

RESOLUTION NO. 2004-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE PARCEL MAP, TENTATIVE SUBDIVISION MAP AND DESIGN REVIEW FOR EAST MEADOW UNIT NO.3, PROJECT NO. EG-03-511, SUBJECT TO THE FINDINGS AND MMRP/CONDITIONS OF APPROVAL

WHEREAS, East Meadows Unit #3, represented by Reynen and Bardis, filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezoning, Tentative Parcel Map, Tentative Subdivision Map and Design Review. (Assessor's Parcel Number 132-0050-037); 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 May 13, 2004 and recommended City Council approval of the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

Approve the East Meadows Unit #3 Tentative Parcel Map, Tentative Subdivision Map and Design Review based on the following findings and the attached exhibits and conditions of approval included as Exhibit A and B, respectively.

CEQA

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 East Meadows Unit # 3 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.

General Plan

Findings: The project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan and the East Franklin Specific Plan identifies the site with a dual designation of Low Density Residential (rear) and Multifamily Residential (front). As proposed, the project is consistent with the goals and policies of the General Plan for residential development with the City of Elk Grove.

Tentative Parcel and Subdivision Map

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 designs 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 Subdivision Map. However, the following statements are applicable:

- a. The proposed maps are consistent with the Elk Grove General Plan, East Franklin Specific Plan and rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan, East Franklin Specific Plan and design standards of the municipal code.
- c. The site is physically suitable for the residential development and will be consistent with the proposed General Plan.
- d. The site is appropriate for the specified density of development as presented in the staff report.
- e. The Mitigated Negative Declaration prepared for the East Meadows Unit #3 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 East Meadows Unit #3 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.

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 proposed Elk Grove General Plan has acknowledged the East Franklin Specific Plan as a key component of the General Plan Land Use Map. As such, any project proposed must be consistent with the Specific Plan and thus consistent with the proposed General Plan. The East Meadows Unit #3 project is consistent with the land use densities and design within the East Franklin Specific Plan and subsequently the Elk Grove General Plan. The proposal is consistent with the allowed density ranges and uses in the East Franklin Specific Plan, Elk Grove General Plan and 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-ways for a circulation pattern consistent with the requirements of the East Franklin Specific Plan. Roadways have bicycle lanes where necessary. 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 East Meadows Unit #3 project has been designed in accordance with the East Franklin Specific Plan 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 the 16th day of June 2004.




SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

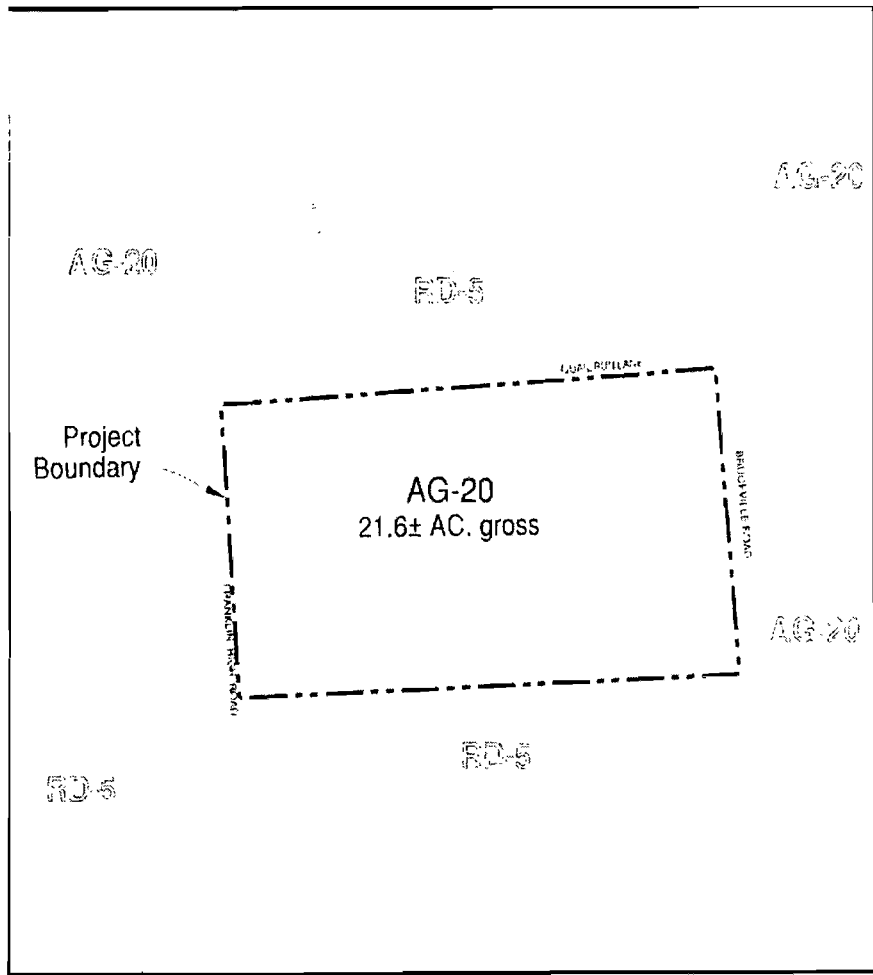


PEGGY E. JACKSON, CITY CLERK

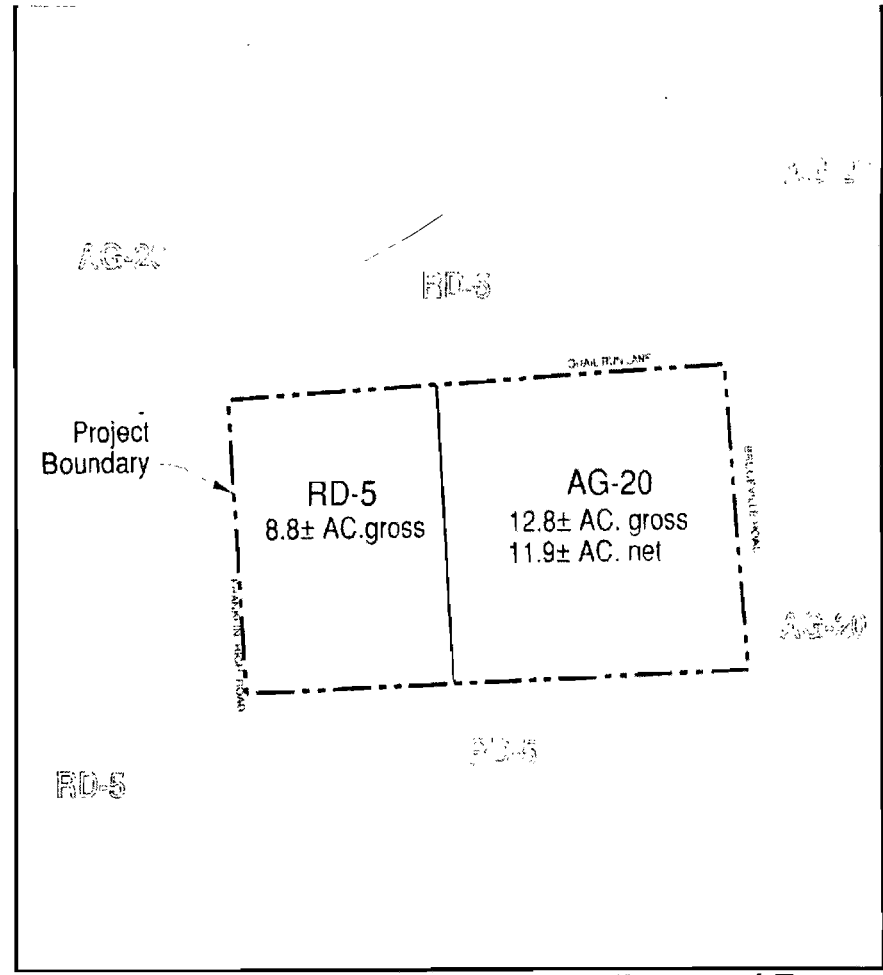
APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY



Existing Zoning



Proposed Zoning

Exhibit A:

Rezoning

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going				
1.	<p>The development approved by this action is for the following:</p> <ul style="list-style-type: none"> • Rezone of rear portion (8.8 gross acres) of property from AG-20 to RD-5; frontage balance (12.8 gross acres) maintains AG-20 zoning • Tentative Parcel Map creating Parcel A (8.8 gross acres) and Remainder Parcel (12.8 gross acres) • Tentative Subdivision Map of Parcel A to create 44 single-family (RD-5) residential lots and 1 Landscaped Lot A <p>This project proposal is further described in the staff report dated June 16, 2004 and associated exhibits.</p>	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 Parcel and Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council 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	
5.	If there are any discrepancies between the approved tentative map and the conditions of approval, the conditions of approval shall supersede the approved tentative map.	On-Going	Public Works	
6.	All improvements shall be designed and installed in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	On-Going	Public Works	

