

RESOLUTION NO. 2013-187

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW IS NECESSARY FOR THE SOARES PARCEL MAP PROJECT PURSUANT TO SECTION 15183 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS (STATE CEQA GUIDELINES); AND APPROVING A TENTATIVE PARCEL MAP FOR THE SOARES TENTATIVE PARCEL MAP PROJECT (EG-13-027); ASSESSOR PARCEL NUMBER 127-0280-015

WHEREAS, the Planning Department of the City of Elk Grove received an application on April 25, 2013 from Richard and Caroline Soares (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 Assessor Parcel Number (APN) 127-0280-015; and

WHEREAS, the Planning Department considered the Project request pursuant to the Elk Grove General Plan, the 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 September 5, 2013, 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 4-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on September 25, 2013 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, hereby finds the proposed Soares Parcel Map Project, EG-13-027, exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183 of the State CEQA Guidelines based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15183 of Title 14 of the California Code of Regulations.

Evidence: CEQA Guideline Section 15183 provide that projects which are consistent with 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 certified by the City Council for the adoption of the City of Elk Grove General Plan. The proposed Rezone and Tentative Parcel Map are consistent with the General Plan. Therefore, the proposed project qualifies for the exemption under CEQA Guideline Section 15183, because the proposed Rezone and Tentative Parcel Map are consistent with the General Plan, for which an EIR was certified.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby approves the Tentative Parcel Map for the Project subject to the Conditions of Approval provided in Exhibit A, and as illustrated in Exhibit B, 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 parcel map apply to this project.

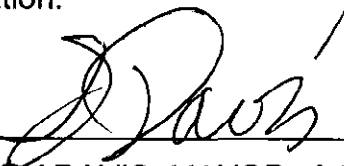
- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type 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.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the Municipal Code.
- c. The site is physically suitable for extension of rural residential development because the site is designated Rural Residential in the General Plan and zoned for rural residential land use.
- d. The site is appropriate for the specified density of development because the site is designated Rural Residential in the General Plan and zoned for rural residential land use.

- e. The proposed Tentative Parcel Map is consistent with the General Plan and therefore would not cause substantial environmental damage.
- f. The design of the subdivision map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of September 2013. The Tentative Parcel Map approved by this Resolution shall be effective upon the effective date of the ordinance rezoning the Property processed concurrently with this Tentative Parcel Map application.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**Exhibit A
Conditions of Approval
Soares Parcel Map**

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
On-Going				
1.	<p>The Project approved by this action is for a Tentative Parcel Map as specifically described in the September 25, 2013 City Council staff report and as illustrated in the following project plans:</p> <ul style="list-style-type: none"> • Tentative Parcel Map dated June 24, 2013 <p>Deviations from the approved plans shall be reviewed by the City of Elk Grove (City) for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
2.	<p>The Tentative Parcel Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved or extended by "Legislation" including any current or future California State legislative extensions available and as may be applicable from the initial tentative map approval date by which this resolution was adopted.</p>	Three years, from date of City Council approval	Planning	
3.	<p>This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning	
4.	<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 permit or any environmental or other documentation related to approval of this permit.</p>	On-Going	Planning	

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Soares Parcel Map

5.	<p>Except as otherwise specified or provided for on the Tentative Subdivision Map or in these conditions, the Project shall conform to the development standards and design requirements adopted by the City of Elk Grove, specifically including but not limited to the following:</p> <ul style="list-style-type: none"> • The Elk Grove Zoning Code (Title 23 of the EGMC) • EGMC Chapter 19.12 (Tree Preservation and Protection) • EGMC Chapter 14.10 (Water Efficient Landscape Requirements) 	On-Going	Planning Public Works	
6.	<p>The Applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.</p> <p>Private sewer, water, and other utility infrastructure shall be designed and constructed in accordance with the standards of the appropriate utility.</p>	On-Going	Public Works SMUD PG&E	
7.	<p>The Applicant shall pay all 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), or other agencies or services providers as established by law.</p>	On-Going	Planning Public Works CCSD	
8.	<p>Approval of this Project does not relieve the Applicant from the requirements of subsequent permits and approvals, including but not limited to the following:</p> <ul style="list-style-type: none"> • Grading Permit and Improvement Plan • Final Map • Building Permit and Certificate of Occupancy • Section 404, 401, 1602, or other State or Federal environmental permit • Requirements of the Sacramento Metropolitan Air Quality Management District • Fire permit 	On-Going	Planning Public Works Building CCSD	

