

RESOLUTION NO. 2002-154

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE PARCEL MAP FOR ASSESSOR PARCEL NUMBER 123-0180-003, EG-00-002, SUBJECT TO THE FINDINGS AND MMRP/CONDITIONS OF APPROVAL AND A WAIVER FROM REQUIREMENT FOR PUBLIC STREET FRONTAGE FOR LOTS SERVED BY A PRIVATE DRIVE

WHEREAS, Nancy and Enos Azevedo, (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Community Plan Amendment designating 9.1 acres from Agricultural-Residential (AR) 5 du/ac to Agricultural – Residential (AR) 2 du/ac, a request to Rezone 9.1 acres from AR-5 to AR-2, a Tentative Parcel Map to divide one lot of 9.1-acres into a 2.0 acre parcel, a 2.74 acre parcel and a 4.27 acre parcel, and a waiver from requirement for public street frontage for lots served by a private drive (§ 305-7) . (Assessor's Parcel Number 123-0180-003); 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 Mitigated 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 July 25, 2002 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 Azevedo Tentative Parcel Map, subject to the approval of the Community Plan Amendment and Rezone for this project and based on the following findings and the attached conditions of approval (Exhibits A and B). Exhibit A is the Tentative Parcel Map and Exhibit B is the conditions of approval.
 - a. 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 whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

- b. **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 Parcel Map.

- a. The proposed map is consistent with the proposed amendment to the General Plan and rezone.
- 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 commercial development and will be consistent with the proposed General Plan Amendment.
- d. The site is appropriate for the specified density of development and the applicant's proposed amendments to commercial densities as presented in the staff report.
- e. The Mitigated Negative Declaration prepared for the Elk Grove Landing 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 Mitigation Measures and Conditions of Approval.
- f. The Mitigated Negative Declaration prepared for the Elk Grove Landing project determined that potential serious health problems were not identified for the project or will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures 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.

- c. **Finding:** The project is consistent with the development standards of the Zoning Code.

Evidence: The proposed tentative parcel map will divide the one parcel into three parcels and each parcel is over two (2) acres or more in size. Therefore, the proposed parcel map meets this requirement. The three (3) proposed lots will have a width of 200 feet, 230 feet and 263 feet.

- d. **Finding:** The project is consistent with General Plan designation for Agricultural-Residential

Evidence: The subject site is located in the low-density residential designation of the General Plan map. The AR-5 and AR-2 zonings are listed in Table I-2 matrix of the Land Use section of the General Plan as compatible uses. The project is consistent with the policies of the General Plan.

- 2. Approve the Waiver from Requirement for Public Street Frontage for Lots Served by a Private Drive

- a. **Finding:** Adequate provisions are made for the prevention of dust or other nuisances or hazards to surrounding properties resulting from the use of private streets and drives.

Evidence: The Conditions of Approval for the project require that prior to issuance of Building Permits construction of the private street shall be a standard of 2 inches of asphaltic concrete over a minimum of 6 inches aggregate base to a 20-foot width including adequate turnaround facilities at the end of the road. This condition addresses the prevention of dust or other nuisances or hazards to the surrounding properties from the private driveway.

- b. **Finding:** Adequate provision can be made for future street right-of-way and improvements.

Evidence: The Conditions of Approval require that prior to issuance of grading permits, grant the City of Elk Grove right-of-way on Grantline Road based on a 108-foot standard and install public street improvements pursuant to City of Elk Grove Improvement Standards. Execute a Deferred Improvement Agreement prior to map recordation in lieu of construction of improvements.

- c. **Finding:** Adequate provisions are made for emergency and service provider vehicles.