Conditions of Approval / Mitigation Monitoring and Reporting Program

7.	Streets shall be closed to the public until Department of Public Works, Division of Traffic Engineering and the project engineer determine the appropriate traffic control devices to be installed and the devices are installed to the satisfaction of Public Works. Road closure devices shall be in place immediately and maintained in-place at all times upon completion of paving. Road closure may also require alternative accesses to both building and improvements construction traffic. The type of road closure devices shall be determined and approved by Public Works.	On-Going	Public Works	
8.	Construction traffic is prohibited from using old Poppy Ridge Road.	On-going	Public Works	
9.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement. Street cuts of existing streets require the issuance of an encroachment permit and payment of street cut fees.	On-going	Public Works	
Prior to Improvement or Grading Plan				
10.	Comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with (8.8 acres). Until the MMRP has been recorded and the estimated MMRP fee of \$2,000 has been paid, no improvement plan or grading plan for the subject property shall be approved. (Planning)	Prior to Issuance of Improvement Plan or Grading Permit	Planning	
11.	<p>Prior to approval of improvement plans or recordation of a final subdivision map, whichever occurs first, the applicant shall implement <u>one of the following options</u> to the satisfaction of the Planning Director, to mitigate for the loss of agriculture land which will assist in maintaining the integrity of the Urban Services Boundary:</p> <ul style="list-style-type: none"> For each acre of land being developed by this project, the applicant shall preserve 0.63 acres of agriculture land within the are bounded by the Kammerer Road on the north, the Cosumnes River on the east, the Mokelumne Rive/Sacramento County Line on the south, and Interstate-5 on the west, through the purchase of conservation easements or similar instruments that assure the long term protection of that land 	Prior to Grading	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	<p>from urban encroachment; or</p> <ul style="list-style-type: none"> • For each acre of land being developed by this project, the applicant shall contribute \$1,025.00 per acre (through direct contribution or other financing mechanism that results in an equivalent contribution) into a fund and program to expend such fund, to be used to purchase conservation easements or similar instruments within the same geographical area defined in part (a), and to provide for the ongoing monitoring and administration of the program (the fund, and program to expend such fund, are to be approved by the Board of Supervisors); or • Should the County Board of Supervisors or the Elk Grove City Council adopt a permanent program to preserve agriculture land in the same geographical area defined in part (a), prior to implementation of one of the above measures, and such a permanent program is intended to replace this condition, the applicant shall be subject to that program instead; or • The contribution rate (\$1,025 per acre) may be adjusted annually on or about July 1, subject to approval by the Board, based upon the annual increase in the consumer price index, or based upon a detailed analysis of land values within the affected area. 			
12.	<p>In order to mitigate for the loss of Swainson's hawk foraging habitat, the applicant shall implement one of the City of Elk Grove's approved mitigation alternatives.</p> <p>The project applicant shall provide Development Services-Planning written verification that one of following mitigation measures has been implemented:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost within a ten-mile radius of the project site. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove • Implement a Swainson's hawk mitigation plan to the satisfaction of the CDFG that includes the preservation of Swainson's hawk foraging habitat 	Prior to approval of Improvement plans	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	<ul style="list-style-type: none"> • Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount 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. 			
13.	<p>In order to mitigate for potential adverse impacts to nesting Swainson's hawks, a pre-construction survey shall be conducted by a qualified biologist contracted by the applicant or by the City and funded by the applicant. The survey shall be conducted within 30 days of the start of construction activities for a 1/2-mile radius. In addition, a survey of the project site and areas within 500 feet of the project site shall be conducted once in April and once in May. If active Swainson's hawk's nests are found, the applicant shall consult with the Department of Fish and Game and clearing and construction shall be postponed or halted until all young have fledged and additional nesting attempts no longer occur. If a nest tree is found on the subsequent project site prior to construction and is proposed for removal, then appropriate permits from CDFG shall be obtained and mitigation implemented pursuant to CDFG guidelines.</p> <ul style="list-style-type: none"> • Prior to issuance of grading permits, the applicant shall provide Development Services-Planning written verification that a qualified biologist has been retained by the applicant to perform the pre-construction survey. This action may be waived if the biologist will be contracted by the city at the applicant's expense. • No earlier than 30 days before commencement of construction activities, including land clearing, the qualified biologist shall submit and certify to the Planning Director, the results of the pre-construction survey. Failure to submit the required survey results will delay the approval 	Prior to approval of Improvement plans	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	<p>to initiate construction activities, including land clearing.</p> <ul style="list-style-type: none"> • No later than April 30, the qualified biologist shall submit and certify to the Planning Director, the results of the 500-foot site perimeter survey. Failure to submit the required survey results will cause any construction activity to be halted until such results are submitted and approved by the Planning Director. If no construction activities have taken place, failure to submit the required survey results will delay the approval to initiate construction activities, including land clearing. • No later than May 31, the qualified biologist shall submit and certify to the Planning Director, the results of the 500-foot site perimeter survey. Failure to submit the required survey results will cause any construction activity to be halted until such results are submitted and approved by the Planning Director. If no construction activities have taken place, failure to submit the required survey results will delay the approval to initiate construction activities, including land clearing. 			
14.	<p>AQ-1 In order to control fugitive dust emission during the construction phase of any development within the Specific Plan area, the following measures shall be implemented:</p> <ul style="list-style-type: none"> a. Water exposed surfaces, graded areas, storage piles, and haul roads at least twice daily. b. Minimize the amount of disturbed area, the amount of material actively worked, and the amount of material stockpiled. c. Limit onsite construction vehicle speeds to 15 mph. d. Sweep or wash paved streets adjacent to project construction sites at least once a day to remove accumulated dust. e. Maintain at least two feet of freeboard when transporting soil or other material by truck. 	<p align="center">Note on Improvement Plan</p>	<p align="center">Planning and SMAQMD</p>	