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Final Map		Final Map	Finance
9.	<p>Prior to 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 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>	Final Map	Finance
10.	<p>Prior to the final map, 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>	Final Map	Finance
11.	<p>Prior to the final map, the Project area shall annex into the Street Maintenance Assessment District No. 1 Zone 3 or a Street Maintenance Community Facilities District 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>	Final Map	Finance

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Soares Parcel Map

Building Permit			
12.	Final Parcel Map shall be completed, approved and recorded prior to issuance of 1st building permit.	1 st Building Permit	Public Works
13.	An inspection of the finished roadway/driveway is required prior to construction of the first home or structure requiring a permit.	Prior to Building Construction	CCSD Fire

Exhibit A

Conditions of Approval

Soares Parcel Map

General Compliance Items for Building Permit

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.

Public Works

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.
2. The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.
3. Any public improvements damaged *during construction* shall be replaced, by the Applicant, in-kind or with new improvement.
4. Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees, by the Applicant. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches.
5. The Applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.
6. All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standards.
7. 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.
8. 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.
9. The Applicant shall comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove Flood Plain Management Ordinance. The lowest finished floor elevation for a habitable building will be a minimum of 1 (one) – foot above the 100-year frequency water level, certified by a registered Civil Engineer or licensed Land Surveyor, and submitted to the City. Amendments and/or revisions of FEMA flood insurance rate maps will be required for all development located in the federal or local flood zone. All

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Soares Parcel Map

FEMA map revisions (both CLOMR and LOMR) must be approved by the City and fully processed through FEMA. Completed revisions shall be placed on file with the City.

Frontier

1. The Applicant shall contact Frontier prior to any construction in order to receive construction requirements to allow for service to the new lot and maintain existing service. If there are any relocation of existing facilities required, the Applicant shall be responsible for the cost.

CCSD Fire

1. An approved automatic fire sprinkler system shall be installed within all new R-3 occupancies. 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 as adopted by the State of California.
2. All required roadways, street signs, and addresses shall be installed prior to combustible construction.
3. The slope of roadways or private driveways shall not exceed 10%.
4. The angle of approach and angle of departure for roadways or driveways shall not exceed eight degrees.
5. Roadways and driveways exceeding 150 feet in length shall be provided with an approved emergency vehicle turn around.
6. Roadways shall be capable of supporting 65,000 pounds gross vehicle weight in all weather conditions.
7. At a minimum, roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with 95% compaction and good drainage.
8. Private driveways serving two or less homes shall be a minimum of 16 feet in width.
9. Private driveways shall be designed for all weather conditions and shall be constructed of one of the following:
 - a. A minimum of 2 inches asphalt over 6 inches aggregate base.
 - b. For AR 10 or less a minimum of 6 inches aggregate base or equivalent.
 - c. Engineered concrete or pavers capable of supporting 65,000 gross vehicle weight.
 - d. Other approved engineered design.
10. The turning radius for all fire access roads is 25 feet inside and 50 feet outside.
11. Gates obstructing roadways, serving two single family dwellings, shall comply with the County Emergency Access Gates and Barriers Standard as adopted within the City of Elk Grove Fire Code Ordinance, the City of Galt Fire Code Ordinance and the County of Sacramento Fire Code Ordinance, whichever applies.