Evidence: The Conditions of Approval require that prior to issuance of Building Permits each home that extends 150 feet beyond the roadway to the furthest point of the house, shall provide an approved turnaround for Fire Department


apparatus. The turnarounds shall provide a turning radius of 55 feet outside and 38 feet inside.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 21st day of August 2002.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

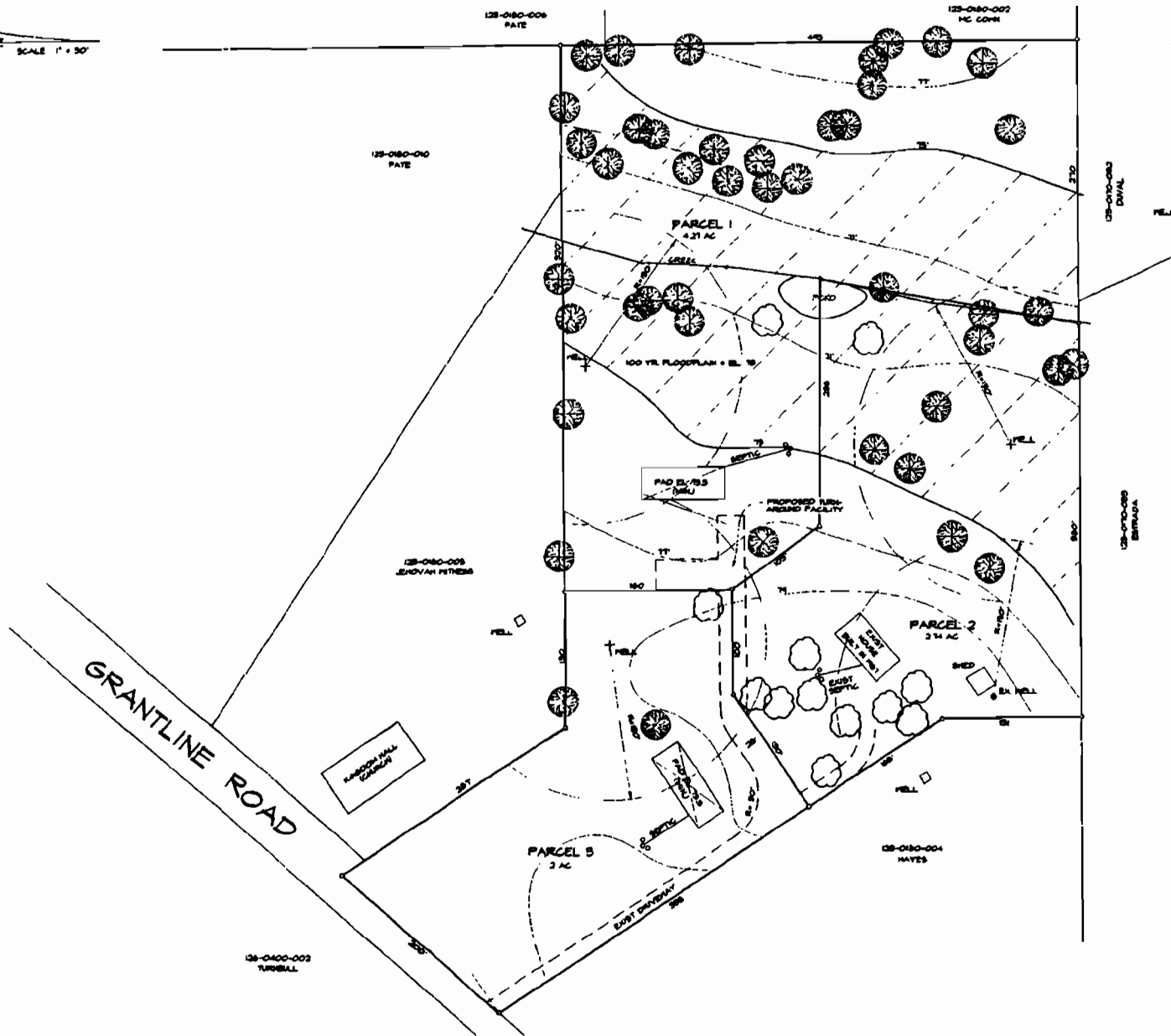
APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Briggs, Scherman,
Leary, Cooper
NOES: None
ABSTAIN: None
ABSENT: None

SCALE 1" = 30'








