

RESOLUTION NO. 2003-153

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A TENTATIVE SUBDIVISION MAP AND DESIGN REVIEW FOR
LAKEMONT DRIVE SUBDIVISION, PROJECT NO. EG-02-353, SUBJECT TO THE
FINDINGS AND MMRP/CONDITIONS OF APPROVAL**

WHEREAS, Lakemont Drive Subdivision, represented by Gus Galaxidas (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Tentative Subdivision Map for 9 lots, (Assessor Parcel Number 121-0140-007); 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 June 12, 2003 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 Tentative Subdivision Map (Exhibit A) subject to the Conditions of Approval/MMRP (Exhibit B), based on the following findings:

A. California Environmental Quality Act

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. General Plan Consistency

Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements, which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
- c) There is little or no possibility of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- d) The proposed use or action complies with all other applicable requirements of state law and local ordinance

Evidence: The following statements are made in support of the required findings stated above.

- a) The proposed project is consistent with the 1993 County General Plan and the City of Elk Grove Draft General Plan. Therefore, it is reasonable to anticipate that this project will be consistent with the General Plan.
- b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements.
- c) The proposed project is consistent with the 1993 County General Plan and the City of Elk Grove Draft General Plan. Therefore, it is reasonable to anticipate that this project will be consistent with the General Plan. The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements.
- d) The project has been conditioned to comply with all applicable state and local requirements.

C. Subdivision Map Act

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 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: 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. The 7.57 acre site is designated Low Density Residential and the subdivision will produce nine (9) lots that are consistent with the 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 eight (8) single-family lots on a total of 0.95 acres, which conforms to the designated residential use of the General Plan and the remaining lot is consistent with the AR-5 Zoning.
- d. The site is physically suitable for the proposed density of development. The applicant is proposing eight (8) single-family lots on a total of 0.95 acres, which conforms to the allowable densities of the RD-7 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 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 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.

D. Design Review

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 proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and Draft General Plan Land Use 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.

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-way improvements consistent with the subdivision design guidelines for Primary Residential Streets. For a circulation pattern consistent with the requirements of the East Franklin Specific Plan. Roadways have bicycle lanes where necessary and a trail system has been provided along a drainage parkway. Traffic calming measures have also been included to reduce conflicts between varying modes of transportation.

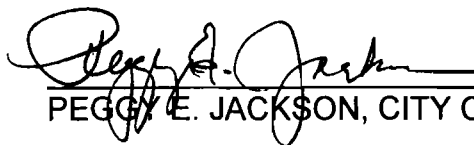
Finding: The residential subdivision is well integrated with the City's street network, creates unique neighborhood environments and establishes a pedestrian friendly environment.

Evidence: The Lakemont Drive Subdivision project has been designed in accordance with the Design Guidelines and provides connectivity to the existing street network, as well as provides an internal roadway pattern. The project creates individual neighborhoods and primary residential roadways have been designed to include detached sidewalks and street trees in accordance with the City's Design Guidelines.


PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 6th day of August 2003 .


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2003-153**

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

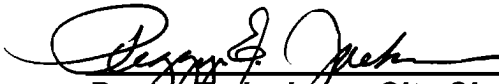
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 6th day of August, 2003 by the following roll call vote:

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

NOES: 0 COUNCILMEMBERS:

ABSTAIN: 0 COUNCILMEMBERS:

ABSENT: 0 COUNCILMEMBERS:



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

Exhibit B: Conditions of Approval/MMRP

		<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 Subdivision Map for 9 lots, as described in the Planning Commission report and associated Exhibits and Attachments dated June 12, 2003.	On-Going	Planning	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
3.	The Tentative Subdivision Map approval is valid for three years from the date of Planning Commission approval, unless an extension of time is subsequently approved per Government Code Section 66452.6(e)	Three years, commencing with the date of Planning Commission approval.	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	Planning	
Prior to Grading or Improvement Plan Approval.				
5.	Comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with project area. Until the MMRP has been recorded and the estimated MMRP fee of \$2,000 has been paid, no final 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 Grading Permit	Planning	
6.	Obtain wetland credits at an approved mitigation bank for the loss of	Prior to Issuance	Planning	

