project. No additional impacts to on-site resources have been identified beyond what was envisioned in the General Plan EIR. Therefore, no further environmental analysis is required as the proposed Tentative Parcel Map and Rezone are consistent with the General Plan.

AND BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby approves a Tentative Parcel Map for the Project as described in Exhibit A and illustrated in Exhibit B, subject to the conditions of approval in Exhibit C (all incorporated herein by this reference), based upon the following findings:

Tentative Parcel Map

Finding: None of the findings (a) through (g) below in Section 66474 of the California Government Code that require a City to deny approval of a tentative map apply to this project.

- 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 is 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:

- a. The proposed map is consistent with the Elk Grove General Plan. The proposed Tentative Parcel Map would result in the creation of two new lots that meet the minimum 2-acre lot size within the Rural Residential General Plan designation. Furthermore, consistent with General Plan policies related to site access, flooding, and creek crossings, the Tentative Parcel Map has been designed to avoid the need to cross an existing drainage channel as Parcel 1 provides approximately 0.75-acres of buildable area that will be accessed via a 25-foot wide easement without the need to cross the channel.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the Elk Grove Municipal Code (EGMC).
- c. The site is physically suitable for agricultural residential development because the site is designated Rural Residential in the General Plan and zoned for agricultural residential uses.
- d. The site is appropriate for the specified density of development because the site meets required development standards of the site requested to be rezoned. The AR-2 zoning district accommodates low density single-family residential uses in a rural setting with agricultural and accessory uses. The AR-2 zone implements the Rural Residential General Plan designation.
- e. The proposed Tentative Parcel Map is consistent with the General Plan and EGMC development standards for land grading and erosion control (Chapter 16.44), Swainson's hawk surveys and possible mitigation (Chapter 16.130), in addition to other pre-construction surveys as defined by the General Plan EIR therefore substantial environmental damage would not occur.

- f. The design of the subdivision map or type of improvements will meet all applicable standards and 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 24th day of April 2019



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM.



JASON LINDGREN, CITY CLERK
JONATHAN P. HOBBS
CITY ATTORNEY

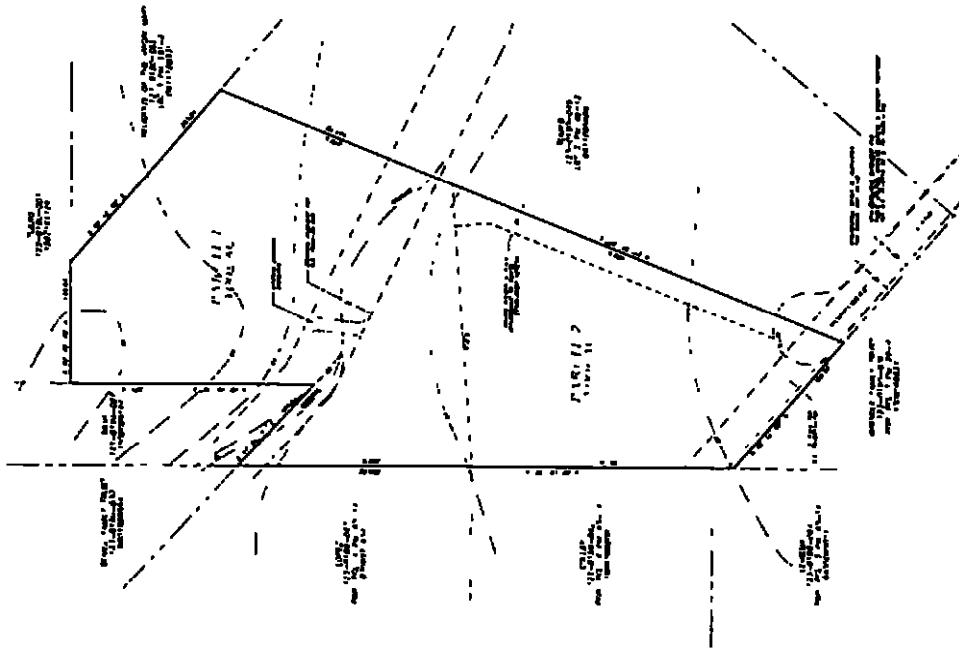
Exhibit A
Kitenza Map (PLNG18-088)
Project Description

PROJECT DESCRIPTION

The Project proposes to divide the existing 5-acre (gross) lot into two lots: one, 2-acre lot and one, 3-acre lot. The proposed subdivision also requires a Rezone to rezone subject site from Agricultural Residential-5 (AR-5) to Agricultural Residential-2 (AR-2). Both parcels will be served by a private drive. There is an existing drainage easement and an existing drainage crossing, which are located on the proposed Parcel 1. A private water well and septic system are also located on the property.

