

**RESOLUTION NO. 2005-160**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP FOR THE CELINE ESTATE PROJECT NO. EG-04-702, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL**

**WHEREAS**, Tam Le, represented by Harvey Nguyen (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 (Assessor's Parcel Number 121-0150-009); 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 City determined that the Celine Estates Project was subject to the California Environmental Quality Act and prepared an initial study evaluating the potential environmental effects of the project; and

**WHEREAS**, the Initial Study identified potentially significant adverse effects in the areas of construction air quality and biological resources; and

**WHEREAS**, the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and

**WHEREAS**, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

**WHEREAS**, all project changes required to avoid significant effects on the environment have been incorporated into the project and/or are identified in the Mitigation Monitoring Plan; and

**WHEREAS**, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and that a Mitigated Negative Declaration should be prepared; and

**WHEREAS**, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on March 11, 2005 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on March 11, 2005 and closed on April 9, 2005. The Mitigated Negative Declaration was made available to the public during this review period; and

**WHEREAS**, the City received written comment letters within the 30 day public review period and responded to those comments in the project staff report; and

**WHEREAS**, the City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

**WHEREAS**, the Planning Commission considered the Applicant's request at a public hearing on April 21, 2005 and recommended City Council approval of the project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove approves the Celine Estate Rezone and Tentative Subdivision Map based on the following findings and the attached conditions of approval included as Exhibit A.

### Findings

#### CEQA

Finding: 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).

Evidence: 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 entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

#### Rezone

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

Evidence: The Planning Commission has reviewed the proposed rezone, 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 Zoning Code. 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

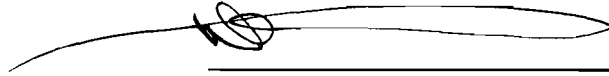
Finding: Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:

- 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 density limits as specified in the Elk Grove General Plan
- b. The design or improvements of the proposed subdivision are consistent with the Elk Grove General Plan.
- c. The site is physically suitable for the development. The applicant is proposing a 25-lot subdivision on 5 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 25 single family lots on 5 acres, which conforms to the allowable densities of the RD-5 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 less than significant levels with implementation of the proposed project design 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 and will be less than significant levels with 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.

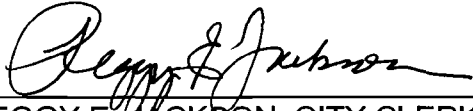
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of May 2005.



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DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

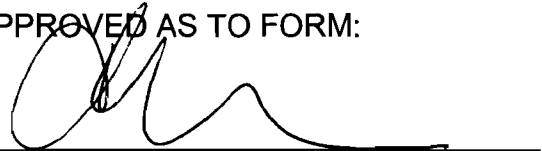
ATTEST:



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PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**EXHIBIT A - CONDITIONS OF APPROVAL**

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<b>On-Going</b>				
1.	The development approved by this action is for a Rezone from AR-5 to RD-5 and a Tentative Subdivision Map as illustrated in the project plans dated November 2004. 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	Development Services - Planning	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Development Services - Planning	
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.	Development Services - 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	Development Services - Planning	
5.	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	
6.	Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
7.	Streets shall be closed to the public until Department of Public Works, Division of Traffic Engineering and the project engineer determine the appropriate traffic control devices to be installed and the devices are installed to the satisfaction	On-Going	Public Works	

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	of Public Works. Road closure devices shall be in place immediately and maintained in-place at all times upon completion of paving. Road closure may also require alternative accesses to both building and improvements construction traffic. The type of road closure devices shall be determined and approved by Public Works.			
8.	All traffic calming devices and locations must be approved by Public Works prior to installation.	On-Going	Public Works	
9.	Applicant shall make every effort to bring all construction traffic in from Brown Road. Damage to Brown road will be repaired prior to acceptance of improvements.	On-Going	Public Works	
10.	Construction of both engineering improvements and building/home construction shall be limited to the hours of 7:00am – 6:00pm Monday –Friday and 8:00am – 5:00pm Saturdays. No construction work may occur on Sundays.	On-Going	Public Works	
<b>With Construction</b>				
11.	The Applicant shall provide a non-potable water distribution system to the satisfaction of the Sacramento County Water Agency. When available, the applicant shall use non-potable water during grading and construction.	With Construction	Department of Water Resources	
12.	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.	With Construction	Public Works	
<b>Prior to Final Map</b>				
13.	The applicant shall dedicate and improve Celine Road and Celine Court based on 40' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Dedicate with the Final Map  Improve prior to Building Permit Issuance	Public Works	
14.	Design and construct a cul-de-sac at the west end of Celine	Prior to approval of	Public Works	

Conditions of Approval

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	Court in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. The lots at the west end of Celine Court shall be redesigned such that no access can be taken from the 20' private drive to Brown Road. A 1-foot fee strip shall be provided to eliminate the use of the private access drive.	Final Map		
15.	The applicant shall dedicate and improve Purcell Way based on 40' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Provide 1-foot fee title strip at north end of dedication.	Dedicate with the Final Map  Improve prior to Building Permit Issuance	Public Works	
16.	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	
17.	Applicant shall submit a property description and a copy of the approved tentative parcel map along with the appropriate application to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility if not currently included. Public Hearing and appeal period shall be held prior to recordation of the Final Map.	Prior to Final Map	Public Works	
18.	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.	Final Map	Public Works	
19.	Dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to all public and private streets.	Final Map	Public Works	
20.	Improvement plans must be approved by Public Works prior to City Council approval of Final Map.	Prior to Approval Final Map	Public Works	
21.	If the project is to be phased, a phasing plan shall be submitted to Public Works for review and approval, prior to	Prior to 1 <sup>st</sup> Improvement Plans	Public Works	

