



CITY OF SACRAMENTO

19

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

May 29, 1981

APPROVED
BY THE CITY COUNCIL

JUN 2 - 1981

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Post Subdivision Modification to modify or delete certain conditions of approval for Natomas Oaks Tentative Subdivision Map (APN: 274-030-18; 274-041-01, 06, 08, 09) (P-8992)

LOCATION: Northwest quadrant of Garden Highway and I-5

SUMMARY

The applicant requests a Post Subdivision Modification to delete condition 10 and modify conditions 12 and 23 (Resolution 80-324) of the Natomas Oaks Tentative Map.

BACKGROUND INFORMATION

On December 11, 1979, the City Council approved the PUD designation and schematic plan for the subject site. The rezoning requests for most of the PUD were also approved. On May 22, 1980, the City Council approved an amendment of the South Natomas Community Plan, Rezoning, Subdivision Modification, and Tentative Map. This project consisted of 390 residential lots, three cluster housing parcels, two multiple family lots, a park site, a landscaped corridor, and a canal parkway.

The applicant is now requesting deletion of condition 10. Condition 10 instructs the applicant to participate in the formation of a bridge assessment district for a pedestrian bridge across the drainage canal in the vicinity of the proposed school and park sites prior to filing the final map. The request to delete this condition is due to the fact that the property west of the drainage canal remains within the County. The split jurisdiction precludes the use of both special assessment proceedings and Subdivision Map Act benefit districts. Secondly, it is unclear whether the proposed school/park site will be developed. Furthermore, it appears that Reclamation District 1000 opposes such a bridge. The City Engineer and the City Attorney support the request to delete condition 10.

May 29, 1981

The applicant further requests that condition 12 be modified. The subdivider shall now install landscaping and irrigation for tree pockets and street tree planters. The City shall maintain street trees. The subdivider shall maintain tree planters until lots adjacent to such planters are owner-occupied. Conditions, covenants and restrictions shall require homeowners to maintain such tree pockets upon occupancy. The Department of Community Services concurs with the modification in order to better address their concerns with regard to servicing the landscaping in a special assessment district.

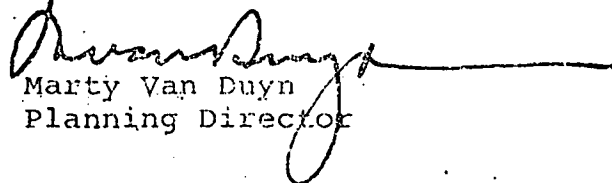
Finally, the applicant requests an amendment to condition 23 regarding a purchase and sale agreement for the acquisition of Lot H by the City for park purposes. The applicant suggests this agreement be entered into on or before October 31, 1981, rather than at the time of final map recordation. This will provide the City a greater degree of flexibility in funding the acquisition. The Department of Community Services and the City Attorney's office concur with this proposal.

The proposed amendments to Resolution 80-324, approving Natomas Oaks, have been reviewed by the City Engineer, City Attorney, and Community Services Division. These agencies concur with the proposed Post Subdivision Modifications.

RECOMMENDATION

The staff recommends that the Council approve the Post Subdivision Modification request to amend Resolution 80-324 and adopt the attached Resolution.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:SD:jm
Attachments
P-8992

June 2, 1981
District No. 1

RESOLUTION NO. 81-389

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

JUNE 2, 1981

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A POST SUBDIVISION MODIFICATION FOR A TENTATIVE MAP FOR NATOMAS OAKS (P-8992) (APN: 274-030-18; 274-041-01, 06, 08, 09)

WHEREAS, the Council of the City of Sacramento considered a request to: (a) delete Condition 10; (b) modify Condition 12; and (c) modify Condition 23 of Resolution 80-324 approving Natomas Oaks Subdivision.