**Exhibit B
Kitenza Map (PLNG18-088)
Tentative Parcel Map**

**TENTATIVE PARCEL MAP
[31]
LOKOKO & LINDA KITENZA**
BEING A RE-SUBDIVISION OF PARCEL 1 AS SHOWN ON PART 11 MAP 06642
BEING A PORTION OF THE S1/4 SECTION 23 T. 1 N., R. 6 E., S. 10 M.,
CITY OF PEACOCK, COUNTY OF SACRAMENTO, CALIFORNIA
REVISED NOVEMBER, 2018



OWNER & SUBDIVIDER
LOKOKO & LINDA KITENZA
11111 11th Street, Sacramento, CA 95834
DATE: 11/15/18

PREPARED BY
CITY OF PEACOCK
11111 11th Street, Sacramento, CA 95834
DATE: 11/15/18

- GENERAL NOTES**
1. THIS TENTATIVE PARCEL MAP IS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT, CHAPTER 429, CIVIL CODE, AND THE SUBDIVISION MAP ACT REGULATIONS, CHAPTER 429.5, CIVIL CODE.
 2. THE SUBDIVISION MAP ACT, CHAPTER 429, CIVIL CODE, AND THE SUBDIVISION MAP ACT REGULATIONS, CHAPTER 429.5, CIVIL CODE, REQUIRE THAT A TENTATIVE PARCEL MAP BE PREPARED AND FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE LAND IS LOCATED.
 3. THE SUBDIVISION MAP ACT, CHAPTER 429, CIVIL CODE, AND THE SUBDIVISION MAP ACT REGULATIONS, CHAPTER 429.5, CIVIL CODE, REQUIRE THAT A TENTATIVE PARCEL MAP BE PREPARED AND FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE LAND IS LOCATED.
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 18. THE SUBDIVISION MAP ACT, CHAPTER 429, CIVIL CODE, AND THE SUBDIVISION MAP ACT REGULATIONS, CHAPTER 429.5, CIVIL CODE, REQUIRE THAT A TENTATIVE PARCEL MAP BE PREPARED AND FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE LAND IS LOCATED.
 19. THE SUBDIVISION MAP ACT, CHAPTER 429, CIVIL CODE, AND THE SUBDIVISION MAP ACT REGULATIONS, CHAPTER 429.5, CIVIL CODE, REQUIRE THAT A TENTATIVE PARCEL MAP BE PREPARED AND FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE LAND IS LOCATED.
 20. THE SUBDIVISION MAP ACT, CHAPTER 429, CIVIL CODE, AND THE SUBDIVISION MAP ACT REGULATIONS, CHAPTER 429.5, CIVIL CODE, REQUIRE THAT A TENTATIVE PARCEL MAP BE PREPARED AND FILED WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THE LAND IS LOCATED.