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the 1 <sup>st</sup> improvement plan submittal.	Submittal		
22. The applicant shall 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 prior to final map or after Council has approved the construction of the traffic calming plan within the Perry Ranch/Shadowbrook neighborhood, whichever occurs first.	Prior to Final Map Approval	Public Works	
23. Impact fees for CSD-1 shall be paid prior to the filing and recording of the Final Map or issuance of the Building Permits, whichever is first.	Prior to Final Map Approval	CSD-1	
24. 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 Approval	Department of Water Resources	
25. Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways.	Prior to Final Map Approval	SMUD	
26. Applicant to locate, identify on maps and isolate any water wells and locate and identify any septic system that may be located on the parcel. Prior to any development, properly destroy any wells and septic tanks under permits from Sacramento County Environmental Health.	Prior to Final Map Approval	Community Enhancement & Code Compliance	
27. 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 Final Map Approval	Finance	
28. 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	Prior to Final Map Approval	Finance	



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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			
29. 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 Final Map Approval	EGCSD Parks & Recreation	
30. The applicant shall pay Park and Recreation Review Fees as required by the EGCSD.	Prior to Final Map Approval	EGCSD Parks & Recreation	
<b>Construction Activities /Improvement Plans</b>			
31. The applicant shall record the Mitigation Monitoring and Reporting Program for the parcel included in this project, 121-0150-009. Prior to the issuance of any grading permits, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP fee of \$500.00 has been paid, no grading, building, sewer connection, water connection, or occupancy permit from the City will be approved.	Prior to Issuance of a Grading Permit/Improvement Plans	Planning	
32. 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	
33. Drainage improvement plans shall be designed and constructed in accordance with the City of Elk Grove, Drainage Floodplain Management Ordinance, and all easements 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 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 Plans	Public Works	

Conditions of Approval

<p align="center"><b><u>Conditions of Approval / Mitigation Measure</u></b></p>	<p align="center"><b><u>Timing/ Implementation</u></b></p>	<p align="center"><b><u>Enforcement/ Monitoring</u></b></p>	<p align="center"><b><u>Verification (date and Signature)</u></b></p>
<p>Improvement Standards, including any fee required by the Sacramento County Water Agency Code.</p>			
<p>34. 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>Prior to Approval of Improvement Plans/Grading/ Building Permit</p>	<p>Public Works</p>	
<p>35. The applicant shall file a notice of Intent, obtain a WDID number from the State Board and prepare a SWPPP. SWPPP improvements shall be in place prior to moving equipment, material and personnel on-site for grading activities.</p>	<p>Prior to issuance of the Grading Permit</p>	<p>Public Works</p>	
<p>36. The street names shall be Celine Road from Purcell Way to the proposed street between lots 5 and 6. The remainder of the street shall be Celine Court.</p>		<p>Public Works</p>	
<p>37. The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances.</p>	<p>Improvement Plans / Grading Plan</p>	<p>Public Works</p>	
<p>38. Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall:</p> <ul style="list-style-type: none"> <li>• Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR</li> <li>• Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in</li> </ul>	<p>Prior to Any Site Disturbance</p>	<p>Planning</p>	

Conditions of Approval

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	Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect. <b>(This option shall be suspended until the mitigation fee is updated pursuant to City Council direction on December 1, 2004. The fee update is expected to occur in February 2005.)</b>			
39.	Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.	Improvement Plans	CSD-1	
40.	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 for grading and construction.	Improvement Plans	Department of Water Resources	
<b>Prior to Issuance of Building Permits</b>				
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.	Building Permit	Public Works	
42.	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 <sup>st</sup> Building Permit	Public Works	
43.	Final Map completed approved and recorded.	Prior to issuance of 1 <sup>st</sup> Building Permit	Public Works	
44.	Each lot shall have a separate connection to the public sewer system.	Prior to Finalization of Building Permit	CSD-1	
45.	In order to obtain sewer service, construction of public sewer is expected to be required.	Prior to Finalization of Building Permit	CSD-1	
46.	The project shall pay all applicable City of Elk Grove administered development impact fees prior to building	Prior to Building Permit Issuance	Finance	

Conditions of Approval

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permit issuance			
<b>Prior to Certificate of Occupancy</b>			
47.	Submit Flood Elevation Certification for each structure.	Prior to Occupancy	Public Works
48.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Public Works

**Compliance Items for Building Permit**

1. 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.
2. Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds.
3. Water supply will be provided by the Sacramento County Water Agency.
4. 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.
5. 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.

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-160**

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 25<sup>th</sup> day of May, 2005 by the following vote:*


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

**NOES:        COUNCILMEMBERS:**

**ABSTAIN:    COUNCILMEMBERS:**

**ABSENT:     COUNCILMEMBERS:**



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