WHEREAS, the Council of the City of Sacramento, based on testimony submitted at a public hearing conducted on June 2, 1981, hereby finds and determines as follows:

- a. That there is such special circumstances or conditions affecting the property that it is impracticable or undesirable in the particular case to conform to the conditions as specified in the resolution;
- b. That cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
- c. That the modification will not be detrimental to the public health, safety, or welfare or be injurious to other properties in the vicinity;
- d. That granting the modification is in accordance with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable specific plans of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Sacramento as follows:

That the Post Subdivision Modification be approved to delete Section 10, and modify Sections 12 and 23 of Resolution 80-324. Sections 12 and 23 shall read as follows:

Condition 12: "The subdivider will install landscaping and irrigation for the tree pockets and street planters. The City will maintain the street planters. The subdivider shall include in the conditions, covenants and restrictions applicable to the property provisions for property owners adjacent to tree pockets to assume responsibility for maintenance of such tree pockets upon occupancy and providing that the subdivider or declarant will maintain such tree pockets prior to the recording of contiguous lots."

APPROVED
BY THE CITY COUNCIL

Condition 23: "The applicant and the City shall enter into an agreement on or before October 31, 1981, for the acquisition of Lot H by the City for park purposes. The purchase and sale shall be consummated through an escrow which shall be opened within five (5) business days after the date on which the agreement is executed by the City and which shall close on or before June 30, 1982. The purchase price shall be fixed at the fair market value of the property at the time of approval of the tentative subdivision map, and any real property taxes, assessments and interest on any bonds, or other encumbrances imposed upon or prorated to Lot H, together with the subdivider's financing costs attributable to said property, shall be prorated as of thirty (30) days from the date of approval of the tentative subdivision map by the City Council."

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MAYOR

ATTEST:

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CITY CLERK

P-8992

McDONOUGH, HOLLAND & ALLEN

A PROFESSIONAL CORPORATION
ATTORNEYS

555 CAPITOL MALL, SUITE 950
SACRAMENTO, CALIFORNIA 95814
(916) 444-3900

NEWPORT BEACH OFFICE
4041 MACARTHUR BOULEVARD, SUITE 190
NEWPORT BEACH, CALIFORNIA 92660
(714) 833-2304

IN REPLY REFER TO:

March 30, 1981

03680/038

MARTIN McDONOUGH
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CITY PLANNING COMMISSION

MAR 31 1981

RECEIVED

Mr. Marty Van Duyn
Planning Director
City of Sacramento
725 J Street
Sacramento, CA 95814

Re: Subdivision Modification for
Natomas Oaks (APN: 274-030-18;
274-041-01, 06, 08, 09) (P-8992)

Dear Marty:

Pursuant to discussions with your office, and representatives of the City Attorney's office, City Engineering Department and Department of Community Services, we submit this request for a modification of the conditions of approval of the tentative map for Natomas Oaks, approved by Resolution No. 80-324 on May 27, 1980.

1. We request that Condition No. 10 of the tentative map approval be deleted. That condition reads as follows:

"The applicant shall participate in the formation of a bridge assessment district pursuant to Article XII, Chapter 40, of the City Code for a pedestrian bridge across the drainage canal in the vicinity of the proposed school and park sites prior to filing the final map."

There are a number of impediments to the creation of an assessment district. The property west of the drainage canal remains within the County and its potential annexation is uncertain pending resolution of the exchange of property tax revenues between the City and County pursuant

Mr. Marty Van Duyn
March 30, 1981
Page 2

to Revenue and Taxation Code section 99(b). The split jurisdiction over the benefit area (which, itself, cannot be reasonably determined at this time) precludes utilization of either the usual special assessment proceedings or the Subdivision Map Act benefit district provisions. Further, it appears unclear whether the school/park site will be developed west of the drainage canal. Finally, it also appears that Reclamation District 1000 is opposed to such a bridge. It seems clear that provision for such a bridge must await future policy decisions in a number of areas and that provision for construction of such a bridge can be adequately made and appropriate areas of benefit determined at that time.

2. We request further that Condition No. 12 be deleted and that the following language be substituted as mutually agreed:

"The subdivider will install landscaping and irrigation for the tree pockets and street planters. The City will maintain the street planters. The subdivider shall include in the conditions, covenants and restrictions applicable to the property provisions for property owners adjacent to tree pockets to assume responsibility for maintenance of such tree pockets upon occupancy and providing that the subdivider or declarant will maintain such tree pockets prior to occupancy of contiguous lots."