ADMINISTRATIVE AND DATA

DATE: 11/15/18
SCALE: AS SHOWN

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SCALE: AS SHOWN

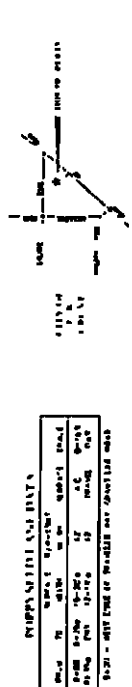


Exhibit C
Kitenza Map (PLNG18-088)
Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
1.	<p>The Kitenza Map Project (Project) (APN 123-0190-048) approved by this action is for a Tentative Parcel Map to subdivide 5 acres into two parcels. Development and operation of the proposed Project shall be consistent with the Project Description and Project Plans as provided in Exhibits A and B. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
2.	<p>This action does not relieve the Applicant of the obligation to comply with all codes, statutes, regulations, and procedures</p>	On-Going	Planning	
3.	<p>The Applicant/Owner or Successors in Interest (hereby referred to as the "Applicant") shall indemnify, protect, defend, and hold harmless the City, its officers, officials, agents, employees, and volunteers from and against any and all claims, damages, demands, liability, costs, losses or expenses including without limitation court costs, reasonable attorney's fees and expert witness fees arising out of this Project including challenging the validity of this application/permit or any environmental or other documentation related to approval of this Application.</p>	On-Going	Planning	
4.	<p>The Tentative Parcel Map will expire three years from the date of Planning Commission approval unless exercised or extended pursuant to Chapter 23.18 of the Elk Grove Zoning Code.</p>	On Going	Planning	
5.	<p>All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed.</p> <p>A note stating the above shall be placed on the Improvement Plans</p>	On-Going	Planning	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
6.	Construction measures for new homes and/or on-site work shall be subject to the local requirements for land disturbance. This includes compliance with Elk Grove Municipal Code requirements for Land Grading and Erosion Control (Chapter 16 44) and Tree Preservation and Protection (Chapter 19.12).	On-Going	Planning	
7.	Construction measures for new homes and/or on-site work shall be subject to the local requirements for land disturbance. This includes compliance with the Elk Grove Municipal Code and pre-construction surveys from a qualified biologist for nesting raptors and other birds prior to tree removal or earth moving activities associated with construction. If any evidence of Swainson's hawk is found as a result of the pre-construction surveys, or if it is found that the subject site is within 10 miles of a Swainson's hawk nest or is suitable foraging habitat, the Applicant shall comply with the mitigation measures set forth in Elk Grove Municipal Code Chapter 16.130.	On-Going	Planning	
8.	Construction requiring new septic and water well systems must be reviewed and approved by the Sacramento County Environmental Management Department (SCEMD) prior to issuance of improvement plans or building permit, whichever comes first.	On-Going	SCEMD	
9.	As to any fee, dedication, reservation or exaction established by these conditions of approval that are subject to the Mitigation Fee Act, notice is hereby given pursuant to California Government Code section 66020(d) that the 90-day period in which you may protest the fees set forth herein has begun to run as of the date of approval of this Project. Other limitations periods may apply. The City reserves all rights	On-Going	Finance	
10.	Except as otherwise specified or provided in the Project plans or in these conditions, the Project shall conform to the applicable development standards and design requirements adopted by the City of Elk Grove. specifically including but not limited to the following: <ul style="list-style-type: none"> • The Elk Grove Zoning Code (Title 23 of the EGMC) • EGMC Chapter 14.10 (Water Efficient Landscape Requirements) • EGMC Title 16 (Building and Construction) • EGMC Title 22 (Land Development) 	On-Going	Planning Engineering	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
11	<p>The Applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards and rural road standards, as further conditioned herein, and to the satisfaction of the City.</p> <p>Utility infrastructure shall be designed and constructed in accordance with the standards of the appropriate utility.</p>	On-Going	<p>Engineering SCWA SASD SMUD PG&E</p>	
12.	<p>The Applicant shall pay all applicable plan check fees, impact fees, or other costs as required by the City, the Cosumnes Community Services District (CCSD), Sacramento Area Sewer District (SASD), Sacramento County Water Agency (SCWA), Sacramento Regional County Sanitation District (SRCSD) or other agencies or service providers.</p>	On-Going	<p>Planning Engineering Building CCSD SCWA SASD</p>	
13.	<p>Approval of this Project does not relieve the Applicant from the applicable requirements of subsequent permits and approvals, including but not limited to the following as may be applicable:</p> <ul style="list-style-type: none"> • Grading Permit and Improvement Plan • Building Permits and Certificate of Occupancy • Requirements of the Sacramento Metropolitan Air Quality Management District • Cosumnes Fire Department Review and Approval 	On-Going	<p>Planning Engineering Building CCSD</p>	
14.	<p>Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property.</p>	On-Going	SMUD	
15	<p>In the event the Applicant requires the relocation or removal of existing SMUD facilities, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal</p>	On-Going	SMUD	
16.	<p>SMUD reserves the right to use any portion of its easements that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs.</p>	On-Going	SMUD	

