

RESOLUTION NO. 2004-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP AND DESIGN REVIEW FOR HERITAGE ESTATES PROJECT NO. EG-03-551, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Heritage Estates, represented by Mike Witt dba Prodigy Homes (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone, Tentative Subdivision Map and Design Review. (Assessor's Parcel Number 121-0150-013); 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 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 May 13, 2004 and recommended City Council approval of the project.

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

1. Approve the Heritage Estates Tentative Subdivision Map and Design Review based on the following findings and the attached subdivision map and conditions of approval included as Exhibit A and B.

Findings

CEQA

1. 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 any potential impacts have been reduced to less than significant levels. On the basis of the 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.

General Plan

2. 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 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 Heritage Estates Subdivision is consistent with the Elk Grove General Plan.

Rezone

3. **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, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Policy 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

4. **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 density limits as specified in the Elk Grove General Plan.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan.

- c. The site is physically suitable for extension of residential development.
- d. The site is appropriate for the specified density of development. The applicant is proposing 11 single family lots on a total of 2.96 net acres, which conforms to the allowable densities of the RD-5 zoning.
- e. The Negative Declaration prepared for the Heritage Estates 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 project design and Conditions of Approval.
- f. The Negative Declaration prepared for the Heritage Estates project determined that potential serious health problems were not identified for the project and will be less than significant levels with the implementation of the proposed project design 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.

Design Review

- 5. **Finding:** The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, and Citywide Design Guidelines adopted by the City.

Evidence: The General Plan Land Use Map identifies the property as Low Density Residential (4.1 to 7.0 dwelling units per acre). The project as proposed is consistent with the land use densities, policies, and design within the Elk Grove General Plan. 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 and has been conditioned appropriately. The proposed project complies with the Citywide Design Guidelines for subdivision maps design.

- 6. **Finding:** The proposed project will not create conflicts with vehicular, bicycle, or pedestrian modes of transportation.

Evidence: The project has been conditioned to provide right-of-ways for a circulation pattern consistent with the requirements of the General Plan. Roadways have bicycle lanes where necessary.

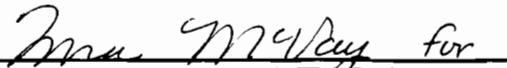
- 7. **Finding:** The residential subdivision is well integrated with the City's street network, creates unique neighborhood environments and establishes a pedestrian friendly environment.

Evidence: The Heritage Estates project has been designed in accordance with the City's Design Guidelines. The project provides connectivity to the existing street network and incorporates existing natural features of the property.


PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 16th 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 / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
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| <p>1. The development approved by this action is for a Rezone, Tentative Subdivision Map, and Design Review for 11 single family lots and other parcels as described in the Planning Commission Report and illustrated in the project plans below.</p> <p>Rezone Exhibit: (Received 12/16/03)</p> <p>Tentative Subdivision Map: dated: (Received 5/17/04)</p> <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p> | <p>On-Going</p> | <p>Planning</p> | |
| <p>2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p> | <p>On-Going</p> | | |
| <p>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.</p> | <p>Three years commencing with the date of City Council approval</p> | <p>Planning</p> | |
| <p>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</p> | <p>On-Going</p> | <p>Planning</p> | |

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| 5. | Pay all appropriate development fees charged by the City and other Special Districts providing services to the site. | On-Going | Public Works | |
| 6. | Where park site abuts residential lots (LOTS 9, 10, and 11), developer will be required to install a 6 ft. high masonry wall, which will be built to the specifications of the EGCSO along the park area where it abuts these lots. The fence is to be installed when the EGCSO is ready to develop the park or when the construction on the adjoining lots commences, whichever comes first. The fence is on the Owner's property. Accordingly, general maintenance, repair or replacement of the fence is the responsibility of the Owner, not the EGCSO. The EGCSO will be responsible solely for graffiti removal on the exterior portion of the fence, which faces the park. The EGCSO shall bear all expenses associated with the removal. | On Going Show on Improvement Plans and implement during construction | EGCSO Parks and Recreation | |
| Prior to grading and site improvements. | | | | |
| 7. | If the project is to be phased, submit a phasing plan for Public Works review and approval, prior to the 1 st improvement plan submittal. | Prior to 1 st Improvement Plans Submittal | Public Works | |
| 8. | Landscape corridors shall be constructed and installed in accordance with plans and specifications approved by the EGCSO and shall be consistent with the EGCSO "General Guidelines for Landscape Corridor Design" and other projects in close vicinity to the area. Corridors will be inspected by EGCSO employees and include meandering or bifurcated | Improvement Plans, implemented during construction | EGCSO Parks and Recreation | |