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0.13 acres of delineated wetlands or provide on-site mitigation by creating suitable wetland habitat on the subject property.	of Improvement Plans or grading permit.		
7. In order to mitigate erosion and sediment control problems, the project site shall comply with the City's Land Grading and Erosion Control Ordinance. As a condition of the Grading Permit, a Storm Water Pollution Prevention Plan (SWPPP) must be developed for the project. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Compliance with the General Permit is enforced in the Sacramento area by the Central Valley Regional Water Quality Control Board.	Prior to Issuance of Improvement Plans or grading permit.	Public Works	
8. Construction contracts for the project shall include the following measures to be monitored by the City and SMAQMD. The project applicant shall place the following mitigation requirements in all construction contracts and shall require the use of Best Available Control Technologies (BACT), including but not limited to the requirements listed below. Proof of these contractor requirements shall be provided to the City prior to the issuance of grading permits. <ul style="list-style-type: none"> • The project applicant and/or prime contractor shall comply with SMAQMD Rule 403 that requires taking reasonable precautions to prevent the emissions of fugitive dust, such as "using water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the construction of roadways, or the clearing of land" where possible and applying "asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dust." • Clean earth-moving construction equipment with water once per 	Prior to Issuance of Improvement Plans or grading permit.	Planning	

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	<p>day.</p> <ul style="list-style-type: none"> • Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less. • Use low-emission on-site stationary equipment whenever possible. • Encourage construction employees to carpool to the work site. • Minimize idling time to 10 minutes. • Maintain construction equipment through regular and proper maintenance. • All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance. • During initial grading, earthmoving, or site preparation a 100-foot paved (or palliative-treated) apron shall be constructed, extending onto the construction site from the adjacent paved road(s) where vehicles and equipment egress. 			
9.	<ul style="list-style-type: none"> ▪ For projects within a one-mile radius of an active nest site, the project proponent would preserve 1.0 acre of similar habitat for each acre lost. This land would be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG); OR ▪ Prepare and implement a Swainson's hawk mitigation plan to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat; OR 	Prior to issuance of grading permits, or as specified in adopted Swainson's hawk mitigation policies or programs in	Planning, Public Works, and CDFG	

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<ul style="list-style-type: none"> ▪ Submit payment of a Swainson's hawk impact mitigation fee per acre impacted to the Planning Division of the City in the amount as set forth in 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; OR ▪ Should the City of Elk Grove adopt a Swainson's hawk mitigation policy or program (which may include a mitigation fee payable prior to the issuance of building permits) prior to implementation of one of the measure above, the project proponent would be subject to that program instead. 	effect at the time of request		
<p>10. No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as white-tailed kite, burrowing owl, Swainson's hawk, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone, including the extent of the directly affected portion of the on-site drainage ditch. In addition, nesting surveys for Swainson's hawks shall include all areas in or within 1 mile of the construction site in order to ascertain the specific long-term mitigation replacement ratios for loss of foraging habitat.</p>	No earlier than 45 days and no later than 20 days prior to grading	Development Services – Planning	
Prior to the Recordation of the Final Map			
<p>11. 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</p>	Prior to Recordation of the	Finance	