3. Condition No. 23 should be amended. The subdivider presented to the City a purchase and sale agreement in accordance with said condition. The City, however, has not executed that agreement as required by the condition. The subdivider has continued to meet with the Department of Community Services in an effort to assist the City in resolving the fiscal problems relating to its obligation and desire to acquire the park site. The following substitute language for Condition No. 23 is suggested as a means of providing a greater degree of flexibility to the City in funding the acquisition.

"The applicant and the City shall enter into an agreement on or before July 31, 1981, for the acquisition of Lot H by the City for park purposes. The purchase and sale shall be consummated through an escrow which shall be opened within five (5) business days after the date on

Mr. Marty Van Duyn
March 30, 1981
Page 3

which the agreement is executed by the City and which shall close on or before June 30, 1982. The purchase price shall be fixed at the fair market value of the property at the time of approval of the tentative subdivision map, and any real property taxes, assessments and interest on any bonds, or other encumbrances imposed upon or prorated to Lot H, together with the subdivider's financing costs attributable to said property, shall be prorated as of thirty (30) days from the date of approval of the tentative subdivision map by the City Council."

We have provided for execution of a purchase and sale agreement after commencement of the next fiscal year and for an eleven month escrow in order to provide as much flexibility as possible to the City for financing alternatives.

We respectfully request action on the subdivision modification at the earliest possible time. We enclose herewith our check for \$100.00 representing the filing fee, in accordance with your directions. We have also enclosed a radius map and property owners list. Please let us know if any further information is required.

Very truly yours,

Bill Holliman

William G. Holliman, Jr.

WGH:js

Enclosures

cc: Solon ("Doc") Wisham
Ron Parker
Lee Savage, Esq.
Irv Moraes
Howard Yee
K. Mark Nelson
Bob Nielebeck

RESOLUTION NO. 60

Adopted by The Sacramento City Council on date of

MAY 27, 1980

ADOPTING FINDINGS OF FACT, APPROVING A REQUEST FOR SUBDIVISION MODIFICATION AND TENTATIVE MAP FOR NATOMAS OAKS (APN: 274-030-18; 274-041-01, 06, 08, 09) (P-8992)

MAY 27 1980

WHEREAS, the Planning Commission has submitted to the City Council its report and recommendations concerning the request for a tentative map for Natomas Oaks, located at the northwest quadrant of Garden Highway and I-5 (hereinafter referred to as the proposed subdivision).

WHEREAS, the Council of the City of Sacramento, based on testimony submitted at a public hearing conducted on May 27, 1980, hereby finds and determines as follows:

- A. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan and the South Natomas Community Plan in that both plans designate the subject site for residential/Park Open Space/Freeway Corridor. Also, any required improvements are to be designed and constructed within the provisions of the Subdivision Regulations which, by Section 40.102 of said regulations, is designated as a Specific Plan of the City of Sacramento.
- B. The site is physically suitable for the type and proposed density of development in that the subject site is flat with no significant erosional, soil expansion or other similar problems.
- C. The design of the subdivision or proposed improvements are not likely to cause substantial environmental damage, and will not substantially and avoidably injure fish or wildlife or their habitat. The proposed project has been reviewed and assessed by the Environmental Coordinator, who has filed a Negative Declaration, with the City Clerk. By virtue of the Negative Declaration, the proposed project will not cause individual or cumulative adverse effects on the natural and social-physical environment nor substantially and avoidably injure fish, wildlife or their habitat.
- D. The design of the subdivision or the type of improvements are not likely to cause serious public health problems in that community water and sewer systems exist at the site. The site is not within an established floodplain or over a known seismic fault.
- E. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public for access through, or use of, the property within the proposed subdivision, in that there are no access easements for use by the public at large on the subject site.
- F. The discharge of waste from the proposed subdivision into the community sewer system servicing the proposed subdivision will not result in or add to a violation of the waste discharge requirements applicable to said sewer system which were prescribed by the California Regional Water Quality Control Board, Central Valley Region, in that the existing City of Sacramento treatment plants have a design capacity of 75 mgd and that actual treated discharge averages 56 mgd. The discharge from the proposed project will not create a condition exceeding the design capacity.

G. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the proposed subdivision, taking into consideration the local climate, the contour and configuration of the parcel to be divided, and such other design and improvement requirements applicable to the proposed subdivision.

H. In the matter of the requested subdivision modification, the Council determines as follows:

a. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impracticable or undesirable in the particular case to conform to the strict application of these regulations.

Fact: The location of existing trees and levee makes it difficult to meet all requirements of the subdivision ordinance.

b. That cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

Fact: The modification is needed to preserve existing trees.

c. That the modification will not be detrimental to the public health, safety or welfare nor be injurious to other properties in the vicinity.

Fact: The modification will not significantly change the characteristics of the proposed subdivision.

d. That granting the modification is in accord with the intent and purpose of these regulations and is consistent with the General Plan and with all other applicable Specific Plans of the City.

Fact: The plans designate the site for residential.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Sacramento as follows:

- A. The Negative Declaration be ratified;
- B. The Tentative Map and Subdivision Modification be approved subject to the following conditions:
 1. The applicant shall place the following note on the final map: Lot 252 is restricted to a single family residence.
 2. The applicant shall enter into a drainage improvement agreement with Reclamation District 1000 prior to the filing of the final map in order to assure dredging of the canal.
 3. The applicant shall enter into an agreement with the Natomas Union School District to assure adequate school facilities prior to the filing of the final map.
 4. The applicant shall retain the Heritage Oak trees shown on the tentative map with the exception of those indicated on Exhibit B.
 5. The applicant shall not allow stacking of construction materials and the parking of equipment and vehicles within the tree drip line.
 6. The applicant shall not grade, trench, cut or fill within a tree drip line.
 7. The side yard property line between Lots 245 and 246 shall be adjusted five feet north or south.
 8. The applicant shall provide five pairs of bus stops, three pairs of which are to include bus shelters, as indicated on Exhibit C.
 9. The applicant shall remove any existing structures if they fall over proposed lot lines prior to filing the final map.
 10. The applicant shall participate in the formation of a bridge assessment district pursuant to Article 12, Chapter 40, of the City Code for a pedestrian bridge across the drainage canal in the vicinity of the proposed school and park sites prior to filing the final map.
 11. 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.
 12. The applicant shall participate in a maintenance assessment district prior to the filing of the final map for the purpose of maintaining the tree pockets and street planters.
 13. The landscaping and irrigation plans for the tree pockets and street planters are subject to the review and approval of the Directors of Planning and Community Services prior to the filing of the final map.
 14. The cul-de-sacs (C, D, L, M, O & S Courts) shall protrude 20 feet into the Parkway pursuant to the South Natomas Community Plan.