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| <p>sidewalks, subject to EGCS D approval. The corridor width shall be 25 feet.</p> <p>All landscape corridor walls shall be of masonry construction. Wall design and materials shall be subject to EGCS D approval. Graffiti resistant materials shall be used.</p> | | | |
| <p>9. When improvements to landscape corridors are complete, a grant deed shall be conveyed to the EGCS D 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 EGCS D 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.</p> | <p>Improvement Plans</p> | <p>EGCS D Parks and Recreation</p> | |
| <p>10. All finished floor elevations must be a minimum of 1 foot above the 100-yr water surface elevation in the area, calculated with a method acceptable to the City of Elk Grove, Public Works, Drainage. Provide hydraulic calculations as to the manner the 100-year water surface elevation was calculated.</p> | <p>Improvement Plans/Grading/ Building Permit</p> | <p>Public Works</p> | |
| <p>11. Special attention to grading along east boundary shall be given to avoid cross-lot drainage onto EGCS D property. Slope easement from EGCS D and adjacent properties will be required if grading is required off-site.</p> | <p>Grading Plan / Improvement Plans</p> | <p>Public Works</p> | |

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| | Alternative methods of grading, such as retaining walls at property line, may be considered to satisfaction of Public Works. | | | |
| 12. | The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances. | Grading Plan / Improvement Plans | Public Works | |
| 13. | Connection to the public sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction. In order to obtain sewer service, construction of public sewer is expected to be required. | Improvement Plans | CSD-1 | |
| 14. | Provide calculation and layout showing drainage areas and the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards. Show the manner in which overland flows are to be conveyed for a point of discharge. | Improvement Plans | Public Works | |
| 15. | All improvements shall be designed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. | Improvement Plans | Public Works | |
| 16. | Drainage improvement plans shall be constructed as approved by the City of Elk Grove. Drainage easements, pursuant to the Sacramento County Floodplain Management Ordinance, shall be dedicated and provided on the Final Subdivision Map, or dedicated by grant deed prior to the issuance of building permits. Drainage facilities shall be installed | Improvement Plans | Public Works | |

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| prior to the issuance of building permits pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code. | | | |
| 17. Dedicate maintenance easements in all public and private streets over all water lines to the satisfaction of Sacramento County Water Agency. | Prior to Approval of Improvement Plans | Sac County Water Agency (SCWA) | |
| 18. Destroy all abandoned wells on the proposed project site in accordance with the requirements of the 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, applicant shall use water from agricultural wells for grading and construction. | Improvement Plans; On going during construction | Sac County Water Agency (SCWA) | |
| 19. Contribute \$12,000 of in-lieu fees towards the construction of off-site traffic calming plan as displayed in the Neighborhood Livability Program, Traffic Calming Plan. These fees will be collected after Council has approved the construction of the traffic calming plan within the Perry Ranch / Shadowbrook neighborhood. | Improvement Plan Approval | Public Works | |
| Prior to Recordation of Final Map | | | |
| 20. Provide park land dedication and/or fees according to standards set forth in Chapter 22.40, Title 22 of the | Prior to Final Map | EGCSD Parks and Recreation | |

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| | City of Elk Grove Code. | | | |
| 21. | Landscape Improvement plans must be approved by the EGCS D prior to City Council approval of Final Map | Final Map | EGCS D Parks and Recreation and Planning | |
| 22. | Impact fees for CSD-1 shall be paid prior to filing and recording the Final Map or issuance of Building Permits, which ever is first. | Prior to Final Map or Building Permit, which ever occurs first | CSD-1 | |
| 23. | Submit a property description and a copy of the approved map to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility. | Prior to Final Map | Public Works | |
| 24. | Dedicate a 12.5 foot public utility easement for underground facilities and appurtenances adjacent to all public street right of ways. | Final Map | SMUD | |
| 25. | Dedicate the Landscaped Corridor as a public utility easement for overhead and underground facilities and appurtenances. | Final Map | SMUD | |
| 26. | Dedicate and improve Elk Grove-Florin Road, east half section of 48' from the approved centerline. Improvement will be based on 108' equivalent thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. The existing Elk Grove -Florin Road (portions of existing outer lane) will require grinding and overlay due to cross-slope and transition requirements of the required widening. | Final Map | Public Works | |
| 27. | Dedicate and improve Heritage Hill Drive, northern half section of 28' from the approved centerline. | Final Map | Public Works | |

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| | Improvement will be based on 56' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. | | | |
| 28. | Dedicate and improve the intersection of Elk Grove-Florin Road and Heritage Hill Drive, based upon an expanded intersection, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Improvements to the intersection include but are not limited to signal modifications, such as loop installation, striping, and potentially relocating signal poles. | Final Map | Public Works | |
| 29. | Dedicate and improve all internal public streets, (as displayed on the Tentative Subdivision Map Heritage Estates), in accordance with the City of Elk Grove Improvement Standard and to the satisfaction of the Department of Public Works. | Final Map | Public Works | |
| 30. | The westerly easement location for the CSD maintenance on Elk Grove-Florin Blvd. shall be granted at the back of curb. | Final Map | Public Works | |
| 31. | All improvements shall be dedicated in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. | Final Map | Public Works | |
| 32. | 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. | Final Map | Public Works | |
| 33. | Dedicate a 12.5 foot public utility easement for | Final Map | Public Works | |

