

**A RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING A TENTATIVE MAP FOR PROPERTY LOCATED
AT 7936 AND 7938 POCKET ROAD**

(P89-158) (APN: 031-0112-020, 021)

WHEREAS, the City Council on _____, held a public hearing on the request for approval of a tentative map for property located at the above described location;

WHEREAS, all governmental and utility agencies affected by the development of the proposed subdivision have been notified and given the opportunity to respond;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the City Planning Commission and/or Planning staff has submitted to the City Council its report and recommendations on the proposed subdivision;

WHEREAS, the City Council has considered the design of the proposed subdivision in relation to feasible future passive or natural heating and cooling opportunities; and

WHEREAS, the City Council has considered the effects that approval of the proposed subdivision would have on the housing needs of the Sacramento Metropolitan area and balances these needs against the public service needs of City residents and available fiscal and environmental resources.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The Negative Declaration has been prepared in compliance with CEQA, State and City Guidelines, and the Council has reviewed and considered the information contained herein.
2. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision.
3. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, and Chapter 40 of the City Code, which is a Specific Plan of the City. Both the City General Plan and the Pocket Community Plan designate the subject site for residential use(s).
4. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Quality Control Board, Central Valley Region in that existing treatment plants have a design capacity adequate to service the proposed subdivision.
5. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
6. The tentative map for the proposed subdivision is hereby approved, subject to the following conditions which must be satisfied prior to filing of the final map unless a different time for compliance is specifically noted:
 - A. Provide standard subdivision improvements pursuant to Section 40.811 of the City Code;
 - B. Prepare a sewer and drainage study for the review and approval of the City Engineer;
 - C. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;

- D. Pursuant to City Code Section 40.1302 (parkland dedication), the applicant shall submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated not more than 90 days prior to the filing of the final map;
- E. Pursuant to City Code Section 40.319-1, the applicant shall indicate easements on the final map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the City Engineer after consultation with the U.S. Postal Service;
- F. The applicant/developer shall designate and place on the final map those structures and/or lots which will meet the required 80% south orientation (including solar access) to the satisfaction of the Planning Director, or comply with Title 24 requirements of the Uniform Building Code;
- G. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition;
- H. Meet all County Sanitation District requirements;
- I. Submit a soils test prepared by a registered engineer to be used in street design;
- J. Show all existing easements;
- K. Street sections shall be designed to provide for stabilized subgrades and pavement sections under high ground water conditions;
- L. Pay Pocket Bridge fees;

- M. Dedicate a standard 12.5-foot public utility easement for underground electrical and public utility facilities and appurtenances adjacent to all public ways;
- N. Show a 30 foot parkway easement from the toe of the levee. Show toe of levee on final map;
- O. Dedicate the southwesterly 5 feet of Lot 14 as a public utility easement for underground electrical and public utility facilities and appurtenances;
- P. Dedicate the easterly 5 feet of Lot 13 as a public utility easement for underground electrical and public utility facilities and appurtenances;
- Q. Property abandon under permit any existing water wells prior to recordation of the final map;
- R. Prepare a tree preservation plan for review and approval of the City Arborist prior to recording final map;
- S. Existing improvements and landscaping along Pocket Road shall be revised as necessary to the satisfaction of the Public Works Department and the Landscape Architect; and
- T. Note: Property to be subdivided in accordance with this map may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street;

- U. A seepage study will be required by a registered engineer. The study shall identify and recommend solutions or groundwater-related problems which may occur within both the subdivision lots and public right-of-way. Appropriate facilities shall be constructed to alleviate those problems;
- V. Dedicate 10 foot levee maintenance and space easement at the toe of the levee (levee r/w), to the satisfaction of the State Reclamation Board, and City Food Control and Sewer Division;
- W. Eliminate the meandering lot line on parcel 13 and replace with a boundary line more easily described in a legal description;
- X. The applicant shall comply with all mitigation measures listed in the negative declaration for P89-158, on file at the City Planning Division, to the satisfaction of the City's Environmental Review Coordinator. A note referencing the mitigation measures shall be placed on the face of the final map and in the deed to all lots;
- Y. Lot A shall be dedicated to the City of Sacramento for purchase;
- Z. The subdivider shall pave the bicycle path on the top of the levee for a distance of approximately 838.79 feet (the distance the property being subdivided backs onto the levee behind lots 5 through 13 inclusive). The surface, paving material, depths of paving material, width of the paved surface and any striping requirements shall be as directed by the Department of Public Works. Construction shall be commenced within ninety days after the reinforcement of the levee is completed. The performance of this condition shall be secured by a deposit with the City in the form of a Certificate of Deposit in an amount equal to the estimated construction costs from a local bank to be returned to subdivider upon completion of paving the bicycle path. The subdivider shall obtain all necessary permits;

- AA. The subdivider shall record a notice affecting lots 5 through 12 inclusive as follows:

"Notice is hereby given that a bicycle path shall be paved on the top of the levee on lot A. This notice shall not be construed to create any property interest, lien or encumbrance on said lot. This notice shall expire and be of no effect on (date to be two years after date of recording)."