TENTATIVE PARCEL MAP

MONTE K SEIBEL • LAND SURVEYOR
 221 WEST OAK STREET SUITE 8-2 LODI, CA 95240
 PHONE (209) 954-9929 FAX (209) 954-2841

APN: 128-0180-008
 OWNERS: SHOS & HANEY AZEVEDO
 P.O. BOX 849
 FULTON, CA 95630-0849
 TOTAL AREA: 4.1 ACRES NET
 NUMBER OF LOTS: FOUR (4)
 PRESENT USE: ONE HOUSE 1 DRY PASTURE
 PROPOSED USE: 2-ACRE RANCHETTES
 SANITATION: SEPTIC SYSTEMS
 WATER SUPPLY: PRIVATE WELLS
 DISTRICTS: ELK GROVE SCHOOLS
 ELK GROVE FIRE PROTECTION
 COUNTY PARKS
 100-YEAR FLOODPLAIN: ELEVATION 'S

LEGEND:

-  • OAK TREE
-  • OTHER TREES
-  • PROPOSED HOUSE
-  • PROPOSED WELL
-  • PROPOSED SEPTIC SYSTEM

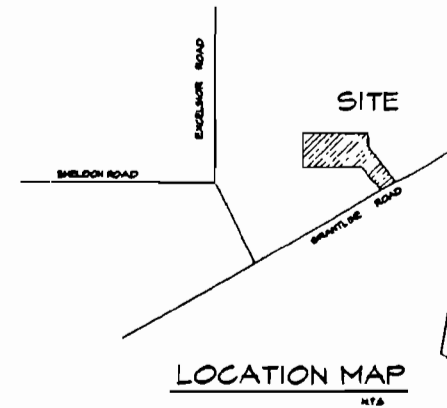


Exhibit B: Final Conditions of Approval/Mitigation Monitoring and Report Program

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The development approved by this action is for a Tentative Parcel Map as described in the Planning Commission report and associated Exhibits and Attachments dated July 11, 2002.	On-Going	Planning Division	
2.	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	Planning Division	
3.	The applicant shall comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated this project. Until the MMRP has been recorded and the estimated MMRP deposit of \$500.00 has been paid, no final parcel map for the subject property shall be approved and no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved.	Prior to Issuance of Any Grading Permit	Planning Division	
4.	The Final Map shall delineate and note the limits of the 100 year flood plain. The Final Map shall contain a note indicating that no development will be allowed within the 100 year flood plain.	Note shall be placed on the Final Map	Planning Division	
5.	Dedicate a 12.5 foot public utility easement for overhead and underground facilities and appurtenances adjacent to all public street rights of ways.	Final Map	Department of Public Works	

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6. Dedicate any private drive, ingress and egress easement, or Irrevocable Offer of Dedication and 10 feet adjacent thereto as a public utility easement for overhead and underground facilities and appurtenances.	Final Map	Department of Public Works	
7. Dedicate the north five (5) feet of Parcels 1 and 2 as a public utility easement for overhead and underground facilities and appurtenances.	Final Map	Department of Public Works	
8. Dedicate the south five (5) feet of Parcels 1 and 3 as a public utility easement for overhead and underground facilities and appurtenances.	Final Map	Department of Public Works	
9. Prior to Final Map construction of the private street shall be a standard of 2 inches of asphaltic concrete over a minimum of 6 inches aggregate base, or submit a soils report along with calculations for structural pavement section to the Department of Public Works for review. This road will be to a 20-footwidth including adequate turnaround facilities at the end of the road to the satisfaction of Department of Public Works.	Final Map	Department of Public Works	
10. Prior Final Map secure approval of a civil-engineered site improvement plan from Public Works for all on-site and off-site improvements. (Public Works Agency)	Prior to Recordation of the Final Map	Department of Public Works	
11. Record a maintenance agreement involving all the parcels of the subject map assuring timely maintenance of the private road.	Prior to Recordation of the Final Map	Department of Public Works	
12. 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	Prior to Recordation of the Final Map	Department of Water Resources	