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| | underground and or overhead facilities and appurtenances adjacent to all public street and private streets. All existing and new utilities shall be placed underground. | | | |
| 34. | Place a statement on the Final Map that states that Elk Grove-Florin Road and Heritage Hill Drive 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 any Lot. | Final Map | Public Works | |
| 35. | Prior to the final map, the project area shall form or annex into a Mello-Roos Community Facilities District (CFD) and/or another financing district/mechanism that is acceptable to the City to fund a portion of the additional costs for police service and additional long-term roadway maintenance related to serving the new development. | Prior to Final Map | Finance | |
| Prior to Issuance of Building Permit | | | | |
| 36. | Prior to the issuance of building permits, provide separate public water service to each parcel | Prior to Issuance of Building Permit | Sac County Water Agency (SCWA) | |
| 37. | Each lot must have a separate connection to the public sewer system. | Prior to Issuance of Building Permit | CSD-1 | |
| 38. | The project is required to connect to the public water system and to provide fire hydrants every 500 feet. A fire hydrant is required at the intersection of Elk Grove Florin Road and Heritage Hill Drive and a fire hydrant is required at the end of each cul-de-sac, the 500 foot spacing for the fire hydrants can be designed | Prior to Issuance of Building Permit | CSD-Fire | |

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| accordingly. | | | |
| 39. All improvements shall be installed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. | Prior to 1 st Building Permit | Public Works | |
| 40. The project shall pay all applicable City of Elk Grove development impact fees prior to building permit issuance. | Prior to Issuance of Building Permit | Finance | |
| Prior to Occupancy | | | |
| 41. Landscape areas dedicated to the Elk Grove Community Services District (EGCSD) will be installed to the satisfaction of the district prior to occupancy of residential units. If the landscaping cannot be completed, a cash payment shall be held by the District for any and all remaining work until improvements are finished and accepted. The City will issue no occupancy permits until the cash payment is received by the EGCSD. | Prior to Final Inspection for Occupancy of Residential Units | EGCSD Parks and Recreation and Planning | |

General Compliance Items for Building Permit

1. Prior to issuance of building permits, 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. (Water Supply)
2. Provide separate water service to the building.
3. Two points of water connection shall be in place prior to construction of any homes.
4. Prior to issuance of building permits, the project shall conform to the specific provisions of the Sacramento County Landscape Water Conservation Ordinance (Chapter 14.10 of the Sacramento County Code) to the satisfaction of the County Landscape/Oak Tree Coordinator. (Water Supply)
5. Secure approval of a civil engineered site improvement plan for all proposed on-site and off-site improvements.
6. 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.
7. Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds.
8. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
9. 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 and homes 4,801 square feet to 6,200 square feet require 2,000 gpm.
10. 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.
11. 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 educational 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 a 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, 1996 edition.
12. 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

13. 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:

DFX (Drawing Interchange file) release 2002 or previous

DWG (Applies to AUOCAD drawing file) release 2002 or previous

14. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
15. No more than 40 building permits shall be issued when a single point of access exists for a subdivision. Since there is no process in place for confirming the sequence in which the units are built, the above information should be considered and the Elk Grove CSD Fire Department should be consulted on this matter.
16. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
17. Commercial developments in excess of 10,000 square feet require looped fire mains of a minimum of ten- (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals. This on-site fire main shall be connected to the municipal water main at not less than two (2) points.
18. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in residential, single-family home areas. 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.
19. 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 15 % for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches AC over six (6) inches AB with good drainage.
20. Traffic pre-emption devices of a typed 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.
21. Required fire alarm systems (other than single family dwellings) shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
22. Permits and/or fees are required for the following plan reviews: site plan, architectural plan, fire sprinkler plan, fire alarm plan, and special extinguishing plans.
23. 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.

24. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells, and/or traffic calming devices are subject to standards outlined by the Elk Grove Fire Department.
25. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. The following requirements apply:
 - A. Provide non-combustible fences along all developed areas adjacent to wetlands, creeks, or open spaces.
 - B. Provide access to all wetland corridors at the end of cul-de-sacs via rolled curbs and gates with pipe bollards. Bike lanes adjacent to creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside diameters.
 - C. Any bridges over creeks or wetland areas shall be capable of supporting 65,000 GVW.
 - D. Provide at least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetlands area.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-145**

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 16th day of June 2004 by the following vote:

AYES 4: COUNCILMEMBERS: Scherman, Soares, Briggs, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Cooper



A handwritten signature in cursive script, appearing to read "Peggy E. Jackson", written over a horizontal line.

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