- BB. The subdivider shall offer to sell to the City a 30 foot wide strip between the toe of the levee and the rear lot lines of the lots backing on the levee, excepting lot 13. This strip shall be inclusive of any easement area in favor of any public entity between the toe of the levee and the rear lot lines (lots 5 through 13, inclusive). Subdivider shall landscape with this strip with native trees on approximately 30 foot centers and irrigated to the satisfaction of the Department of Parks and Community Services;

- CC. The owners of lot 13 shall offer to sell to the City a strip of property defined as the easterly extension of the rear property line of lot 12 across the southerly portion of lot 13 (hereinafter referred to as the "Strip"). The Strip shall be inclusive of any easement area in favor of any public entity. At the time the Strip is sold to the City, the owner of lot 13 shall:

1. remove any building or other improvement in or encroaching on the Strip and shall meet all legal requirements for capping any well in the Strip; and

2. landscape the Strip with native trees on 30 foot centers and install irrigation to the satisfaction of the City of Sacramento. The time for aforementioned sale, demolition and other work, and landscaping and irrigation improvements (collectively hereinafter referred to as "Sale") shall be determined as follows:

Mrs. Irene Silva, the present owner of lot 13 has represented that, before the time of her death or through her estate, lot 13 shall be transferred to John Silva. If such transfer is made, at the time John Silva ceases to reside at lot 13, or at the time John Silva dies, whichever shall first occur, the Sale shall be made within One Hundred Eighty (180) calendar days. If such transfer from Mrs. Silva to John Silva is not made, the Sale shall be made within One Hundred Eighty (180) days of the date of Mrs. Irene Silva's death. If the aforementioned Sale is not accomplished in whole or in part when required, then the City of Sacramento may accomplish the work, and the cost of such work shall be a lien on lot 13. This condition shall be recorded on lot 13 as a Memorandum of Agreement between Mrs. Irene Silva, John Silva and the City of Sacramento;

- DD. The City of Sacramento shall pay the subdivider and the owner of lot 13, as their respective interests appear, the fair market value of the property to be sold to the City of Sacramento as required by the prior two conditions as well as the fair market value of the remaining land from the levee side of the 30 foot strip to the low water mark in or at the Sacramento River. The respective payments shall be made not later than two years after the City of Sacramento receives each of the respective properties. Fair market value shall be determined by an appraisal obtained from an MAI appraiser paid by the City of Sacramento within six months of the date the property is dedicated to the City. The price shall be determined as of the date the final subdivision map is recorded regardless of when the property is actually paid for by the City. If either Subdivider or the owner of lot 13 disagrees with the City appraisal, they shall respectively obtain a second MAI appraisal within six months of the date the City of Sacramento delivered its appraisal. If the City of Sacramento and either subdivider or the owner of lot 13 are not agreement within six months of subdivider or the owner of lot 13 delivering their respective appraisal to the City of Sacramento, then the price shall be determined by binding arbitration before the American Arbitration Association ("AAA") with the AAA costs to be borne equally to both sides with each side to bear its respective costs;
- EE. If and when the Silva residence currently located on lot 13 is removed from lot 13, the owner of lot 13 shall sell an additional ten (10) foot strip on the levee side of lot 13 for the same price as the unencumbered portion of the property behind lot 13 was sold to the City.
- FF. A decorative fence shall be reviewed and approved by the Planning Director for those lots adjacent to Pocket Road. Design and color of the six foot high wall shall be compatible with similar walls along the Pocket Road Parkway.
- GG. Subdivider shall provide a 20 foot landscaped easement parallel to the City right-of-way.

HH. The map shall be redesigned to provide public access to the Sacramento River.

II. The applicant shall improve and maintain the bikeway and parkway easement to the satisfaction of the Parks and Community Services Director.

MAYOR

ATTEST:

CITY CLERK

P89-158.CC