<p><u>AQ -2 Category 1: Reducing Nox Emissions from Off-Road Diesel Powered Equipment</u></p> <p>1. The prime contractor shall submit, to Elk Grove Planning, a comprehensive inventory of all the heavy-duty off-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project. At a minimum, 20% of the heavy-duty off-road equipment included in the inventory shall be powered by CARB certified off-road engines, as follows:</p> <ul style="list-style-type: none"> • 175hp-750 hp 1996 and newer engines • 100hp-174 hp 1997 and newer engines • 50hp – 99 hp 1998 and newer engines <p>Said off-road equipment may be owned and operated by the prime contractor and/or any subcontractor;</p> <p style="text-align: center;"><u>or</u></p> <p>2. The prime contractor shall provide a plan, for approval by ELK GROVE PLANNING in consultation with SMAQMD, demonstrating that the heavy-duty off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will provide a fleet-averaged Nox emission reduction of 10% compared to an unregulated/uncontrolled fleet. (Includes the use of emulsified fuel in noncertified engines, and other methods not requiring the use of post 1996 – 1998 engines.)</p> <p style="text-align: center;"><u>and</u></p> <p><u>Category 2: Reducing Nox Emissions from On-Road Diesel Powered Equipment</u></p> <p>1. The prime contractor shall submit, to ELK GROVE PLANNING, a comprehensive inventory of all heavy-duty on-road equipment (50 or greater horsepower) that will be used an</p>			
--	--	--	--

<p>aggregate of 40 or more hours for the construction project. At a minimum, CARB-certified low-emission engines shall power 20% of the heavy-duty on-road equipment included on the inventory. Said on-road equipment may be owned and operated by the prime contractor and/or any subcontractor;</p> <p style="text-align: center;"><u>or</u></p> <p>2. The prime contractor shall provide a plan, for approval by ELK GROVE PLANNING in consultation with SMAQMD, demonstrating that the on-road vehicles to be used in the construction project, and operated by the prime contractor or any subcontractor, will provide a fleet-averaged Nox emission reduction of 10%..(Includes the use of alternative fuels and/or other CARB certified low-emission technologies.)</p> <p style="text-align: center;"><u>and</u></p> <p><u>Category 3: Enforcement Plan</u></p> <p>An enforcement plan shall be established to weekly evaluate project-related engine emission opacities, modeled after the California Air Resources Board Heavy-Duty Diesel Smoke Enforcement Program. An environmental coordinator certified to perform Visible Emissions Evaluations would routinely "read" off-road equipment exhaust opacity, using opacity standards identified in the California Health and Safety Standards. Engines with readily visible emissions [i.e. a. – As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the U.S. Bureau of Mines, or b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in section a.] shall be repaired immediately. The certified environmental coordinator may be a County inspector, a representative of the prime contractor, or an independent</p>			
---	--	--	--