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to Final Map approval. If public water is unavailable then prior to final map recordation enter into a deferred water supply agreement with the Sacramento County Water Agency.			
13. Prior to recordation of the Final Parcel Map the applicant will enter a "Deferred Sewer Infrastructure Agreement". Annexation of the subject property to both SRCSD and CSD-1 of Sacramento County will be required at such time that sewer service becomes available.	Prior to Recordation of the Final Map	CSD-1	
14. Prior to recordation of the Final Parcel Map, a note shall be placed on the Grading Plans to call Underground Service Alert at (800) 642-2444 two working days before digging in the proximity of telephone plant.	Note shall be placed on the Grading Plans	Planning Division	
15. Prior to recordation of Final Parcel Map, grant the City of Elk Grove right-of-way on Grant Line Road based on a 108-foot standard and install public street improvements pursuant to City of Elk Grove Improvement Standards. Applicant may Execute a Deferred Improvement Agreement prior to map recordation in lieu of construction of improvements.	Final Map	Transportation Department	
16. Implement one of the following options to mitigate for the loss of Swainson's hawk foraging habitat. Either: 1) Preserve 0.75 acre of similar habitat for each acre lost (for a total of 8.0 acres preserved). This land should be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG) and proof of fee title or	Prior to Approval of Grading Plans, Improvement Plans, or Final Map, which ever occurs first	Planning Division	

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<p>conservation easement shall be submitted to the City of Elk Grove Planning Department; Or</p> <p>2) Prepare and implement a Swainson's hawk mitigation plan for loss of 8.0 acres of foraging habitat to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat and submit copy of approved plan to the City of Elk Grove Planning Department; Or</p> <p>3) Submit payment of the Swainsons' hawk impact mitigation fee per acre impacted for 8.0 acres (($\\$750 \times 8.0$ acres) + 382 one time administration fee, for a total of $\\$6,382$) to the City of Elk Grove Planning Division.</p>			
<p>17. If cultural resources are encountered, work shall stop immediately and the City's Environmental Coordinator shall be contacted who will coordinate an investigation of the find with appropriate specialists if needed. In addition, should any human remains be discovered at any time, all work is to stop and the County Coroner must also be immediately notified pursuant to the State Health and Safety Code, Section 7050.5 and the State Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.</p>	<p align="center">A Note Shall Be Placed on Grading and Improvement Plans</p>	<p align="center">Planning Division</p>	

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<p>18. All the real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape and Lighting Assessment District. Prior to rezoning the property, recording any final maps, approving improvement plans, or issuing any building permits; the owners of all real property within the boundaries of a project shall execute and deliver to the Elk Grove CSD a written petition in an acceptable form approved by District consenting to: (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services, (iii) the budget, formulas and cost of living indexes use to establish the amount of the annual assessments; the (iv) the levying of the annual assessment to fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems lakes, creeks and other recreational and aesthetic amenities.</p>	<p>Prior to recordation of Final Map</p>	<p>CSD Parks and Recreation</p>	
<p>19. Prior to issuance of Grading Permits all City of Elk Grove Improvement Standards shall apply to on-site construction.</p>	<p>Prior to Issuance of Grading Permits</p>	<p>Department of Public Works</p>	

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GENERAL INFORMATION

- a. Prior to issuance of Building Permits all proposed single family dwellings shall be provided with residential fire sprinklers.
- b. Prior to issuance of Building Permits the proposed driveways and turnaround shall be a minimum 4-inch aggregate road base or equivalent and compacted to 90%.
- c. Prior to issuance of Building Permits each home that extends 150 feet beyond the roadway to the furthest point of the house, shall provide an approved turnaround for Fire Department apparatus. The turnarounds shall provide a turning radius of 55 feet outside and 38 feet inside.
- d. Prior to issuance of Building Permits 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 future development. Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction.
- e. 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 Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.
- f. 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 Sacramento County Water Agency Ordinance No. 18.
- g. Prior to issuance of Building Permits Environmental Management Department approval will be required for the on-site waste disposal facilities.
- h. Prior to the issuance of building permits the number, size, and location of driveways shall be to the satisfaction of the Department of Public Works.
- i. Prior to the issuance of Building Permits pay all appropriate development fees charged by the City and other Special District providing services to the site.
- j. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk for sewer impact fee information.
- k. Permits and/or fees are required for the following reviews: civil plan, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.
- l. A permit release letter from the Elk Grove Community Services District Fire Department (EGCSDFD) shall be required.
- m. The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the EGCSDFD and the water purveyor having jurisdiction.
- n. The installation of roadway gates, addresses, landscaping, pipe bollards, masonry sound walls, traffic islands and/or tree wells are subject to standards outlined by the EGCSDFD.