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	service and additional long-term roadway maintenance related to serving the new development.	Subdivision Map		
12.	Sacramento County Improvement Standards apply to on-site sewer construction. Provisions for public sewer easements may be required. If required, the sewer easement shall be dedicated to CSD-I, be a minimum of twenty (20) feet in width and ensure continuous access for maintenance.	Prior to Recordation of the Subdivision Map	CSD-I	
13.	Dedicate land or pay in lieu fees, or both, for park purposes, as required by and in accordance with the procedures and standards set forth in Chapter 22.40, Title 22 of the Elk Grove City Code.	Prior to Recordation of the Final Subdivision Map	City Engineer and EGCS D	
14.	Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public ways and private drives. (SMUD and PG&E)	Prior to Recordation of the Subdivision Map	SMUD, PG&E	
15.	Prior to recordation of the Subdivision Map, provide separate water service to each parcel and dedicate water easements to the satisfaction of Sacramento County Water Agency.	Prior to Recordation of the Subdivision Map	Water Supply	
16.	Applicant shall provide water for use during grading and construction before abandoning any existing agricultural wells.	Prior to Recordation of the Subdivision Map	Water Supply	
17.	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 Recordation of the Subdivision Map	Water Supply	
18.	This project is required to connect to the existing Sacramento County	Prior to	Water Supply	

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Water Agency system. The applicant shall coordinate with the Agency and adjacent projects to accomplish this. Metered connections shall be made on transmission mains to the satisfaction of the Sacramento County Water Agency.	Recordation of the Subdivision Map		
<p>19. Provide drainage easements to off-set proved impacts, as necessary, at no cost of the City of Elk Grove pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.</p> <ul style="list-style-type: none"> ▪ A supplemental drainage fee, in addition to fees identified in the Sacramento County Water Agency Code shall be paid. The fee shall be equal to the supplemental fee numerated in the Vineyard Spring Comprehensive Plan Financing Plan or established in a separated financial analysis. 	Prior to Recordation of the Subdivision Map	Public Works	
20. Install on-site and off-site drainage facilities as required pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency. At a minimum a connection to the 24-inch stub provided in the existing drainage facility to the east will be required.	Prior to Recordation of the Subdivision Map	Public Works	
21. Grant the City of Elk Grove right-of-way on Calvine Road based upon a 6-lane, 108' throughfare, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Recordation of the Subdivision Map	Public Works	
22. Grant the City of Elk Grove right-of-way on Lakemont Drive based on a 50' primary residential street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works.	Prior to Recordation of the Subdivision Map	Public Works	

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23.	Reserve a 40 feet future road along the western side of Lot 2 along Lakemont Drive, to connect Lakemont Drive to Calvine Road. Once the Buddhist Church has started construction on Lot 1 and the connection is no longer necessary for future residential development on Lot 1, the City will release the reservation to the applicant.	Prior to Recordation of the Subdivision Map	Public Works	
24.	Grant the EGCS D a minimum 25 feet wide landscape corridor adjacent to Calvine Road, consistent with the corridor abutting this project to the east.	Prior to Recordation of the Subdivision Map	EGCS D	
25.	All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District. Prior to recording any final map, the owners of all real property within the boundaries of the project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by the 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 used to establish the amount of the annual assessments; and (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.	Prior to Recordation of the Subdivision Map	EGCS D	
Prior to the Issuance of Building Permits				
26.	A permit release letter from the Elk Grove Community Services District Fire	Prior to the	EGCS D Fire	

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	Department shall be required. (Fire Department)	Issuance of Building Permits	Department	
27.	Developer shall pay EGUSD Impact Fees as established by the District	Prior to the Issuance of Building Permits	Building	
28.	This development is required to provide a fire flow from a public water system capable of delivering as a minimum 50 PSI static pressure and 1,000 gpm at 20 psi residual pressure. Hydrants shall be spaced a maximum of 500 feet apart. 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. (Fire Department)	Prior to the Issuance of Building Permits	EGCSD Fire Department	
29.	All required water mains, fire hydrants and fire flow shall be provided. The roadways shall be constructed to a 26-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage. (Fire Department)	Prior to the Issuance of Building Permits	EGCSD Fire Department	
30.	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)	Prior to the Issuance of Building Permits	Water Supply	
31.	The project shall conform to the specific provisions of the Sacramento County Landscape Water Conservation Ordinance (Chapter 14.10 of the Elk Grove Municipal Code) to the satisfaction of the City Engineer.	Prior to the Issuance of Building Permits	Water Supply	
32.	The property owner shall pay development impact fees in accordance with the Elk Grove / West Vineyard Public Facilities Financing Plan Development Impact Fee Program, for Sub-area 7, as adopted by the City of Elk Grove on July 1, 2000 and October 25, 2000.	Prior to the Issuance of Building Permits	Infrastructure Finance Section	
33.	Install public street improvements on Lakemont Drive based on a 50'	Prior to the	Public Works	