Conditions of Approval / Mitigation Monitoring and Reporting Program

<p><i>contractor. The Environmental Coordinator shall keep a log of all readings. The SMAQMD and/or ARB may conduct periodic site inspections to determine compliance.</i></p> <p><i>A contractor can meet the emission mitigation requirement by choosing one measure from Category 1, <u>and</u> one measure from Category 2 listed above. Category 3, the Enforcement Plan, is required for both off-road and on-road equipment.</i></p> <p>AQ-2 shall be limited in application to include only on-road and off-road mobile construction equipment employed in the construction or development of those infrastructure improvements identified in the East Franklin Financing Plan, including but not limited to roads, standard utilities (natural gas, water, electricity, etc.), drainage improvements, sewer system or related components, schools, fire stations, and parks. This requirement shall not be stayed, regardless of year, unless otherwise made legally moot by the passage of superseding local, state, or federal air quality laws, rules, or regulations, and shall apply to all developers or contractors operating on-road or off-road construction equipment for the life of the (East Franklin Specific Plan Area) project(s).</p> <p>Additionally, construction-related emissions shall be reduced by application of AQ-2 intract subdivision improvements and verified through submittal of a list of off-road construction equipment to be used on the project, or shall be offset through the application of a twenty-five dollar assessment attached to each residence constructed in the East Franklin Specific Plan Area, due and payable by the developer upon issuance of building permit by the governing authority for the life of the (East Franklin Specific Plan Area) project(s). This \$25 amount per residence is a one time fee to be paid by the developer(s) of residential and commercial structures within the East Franklin Specific Plan Area which shall be used to subsequently assist the Sacramento Metropolitan Air Quality Management District in the acquisition of qualifying low-emission heavy duty vehicles designed to operate regularly in the</p>			
--	--	--	--