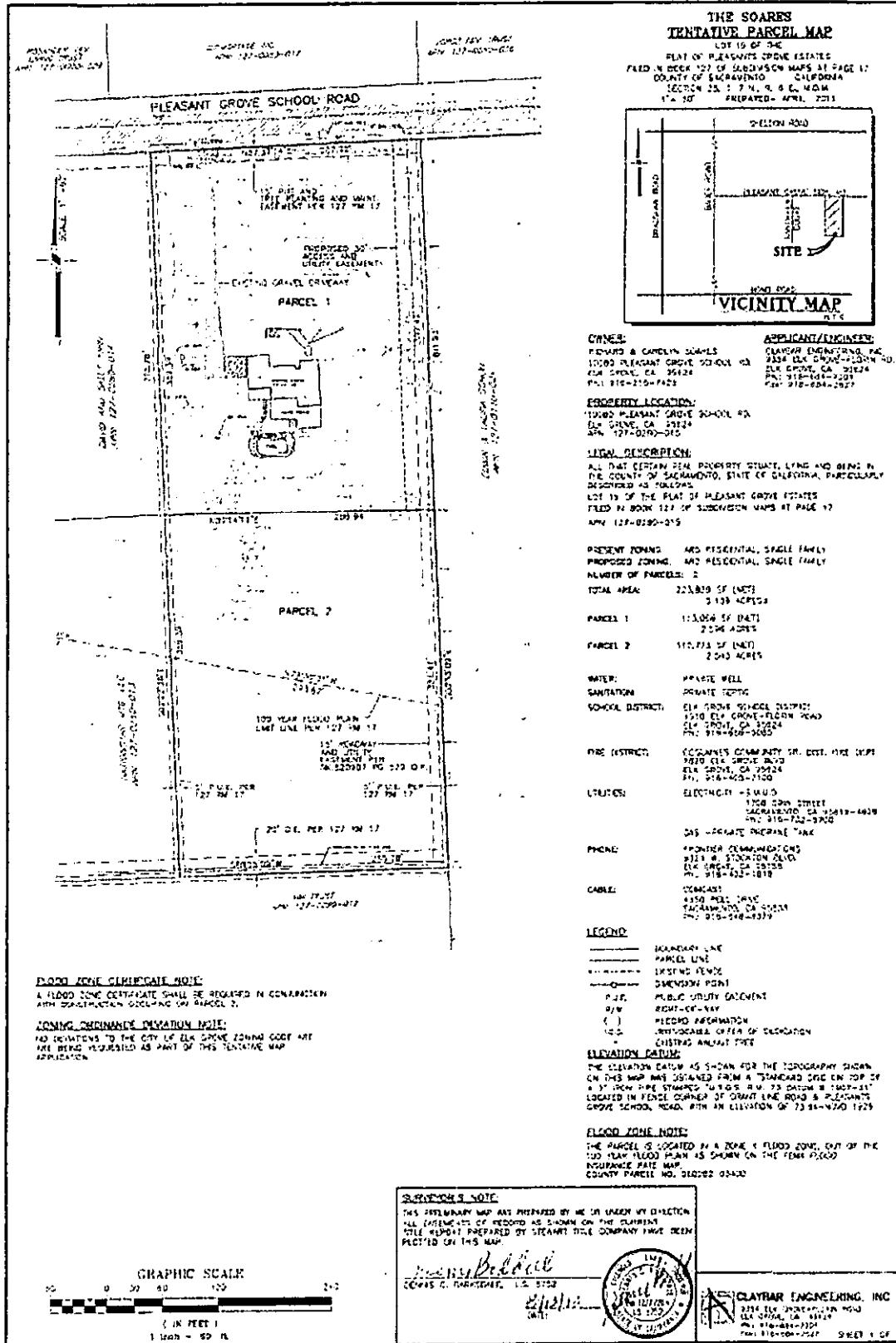
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12. Bridges and culverts shall be designed in accordance with the California Fire Code, California Building Code, City of Elk Grove standards, City of Galt standards, and or County of Sacramento standards, and the standards of the Cosumnes CSD Fire Department.
13. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. Where applicable, 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.

Sacramento County Water Agency

1. All water wells in the Mehrten Formation shall be constructed with sanitary seals extended to just above the intake sections of the wells.
2. Test all water wells for arsenic at the time of building construction.

Exhibit B Tentative Parcel Map Exhibit



**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-187**

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

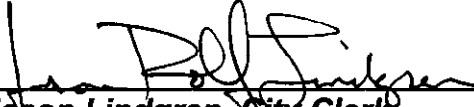
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 25, 2013 by the following vote:

AYES : COUNCILMEMBERS: *Davis, Detrick, Cooper, Hume, Trigg*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



**Jason Lindgren, City Clerk
City of Elk Grove, California**