

**Alto Proposed Amendments
To La Canada Conditions of Approval
Board of Supervisors January 19, 2010
Agenda Item #20**

Condition of Approval #30 should be amended to provide that the ABC Salmon Falls connector road and related lots and parcels are designated Phase I of the La Canada development or, alternatively, the connector road is required to be built prior to the filing of any Final Map for the property or any parcel or portion of the property.

Condition of Approval #34 should be amended as follows:

“34. **Multi-Project Area of Benefit:** The County *intends to* form and implement, at the applicant’s expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit L entitled Malcolm Dixon Area Traffic Circulation Plan. *If and when requested by the County*, the applicant shall prepare, *and/or assist and cooperate in the preparation as may be appropriate*, and *thereafter* submit for County’s approval and adoption a proposed Area of Benefit and supporting Engineer’s Estimate and Report for the purpose of financing and reimbursement of required off-site land acquisition, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24. *The County has determined that this project is within the proposed public financing district Area of Benefit, and that the project will derive benefit from the public improvements to be constructed as part of the Malcolm Dixon Area Traffic Circulation Plan. Prior to the approval or filing of any Final Map of the property or any portion or phase of the project, the County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. The Area of Benefit Engineer’s Report shall be prepared and submitted and the proposed public financing district formed prior to the filing of a Final Map of the property or any phase or portion of the project.*”

Condition of Approval #35 should be amended as follows

35. **Area of Benefits Improvements:** “The following Area of Benefit Improvements are required of all projects party to the Area of Benefit. This project’s proportional share and financial responsibility for these improvements shall be determined by the Engineer’s Report. *The Engineer’s Report for the Area of Benefit shall be prepared and the financial responsibility shall be paid by the*

Submitted by Sam Neasham
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at Board Hearing of 1/19/10

applicant prior to the filing of any Final Map of the property or any phase or portion of the project. These improvements shall be completed prior to issuance of a permit for any lot in Phase II (i.e., the construction and buildout of Phase I does not trigger the need for completion of the improvements in Table 2. However, all items in Table 2 must be completed prior to the issuance of a building permit on any lot in any other Phase).

Condition of Approval #39 should be amended as follows:

39. Secondary Access: The applicant shall provide at least two connections with an existing improved public street for the project *in accordance with the County Design & Improvements Standards Manual, Sections (3) (A) (2), (9) and (12).* The accesses shall adhere to the provisions described in Table 1. The second connection with an existing improved public street *shall* be provided by way of the Malcolm Dixon connector road in accordance with County approved design standards shown on the Malcolm Dixon Area Traffic Circulation Plan. The improvements shall be substantially completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of *any Final Map of the property or any phase or portion of the project.*

Assuming that the applicant proposed Phasing Plan is approved, add an additional Condition of Approval as follows

“ . *Additional Security for MDA Traffic Circulation Plan Improvements.*

Prior to the filing of any Final Map or map amendment for any phase or portion of the property, the applicant shall prepare and submit to the Department of Transportation for its approval an Engineer's Estimate for the full construction costs of the east-west connector road from Salmon Falls Road to the westerly boundary of the Alto property and improvements which lie outside the boundaries of Phase I. The Engineer's Estimate shall be updated annually from the date of initial approval by the Department of Transportation.

Contemporaneously with the filing of a Final Map for Phase I, the applicant shall cause to be created a “due on sale” first-priority lien upon each parcel within Phase I designated for residential development in an amount equal to 1/24th of the applicable Engineer's Estimate for the full costs of construction of the east-west connector road. If a large parcel map is filed for all of Phase I, the lien shall be in an amount equal to the number of residential lots within such parcel times an amount equal to 1/24th of the Engineer's Estimate for the full costs of construction of the east-west connector road described above. Upon the sale of each such parcel, the funds shall be deposited into an interest bearing escrow account which may only be withdrawn with the approval of the County and in accordance with the below provisions.

In the event the applicant or successor-in-interest constructs the east-west connector road outside the boundaries of Phase I, upon approval of such road construction by the Department of Transportation, said funds may be released as reimbursement to the applicant or his successor-in-interest. In the event that a 3rd party funds and constructs the construction of any portion or all of the east-west connector road, upon approval of such road construction by the Department of Transportation, said funds shall be released to the third party funding and constructing said road as reimbursement for the costs of construction prior to any funds being released to the applicant or his successor-in-interest.

This requirement for additional security and the applicant's compliance with such shall not be considered in any way or for any purpose to constitute the full compliance with any obligation of the applicant to construct improvements required under the Conditions of Approval. The additional security required under this provision shall be in addition to any obligations under the Conditions of Approval, or other bonding or sureties otherwise required by the County."

Condition of Approval #40 should be amended as follows:

"40. Reciprocal Access Agreement: The applicant shall provide a reciprocal access agreement, signed by the adjoining property owners, *together with recorded easements allowing the use of the MDA Circulation Plan connector road through La Canada for access to Salmon Falls Road, guaranteeing access for this site to use the proposed off-site roadways from this project to Malcolm Dixon Road, prior to the filing of any Final Map or map amendment for any phase, specifically including Phase I, or any portion of the property.*"

Condition of Approval #74 should be amended as follows:

"74. The applicant shall process a request for annexation into the El Dorado Irrigation District for public water, *obtain LAFCO approval of such annexation and thereafter annex into the El Dorado Irrigation District prior to the filing of any Final Map of the property or portion or phase of the property.*"

Condition of Approval #75 as follows:

"75. The applicant shall process a request for annexation into the El Dorado Hills Fire District for fire protection services, *obtain LAFCO approval of such annexation, thereafter annex and obtain a commitment for fire protection services from El Dorado Hills Fire Protection District prior to filing of any Final Map of the property or any portion or phase of the property.*"