

RESOLUTION NO. 2011-253

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A TENTATIVE PARCEL MAP FOR THE ALBIANI JUSTAMERE
TENTATIVE PARCEL MAP PROJECT NO. EG-10-019
ASSESSOR'S PARCEL NUMBER: 127-0080-049**

WHEREAS, on March 22, 2010, Dennis and Elizabeth Albiani (the "Applicant") submitted an application to the City of Elk Grove Planning Department for a Rezone from AR-5 (Agricultural Residential, 5-acre minimum) to AR-2 (Agricultural Residential, 2-acre minimum) and a Tentative Parcel Map to subdivide one 5.05± gross acre (4.82± net acre) parcel into two lots measuring 2.26± and 2.79± gross acres each; and

WHEREAS, the subject property is located on real property within the incorporated limits of the City of Elk Grove, specifically identified as 10170 Justamere Lane, Assessor's Parcel Number 127-0080-049;

WHEREAS, the proposed tentative parcel map does not meet any of the findings for denial established under Section 66474 of the California Subdivision Map Act; and

WHEREAS, the proposed tentative parcel map is consistent with both the City's General Plan and Elk Grove Municipal Code development standards for agricultural residential development; and

WHEREAS, the proposed parcels' sizes and configurations comply with the development standards established for the site's underlying AR-2 zoning designation; and

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

WHEREAS, it is not anticipated that the proposed subdivision will be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the adjacent rural agricultural residential development; and

WHEREAS, based on staff's review of the project, no special circumstances exist that would create a reasonable possibility that the proposed tentative parcel map will have a significant effect on the environment; and

WHEREAS, the Planning Division considered the project request pursuant to the Elk Grove General Plan, the City of Elk Grove Municipal Code, Title 23 Zoning, and all other applicable State and local regulations; and


WHEREAS, the Planning Commission held a duly noticed public hearing on April 7, 2011, as required by law and considered all of the information presented by staff and public testimony presented in writing and at the meeting; 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 Council held a duly noticed public hearing 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 approves the Tentative Parcel Map subject to the conditions of approval contained in Exhibit A and as illustrated in the attached Exhibit B, incorporated herein by this reference.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of December 2011.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

EXHIBIT A: Conditions of Approval

<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>On-Going</p> <p>1. The development approved by this action is for a Tentative Parcel Map as specifically described in the April 25, 2011 City Council staff report's "Project Description" and illustrated in the following project plans:</p> <ul style="list-style-type: none"> • Tentative Parcel Map dated January 2011 <p>Deviations from the approved plans and "Project Description" shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
<p>2. The Tentative Subdivision Map shall become effective after a ten (10) day appeal period, provided that there are no appeals. In the event of an appeal, this approval shall be withheld pending the outcome of the appeal.</p>	On-Going	Planning	
<p>3. 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. The Applicant further agrees to provide a defense for the City in any such action.</p>	On-Going	Planning	

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4. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
5. The Tentative Parcel Map shall expire in accordance with applicable State and local law.	As of the date of approval, expiration will occur 36 Months from the date of City Council Approval	Planning Public Works	
Prior to Final Map			
6. The Applicant shall record an access, public utility, and drainage easement for the benefit of parcel 2 to the satisfaction of Public Works.	Final Map	Public Works	

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<p>7. Prior to the first of either final map or building permit, 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 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/finance/cfd-information.asp.</p>	<p>Prior to Final Map or First Building Permit</p>	<p>Finance</p>	

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<p>8. Prior to the first of either final map or building permit, the project area shall annex into the Police Services Mello-Roos 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 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/finance/cfd-information.asp.</p>	<p>Prior to Final Map or First Building Permit</p>	<p>Finance</p>	
<p>9. Prior to the 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 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/finance/assessment-other-dist-info.asp.</p>	<p>Prior to Final Map</p>	<p>Finance</p>	

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Prior to Building Permit			
<p>10. The following shall be required as notes on all improvement plans, grading plans, and construction plans:</p> <ul style="list-style-type: none"> • “The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontological artifact is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.” • “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.” 	Shown on Construction Plans	Planning	
11. Final Map shall be completed, approved, and recorded prior to 1st building permit.	First Building Permit	Public Works	
12. The Applicant shall design and install the driveways on Justamere Lane in accordance with Section 4-10 of the City of Elk Grove Improvement Standards.	Building Permit	Public Works	

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	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
13.	<p>The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. For further information on development related fees, see the 2010 Development Related Fee Booklet at: http://www.elkgrovecity.org/finance/dfc.asp. Applicants are also advised to review the Planned Fee Updates portion of the web page, and are encouraged to sign up for email updates on the 2010 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages). By signing up for email updates, you will receive an email notifying you every time these web pages change, which will assist you in planning for the costs associated with your project.</p>	Building Permit	Finance	
14.	<p>Beginning January 1, 2011, all new single family dwellings shall be equipped with an approved residential fire sprinkler system meeting the minimum requirements of the 2010 Edition of NFPA 13D. Fire sprinkler plans shall be submitted to the fire department for review and approval.</p>	Prior to Building Permit Issuance	CCSD Fire	
15.	<p>Fire apparatus access roads shall be provided for all buildings within 150 feet to the furthest point of the building as measured by an approved route.</p>	Prior to Building Permit Issuance	CCSD Fire	

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General Information and Compliance Items:

The following items are noted for the Applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

1. 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. (Public Works)
2. The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
3. Any public improvements damaged during construction shall be replaced, by the Applicant, in-kind or with new improvement. (Public Works)
4. Improvement related conditions can be satisfied by completing an approved design, executing an improvement agreement and providing suitable financial security (e.g. bonds, letter of credit, etc), all to the satisfaction of the City, prior to the implementation timing required by the condition. (Public Works)
5. All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standards. (Public Works)
6. The Applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation pursuant to the Floodplain Management Plan. (Public Works)
7. The Applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. (Public Works)
8. 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 submits 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.

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DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted. (CSD Fire)

9. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans. (CSD Fire)
10. 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 5% for concrete. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage. (CSD Fire)
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 Cosumnes CSD Fire Department. All proposed traffic-mitigation plans shall be submitted to the Cosumnes CSD Fire Department for review and approval prior to installation. (CSD Fire)
12. 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 a least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetlands area. (CSD Fire)
13. For further information on development related fees, see the 2010 Development Related Fee Booklet at: <http://www.elkgrovecity.org/finance/df.asp>. Applicants are advised to review the Planned Fee Updates portion of the web page, and are encouraged to sign up for email updates on the 2010 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages). By signing up for email updates, you will receive an email notifying you every time these web pages change, which will assist you in planning for the costs associated with your project. (Finance)
14. Environmental Management Department approval will be required for the on-site waste disposal facilities, if needed. (SASD)

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15. All wells in the Mehrten Formation shall be constructed with sanitary seals extended to just above the intake sections of the wells. (SCWA)
15. Prior to the issuance of any building permits for the project, the project shall conform to the specific provisions of the City of Elk Grove Water Efficient Landscape Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator. (SCWA)

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-253**

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 December 14, 2011 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Hume, Davis, Detrick, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Jason Lindgren, City Clerk
City of Elk Grove, California