Conditions of Approval / Mitigation Monitoring and Reporting Program

	<p>East Franklin area to the extent possible, and otherwise within the Sacramento air basin. Funds resulting from this mitigation shall be placed by the developer(s) into an escrow account until such time as they are directed by the Sacramento Metropolitan Air Quality Management District to be transferred to the appropriate institution for use. These funds will likely assist the Elk Grove School District in the purchase of low-emission school buses, or assist in the purchase of low-emission refuse vehicles serving the East Franklin area. Similarly, projects for funding may be identified by the developer, the City, or the Sacramento Metropolitan Air Quality Management District, but shall only be chosen to receive East Franklin air quality mitigation fees by the Sacramento Metropolitan Air Quality Management District Air Pollution Control Officer.</p>			
15.	<p>The project applicant shall place the following mitigation requirements on all grading and improvement plans and construction contracts and shall require the use of Best Available Control Technologies (BACT), including but not limited to the requirements listed below. During the construction phase of the project, compliance with District Rule 403-Fugitive Dust is required. Proof of these contractor requirements shall be provided to the City prior to the issuance of grading permits.</p> <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 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 day. • Reduce traffic speeds on all unpaved surfaces to 15 miles per 	<p>Prior to approval of Construction Contracts & During Construction Activities</p>	<p>Planning Division & SMAQMD</p>	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	<p>hour or less.</p> <ul style="list-style-type: none"> • Use low-emissions 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. 			
16.	<ul style="list-style-type: none"> ▪ If construction activities are expected to occur during the nesting season (February-August), a pre-construction raptor survey shall be conducted within 30-days of the onset of construction to determine the activity status of any nests found on the project site. In the event that nesting raptors are found, a 250' no-construction zone shall be established around the nest until the young have fledged. ▪ If construction activities commence during the non-breeding season (September-January), a survey is not required and no further studies are necessary. ▪ Prior to demolition of structures or the commencement of construction activities or disturbance of blackberry thickets, a survey should be conducted by a qualified biologist to determine whether or not raptors or tricolored blackbirds are utilizing the site. If present, abide by the biologist's recommended measures to reduce or negate 	Construction Note and Pre-Development Survey	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	<p>adverse impacts to these species.</p> <ul style="list-style-type: none"> ▪ Applicant shall preserve on-site nesting and upland foraging habitat where feasible, or purchase nesting and upland foraging habitat at off-site preserve sites. ▪ Prior to the approval of any grading and/or building permits for the development of the site, applicant or project owner shall submit to the City a copy of any/all required DFG or USFWS permits and verification of any required consultation. 			
17.	<p>Appropriate habitat within the project site will be surveyed for Dwarf Downingia, Slender Orcutt Grass, Legenere, and Boggs Lake Hedge-Hyssop prior to construction activities. Appropriate habitat within the project site will be surveyed for these species prior to construction. If any of the species are found on-site, and cannot be avoided, a transplanting program will be undertaken (if feasible) to move the plant to suitable habitat off-site or credits will be purchased by the developer at an approved mitigation bank, at the discretion of the City of Elk Grove and the CDFG.</p>	<p>Prior to Site Disturbance (including clearing & grubbing) or Issuance of grading permit and maintained during construction activities</p>	<p>Planning</p>	
18.	<p>In the event of a presence of jurisdictional wetland is formally confirmed, the following mitigation measures will be applicable.</p> <p>The project proponent shall ensure that the project will result in no net loss of any wetland habitat found on the site which shall be achieved by the following methods:</p> <ul style="list-style-type: none"> a. Preserve and protect the existing on-site wetlands. <p><u>OR</u>, if any wetlands are to be disturbed:</p> <ul style="list-style-type: none"> b. Prior to any disturbance of on-site wetlands, submit a Wetland Habitat Mitigation Plan to the City of Elk Grove for review and approval. The Wetland Habitat Mitigation Plan shall provide a detailed description of the size, location and design of 	<p>Prior to Site Preparation or Construction Activities</p>	<p>Planning</p>	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	<p>proposed wetland creation sites, and a detailed description of how the created wetlands will be monitored and managed to ensure the success of the mitigation effort, <u>OR</u></p> <p>c. Prior to any disturbance of on-site wetlands, purchase credits at an approved wetland mitigation bank. Documentation of such purchase shall be submitted to City of Elk Grove Development Services – Planning for review and approval.</p>			
19.	<p>Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during <u>any</u> development activities, work shall be suspended and the Planning Department shall be immediately notified. At that time, the Planning Department will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, adhere to the guidelines of the Native American Heritage Commission in the treatment and disposition of the remains. (EFSP MM CR-4)</p>	<p>Note on Improvement Plans</p>	<p>Planning</p>	
20.	<p>This project is required to connect to the existing Sacramento County Water Agency system at a minimum of two locations. (Department of Water Resources)</p>	<p>Shown on Improvement Plans</p>	<p>Sacramento County Water Agency</p>	
21.	<p>The Sacramento County Water Agency (SCWA) will not issue water connection permits or sign improvement plans until adequate water supplies have been identified and secured to the satisfaction of SCWA.</p>	<p>Improvement Plans</p>	<p>Sacramento County Water Agency</p>	
22.	<p>Provide calculation and layout showing drainage areas and the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards. Show</p>	<p>Improvement Plans</p>	<p>Public Works</p>	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	the manner in which overland flows are to be conveyed for a point of discharge.			
23.	If the project is to be phased, submit a phasing plan for Public Works review and approval, prior to the 1 st improvement plan submittal.	Prior to 1 st Improvement Plans Submittal	Public Works	
24.	Provide Park and Recreation Review Fees as required by the EGCS D.	Improvement Plans	EGCS D Parks and Recreation	
25.	All landscape corridor walls shall be of masonry construction, Wall design and materials shall be consistent with the EFSP Landscape Design Guidelines and subject to CSD approval. Graffiti resistant materials shall be used.	Improvement Plans	EGCS D Parks and Recreation	
26.	Provide park and land dedication and/or fees according to standards set forth in Chapter 22.40, Title 22 of the City of Elk Grove Code.	Improvement Plans	EGCS D Parks and Recreation	
27.	Land dedicated to EGCS D for corridors, parks, or trails shall be zoned "O", will be free & clear of any past or future taxes or assessments; any liens or encumbrances, and any easements not disclosed on the tentative map. Any structures, walls, fences, wells or storage tanks must be removed per Elk Grove specifications and in accordance with all applicable laws and regulations prior to the acceptance by the EGCS D of any grant deed or easement.	Improvement Plans	EGCS D Parks and Recreation	
28.	Landscape Corridors shall be constructed and installed in accordance with plans and specifications approved by the Elk Grove Community Services District and shall be consistent with the Elk Grove Community Services District "General Guidelines for Landscape Corridor Design" and other CSD projects in close vicinity to the area. Corridors will be inspected by District employees and include meandering or bifurcated sidewalks, subject to EGCS D approval. Corridor widths shall be 31 feet on 2 or 4 lane roads and 36 feet on 6 lane roads.	Improvement Plans and during construction	EGCS D Parks and Recreation	
29.	When improvements to landscape corridors are complete, a grant deed shall be conveyed to the EGCS D for ongoing maintenance, operation, repair and replacement. Applicant shall be responsible to pay the direct cost associated with the performance of this work until such time as the EGCS D incorporates the cost of doing this work into the assessment district	Improvement Plans	EGCS D Parks and Recreation	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	budget and the resulting assessments are confirmed by compliance with the balloting procedures dedicated by Proposition 218.			
30.	Native and Landmark trees within land to be conveyed to the EGCS D shall be protected and preserved according to standard county tree preservation measures. Native and landmark trees to be removed shall be compensated on an inch per inch basis consistent with city tree mitigation measures. Prior to conveyance of land provide an arborist report assessing species, size, health and location of trees contained on subject properties and comply with findings of report to the satisfaction of the EGCS D. All costs incurred in complying with the arborist recommendations will be the responsibility of project proponent.	Improvement Plans	EGCS D Parks and Recreation	
31.	Drainage improvement plans shall be constructed as approved by the City of Elk Grove. Drainage easements, pursuant to the Sacramento County Floodplain Management Ordinance, shall be dedicated and provided on the Final Subdivision Map, or dedicated by grant deed prior to the issuance of building permits. Drainage facilities shall be installed prior to the issuance of building permits pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Improvement Plans	Public Works	
32.	All finished floor elevations must be a minimum of 1 foot above the 100-yr water surface elevation in the area, calculated with a method acceptable to the City of Elk Grove, Public Works, Drainage. Provide hydraulic calculations as to the manner the 100-year water surface elevation was calculated.	Improvement Plans/Grading/ Building Permit	Public Works	
33.	The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances.	Grading Plan / Improvement Plans	Public Works	
34.	The proposed retaining wall along the southern lot line of Lots 11 and 30-34 shall be constructed along the south property line such that the property fencing may be placed on the property line. Applicant and/or Contractor will be required to submit copy of temporary right to enter and construct retaining wall from	Grading Plan Design /Acceptance (Construction)	Public Works	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	adjacent property owner(s) prior to construction.			
35.	Where practical, and to prevent cuts in newly paved streets, utility lines shall be stubbed out a minimum of 1' behind pavement/curb/sidewalk to the satisfaction of Public Works.	Improvement Plans	Public Works	
36.	Notice of Intent filed and SWPPP prepared.	Prior to issuance of the Grading Permit	Public Works	
37.	Excluding the existing well(s) at the Remainder Parcel, 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 abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction.	Note on Improvement Plans	Sacramento County Water Agency	
38.	In order to obtain sewer service, construction of public sewer will be required to the satisfaction of CSD-1. Sewer easements may be required. Design of public sewer shall be coordinated with and approved by CSD-1. All sewer easements shall be dedicated to CSD-1, be at least 20' in width and ensure continuous access for maintenance.	Improvement Plans	CSD-1	
	Prior to Final map			
39.	Notice to Purchaser: The applicant, owner or successor in interest shall notify each potential home buyer that he/she is purchasing a home near a proposed multifamily site. This shall be done in the form of a disclosure statement.	Final Map	Planning	
40.	Water supply will be provided by the Sacramento County	Note of Final Map	Sacramento County Water Agency	
41.	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 to final map approval (Department of Water Resources).	Prior to Final Map	Sacramento County Water Agency	
42.	Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public and private street rights-of- ways.	Final Map	Public Works and SMUD	