15. The applicant shall design the entry islands to the subdivision and the tree well on the west side of the 90-foot right-of-way collector street to the satisfaction of the Departments of Traffic Engineering and Fire.
16. The applicant shall provide planter islands or an alternate approved by the City Traffic Engineer on the long straight sections of minor street roadways (re Section 40.307 of the Subdivision Ordinance) to serve as a deterrent to high speed traffic. The islands shall be placed to provide no more than 400 feet of straight roadway.
17. The applicant shall realign the southern entry to the subdivision to ensure its location at least 100 feet from the end of the vertical curve connecting elevated Garden Highway with the 90-foot wide collector street.
18. Access shall not be allowed from the 90-foot collector street along the slope easement area of the levee parkway adjacent to the Garden Highway.
19. The applicant shall provide standard subdivision improvements pursuant to Section 40.811 of the Subdivision Ordinance.
20. The applicant shall provide a sewer and drain study for the review and approval of the City Engineer. Off-site extensions are required.
21. The applicant shall provide a right-of-way study along the Garden Highway for the review and approval of the City Engineer for the review and approval of the City Engineer prior to the filing of the final map. Because 64 feet of top width is required, a dedication may be necessary.
22. The applicant shall dedicate the canal parkway along the main drainage canal, the parkway along the Garden Highway, and the I-5 landscaped corridor to the City of Sacramento at no cost at the time of recordation of the final map.
23. The applicant shall enter into an option agreement with the City under which the City shall acquire the property designated as Lot H on the attached tentative map at the time the final or parcel map which creates Lot H is filed. The agreement is to be executed within 30 days of approval of the tentative subdivision map by the City Council. The option agreement shall fix the price of Lot H at the fair market value at the time of tentative map approval.
24. The applicant shall meet the standard Traffic Engineering conditions for subdivisions:
 - i. Minimum radius of street centerline:
 - a. 44' R.O.W. = 200' R
 - b. 50' R.O.W. = 250' R
 - c. 54' R.O.W. = 400' R
 - ii. Minimum R.O.W. radius for cul-de-sac bulb:
44' & 50' street = 40' R
 - iii. All street intersections shall be right angle with a centerline tangent on the side street equal to one-half the through street width plus corner radius.
25. The applicant shall provide an off-site improvement (90-foot right-of-way, minimum 30-foot wide pavement) to West El Camino prior to filing the final map.

26. The applicant shall provide a sound wall along the I-5 corridor pursuant to the criteria set forth in the South Natomas Community Plan.
27. The applicant shall provide a bike lane along the 90-foot wide collector street and a bike route as indicated on Exhibit D.
28. The annexation must be completed prior to recordation of the final map.

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MAYOR

ATTEST:

CITY CLERK

P-8992

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CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 308

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

May 11, 1981

Owner of Property:

Morrison Homes
4441 Auburn Blvd.
Ste. P
Sacramento, CA 95841

On May 8, 1981, the following matter was filed with my office to set a hearing date before the City Council.

P-8992 Post Subdivision Modification for Natomas Oaks to amend and delete certain conditions of approval of tentative map relating to establishment of a bridge assessment district, landscaping maintenance district, and acquisition of a park site.
Location: Northwest quadrant of Garden Highway and I-5 Freeway. (D1)

The hearing has been set for June 2, 1981, 7:30 P.M., Council Chamber, 2nd floor, 915 - I Street, Sacramento, California. Interested parties may appear and speak at the hearing.

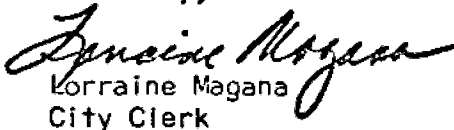
Pursuant to Council Rules of Procedure 4.5, continuance of the above matter may be obtained only if a written request is delivered to this office no later than 12:00 Noon the Monday before the meeting when the hearing is scheduled. If written request is not delivered to this office as specified herein, you may obtain continuance only by appearing before the City Council at the time the hearing is scheduled and request the continuance.

ANY QUESTIONS REGARDING THIS HEARING SHOULD BE REFERRED TO:

SACRAMENTO CITY PLANNING DEPARTMENT
725 - J STREET
SACRAMENTO CA 95814

TELEPHONE: 449-5604

Sincerely,


Lorraine Magana
City Clerk

LM:am :lb

cc: Spink Corp.

P-8992 Mailing List 18



OFFICE OF THE CITY CLERK
915 I STREET SACRAMENTO, CALIFORNIA 95814
CITY HALL ROOM 203 TELEPHONE (916) 449-8428

NOTICE OF CITY COUNCIL HEARING



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

June 3, 1981

Morrison Homes
4441 Auburn Boulevard, Suite P
Sacramento, CA

Gentlemen:

On June 2, 1981, the City council approved the following for property located on Northwest quadrant of Garden Highway and I-5 Freeway (P-8992):

Tentative map relating to establishment of a bridge assessment district, landscaping maintenance district, and acquisition of a park site.

For your records, we are enclosing one certified copy of resolution relative to the above subject matter.

Sincerely,


Lorraine Magana
City Clerk

LM:sj
cc: Spink Corp.
Planning
Encl.