	<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
17.	The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc).	On-Going	SMUD	
18.	The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, and service conductors). Information regarding SMUD siting requirements can be found at: https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services	On-Going	SMUD	
19.	The Applicant shall dedicate any private drive, ingress and egress easement, (and 10-feet adjacent thereto) as a public utility easement for (overhead and) underground facilities and appurtenances. All access roads shall meet minimum SMUD requirements for access roads.	On-Going	SMUD	
Final Map/1st Building Permit				
20.	The Applicant shall file a plat of survey in accordance with the City's Municipal Code, Section 22.400 and to the satisfaction of the City.	Final Map	Engineering	
21.	The Applicant shall dedicate a 25' Private Access and Emergency Vehicle Access to access all parcels from the unnamed private lane south of Parcel 2. Improvements shall be in accordance with the Improvement Standards and to the satisfaction of the City and the Cosumnes Community Services District Fire Department. Dedication of the EVA shall be in form of an easement.	Final Map	Engineering	
22.	The Applicant shall record a reciprocal access agreement between the parcels 1 and 2 including but not limited to common area ownership, maintenance and joint access to the satisfaction of the City.	Final Map	Engineering	
23	The Applicant shall complete all Improvement Requirements per 49 P.M. 12-A recorded with the County of Sacramento, which requires improvements to the remainder of the unnamed private lane to a Class C street in accordance with the Improvement Standards of the City.	1st Building Permit	Engineering	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
24.	<p>The Applicant shall design and construct a 25' Private Access and Emergency Vehicle Access to access Parcel 1 from the unnamed private lane. Improvements shall be in accordance with the Improvement Standards and to the satisfaction of the City and the Cosumnes Community Services District Fire Department. The Applicant shall submit a report from a licensed geotechnical engineer indicating the required structural section of the fire access lane that can support 78,000 pounds. The Applicant may enter into a Deferred Improvement Agreement prior to final map approval in order to defer the design and construction of the Private Access and Emergency Vehicle Access to the first building permit issuance.</p>	Final Map or 1st Building Permit with Deferred Improvement Agreement	Engineering CCSD Fire	
25.	<p>The following requirements shall be satisfied prior to issuance of any Building Permits on Parcel 1 for structures located north of the creek:</p> <ol style="list-style-type: none"> 1. Submit a Drainage Analysis to verify the capacity of the existing creek and creek crossing and make sure it is adequate and constructed to the satisfaction of the City. 2. A creek crossing will be needed prior to the issuance of building permits for structures located north of the creek. The crossing shall be located above the 10-year flood elevation and designed and constructed to the satisfaction of the City and the Cosumnes Community Services District Fire Department. 	Parcel 1 Building Permit	Engineering	
26	<p>Should the Project require any utility services crossing the drainage channel located on Parcel 1, the Applicant shall ensure that such work does not interrupt existing drainage flows and shall ensure drainage flows are returned to their pre-installation condition to the satisfaction of the City.</p>	Parcel 1 Building Permit	Engineering	

	<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
27.	<p>Prior to recordation of a Final Map, the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee and completed application for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see http://www.elkgrovecity.org/city_hall/departments_divisions/finance/mello_roos_cfds/</p>	Final Map	Finance	
28	<p>Prior to recordation of a Final Map, the project area shall annex into the Police Services Community Facilities District 2003-2 (CFD), to fund the project's fair share of Public Safety costs. The annexation process can take several months, so applicants should plan accordingly. The application fee and completed application for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see http://www.elkgrovecity.org/city_hall/departments_divisions/finance/mello_roos_cfds/.</p>	Final Map	Finance	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
29	<p>Prior to recordation of a Final Map, the project area shall annex into the Street Maintenance Assessment District No. 1, Zone 3, to fund a portion of the additional costs for long-term roadway maintenance related to serving the new development. The annexation process can take several months, so applicants should plan accordingly. The application fee and completed application for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments. For further information on this District, see http://www.elkgrovecity.org/city_hall/departments_divisions/finance/mello_r_oos_cfds/assessment_other_district_information/</p>	Final Map	Finance	
30.	<p>Prior to recordation of a Final Map, the project area shall annex into the Storm Water Drainage Fee Zone 2 to fund a portion of the additional costs for storm water drainage and run-off maintenance related to serving the new development. The annexation process can take several months, so applicants should plan accordingly. The completed application for the annexation is due prior to the Resolution of Intention to Levy Storm Water Drainage Fee Zone 2 assessments. For further information on this District, see http://www.codepublishing.com/CA/elkgrove/#/ElkGrove15/ElkGrove1510.htm#15.10.</p>	Final Map	Finance	
31.	<p>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 Title 4 of the Sacramento County Water Agency (SCWA) Code.</p>	Building Permit	SCWA	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-081

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


I, Jason Lindgren, 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 April 24, 2019 by the following vote:

AYES: **COUNCILMEMBERS:** *Ly, Hume, Detrick, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California