Conditions of Approval / Mitigation Monitoring and Reporting Program

43.	Dedicate a 12.5-foot public utility easement for overhead and underground facilities and appurtenances adjacent to pedestrian easements that are adjacent to Quail Run Road.	Final Map	Public Works and SMUD	
44.	Dedicate the Landscape Corridors as public utility easement for underground facilities and appurtenances.	Final Map	Public Works and SMUD	
45.	Notice to Purchaser: The owner/developer must disclose to future/potential owners the existing or proposed 69kV electrical facilities. SMUD has plans to build 69kV overhead line adjacent to Bruceville Road south to Bilby Road.	Final Map	Public Works and SMUD	
46.	The applicant shall develop safe intersection ingress/egress to Quail Run Lane from Bruceville Road as approved by Public Works.	Final Map	Public Works	
47.	All improvements shall be dedicated in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Final Map	Public Works	
48.	Dedicate and improve Elvora Way and "A" Way as 40' local residential streets, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. All proposed centerlines shall match existing centerlines of Schuler Ranch Road and Bartolomei Court.	Final Map	Public Works	
49.	Notice to Purchaser: Provide a disclosure notice to homebuyers indicating the 46-acre sports park (northwest of the East Meadow project) will be an active night use facility including 8 lighted ball fields and 6 lighted tennis courts.	Final Map	EGCSD Parks and Recreation and Public Works	
50.	Notice to Purchaser: The applicant shall disclose to parties purchasing project lots of Sacramento Regional County Sewer District's intent to construct a sewer interceptor along the west side of Franklin High Road at a future date.	Final Map	CSD-1	
51.	Impact fees for CSD-1 shall be paid.	Prior to Recordation of Final Map	CSD-1	
Prior to Issuance of Building Permits				