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	primary residential street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works. If the southern half of Lakemont Drive has not been constructed by Shadowbrook Unit No. 4, the Lakemont Drive 8 subdivision will be required to construct a 50' primary residential half section plus an additional 8' of pavement. Starting at the north side of Lakemont Drive the section will consist of a 4' sidewalk, 3' of curb and gutter, and 26' of pavement.	Issuance of 1 st Building Permit for lots 2-9		
34.	Install public street improvements on Calvine Road based upon a 6-lane, 108' throughfare, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Building Permit Issuance of the church	Public Works	
Prior to Certificate of Occupancy				
35.	The 25- foot Landscape Corridor along Calvine Road shall be constructed and installed in accordance with the EGCS D's "General Guidelines for Landscape Corridor Design", and be approved by the Elk Grove Community Services District. The corridor improvements will include, but not limited to, landscaping, open metal fences, meandering or bifurcated sidewalks, and radio controlled irrigation systems. District employees must inspect all construction work as it is being performed.	Prior to Final Inspection or Certificate of Occupancy of the church facility (lot 1)	EGCS D	
36.	When improvements to the Corridor have been completed in accordance with plans, specifications and the inspection procedures approved by the Elk Grove Community Services District; the improved properties shall be conveyed to the EGCS D for ongoing maintenance, operation, repair and replacement. Developer shall be responsible to pay the direct cost associated with the performance of this work until such time as the District incorporates the cost of doing this work into the assessment district budget and the resulting assessments are confirmed	Prior to Final Inspection or Certificate of Occupancy	EGCS D	

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by compliance with the balloting procedures dedicated by Proposition 218. The obligation of the applicant may be met by entering into a subsidy agreement with the District.			

Conditions of Approval

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.

- a. Though not required, it is recommended that all single family dwellings be equipped with an automatic fire sprinkler system. As approximately 80% of all fire deaths occur in residential dwellings, these life safety systems drastically improve the occupant's chance of surviving a fire. (Fire Department)
- b. 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. (Fire Department)
- c. 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 Community Services District Fire Department and the water purveyor having jurisdiction. (Fire Department)
- d. The installation of addresses, landscaping, tree wells and/or traffic islands are subject to the standards outlined by the Community Services District. (Fire Department)
- e. Gas service may be available to this project if desired. The developer should contact PG&E's Service Planning Department at (916) 386-5067 as soon as possible to coordinate construction so as not to delay the project. (PG&E)
- f. Homes that have attached garages with side or rear doors will have solid core or metal covered doors with dead bolt locks. (Sheriff's Department)
- g. Skylight side panels that are placed next to entrance doors will not be on the same side as the lock mechanism of the door. Only one panel may be installed per door, adjacent to the hinges. (Sheriff's Department)
- h. All external door frames, including the side garage, will have screws that are a minimum of three inches long in the strike plate. Strike plates should be anchored with a minimum of four screws. (Sheriff's Department)
- i. The Sheriff's Department highly recommends that homes be designed with the front of the garage aligned with or set back from the front of the house. This will improve visibility from inside the home of the entire block. Homes with covered front porches
- j. promote resident involvement with neighbors, which in turn helps reduce crime. (Sheriff's Department)
- k. On-site source and control measures are required for this project in accordance with the latest version of the City/County Guidance Manual (Guidance Manual of On-Site Storm Water Quality Control Measures). In all cases, source control measures on the improvement plans will include provision of a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each inlet. Other on-site source and treatment control measure(s) should also be used in accordance with specific residential activities referenced in the Guidance Manual. Prior to development plan approval, the final design of the proposed on-site source and treatment controls will be approved by the City of Elk Grove Department of Water Resources. (Water Resources)