Conditions of Approval / Mitigation Monitoring and Reporting Program

52.	<p>The project developer / applicant shall implement the following measures as applicable:</p> <ul style="list-style-type: none"> • Install EPA Phase II certified wood-burning devices in residential units in place of standard wood-burning devices. • Install natural gas fireplaces in residential units in place of standard fireplaces. • Install electrical outlets in front and backyards of homes for use with electric powered yard equipment. • Install natural gas burning barbecues in residences. • Install energy efficient heating and appliances. • Construct homes and other buildings with additional insulation factors to reduce energy use. (EFSP MM AQ-6) 	Prior to Issuance of Building Permits	Planning	
53	<p>Prior to demolition of any existing on-site structures, conduct an evaluation of potential asbestos-containing building materials as required by the Sacramento Metropolitan Air Quality Management District. If asbestos-containing materials are identified, remediation and disposal procedures shall be undertaken by qualified personnel in accordance with all applicable regulations, and in coordination with all applicable agencies. (EFSP MM HS-4)</p>	Prior to demolition of structures	Planning and SMAQMD	
54	<p>Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.</p>	Prior to 1 st Building Permit	Public Works	
55.	<p>Each parcel must have a separate connection to the public sewer system. Sacramento County Improvement Standards apply to on-site sewer connection. Connection to the public sewer system shall be required to the satisfaction of CSD-1.</p> <p>Preliminary analysis shows that the sanitary trunk sewer facilities available to serve this project are capacity constrained. Projects that will provide capacity are currently under design and in the permitting process. Connection to the sewer collection system may not be permitted until capacity is provided.</p>	Prior to Building Permit	CSD-1	
56.	<p>Any architectural coatings used must comply with District Rule 442-Architectural Coatings. The developer/contractor is required</p>	Prior to Building Permit	Planning and SMAQMD	

Conditions of Approval / Mitigation Monitoring and Reporting Program

	to use coatings that comply with the volatile organic compound content limits specified in Rule 442. Questions regarding Rule 442 should be directed to the District's Compliance Assistance Hotline at (916) 874-4884. In addition, Rule 442 can also be found at the District's website.			
57.	The Elk Grove Unified School District has funded and built, and is in the process of funding and building certain oversized infrastructure that will be of direct benefit to the Developer's project. Prior to the issuance of the first building permit for residential construction or any building permit for commercial construction within the boundaries of the Developer's project, Developer shall provide written correspondence from the School District's Assistant Superintendent of Facilities establishing that Developer has adequately provided for the reimbursement of infrastructure costs incurred by the School District on behalf of Developer's Project. (EGUSD)	Prior to Building Permit	Planning	
	Prior to Final Occupancy			
58.	Submit Flood Elevation Certification for each structure.	Prior to Occupancy	Public Works	

General Compliance Items for Building Permit

1. Prior to issuance of building permits, 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)
2. Provide separate water service to each parcel.
3. Prior to issuance of building permits, the project shall conform to the specific provisions of the City of Sacramento Water Conservation Ordinance (Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator. (Water Supply)
4. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.
5. Secure approval of a civil engineered site improvement plan for all proposed on-site and off-site improvements.
6. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
7. 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.
8. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in residential, single-family home areas. Buildings of certain types of construction, size and use may need additional fire flow or the application of mitigating efforts to meet fire flow above this minimum. (EGCSD – Fire Department)
9. A permit release letter from the Elk Grove Community Services District Fire Department (EGCSDFD) shall be required prior to the Elk Grove Building Department issuing any construction permits.
10. If homes exceeding 3,600 square feet (including garages and covered porches) will be built in this subdivision, additional fire flow analysis of the water system must be conducted. Single family dwellings 3,601 square feet to 4,800 square feet require 1,750 gpm. and homes 4,801 square feet to 6,200 square feet require 2,000 gpm.
11. No more than 40 building permits shall be issued when a single point of access exists for a subdivision. Since there is no process in place for confirming the sequence in which the units are built, the above information should be considered and the Elk Grove CSD Fire Department should be consulted on this matter.
12. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-arounds. All required roadways, water mains, fire hydrants and fire flow shall be provided *prior to the* existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage.
13. 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.
14. The installation of roadway gates, addresses, hardscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells and/or traffic islands are subject to standards outlined by the EGCSDFD.

Conditions of Approval / Mitigation Monitoring and Reporting Program

15. Traffic pre-emption devices, approved by the EGCSDFD, shall be installed on all signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the EGCSDFD.
16. Fire apparatus access roads shall be provided for each building constructed when any portion of the building is located more than 150 feet from a fire lane as measured by an approved route around the exterior of the building.
17. Turning radius for fire apparatus is a minimum of 38 feet inside and 55 feet outside with a minimum, unobstructed width of 20 feet.
18. Addressing for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
19. As of February 1, 2003, all contractors for single-family homes and duplexes (R-3 Occupancies) shall provide an option for residential fire sprinklers. Prior to the prospective buyer signing a sales contract, the contractor or their agent shall obtain from the Fire Department an informational packet containing educational materials approved by the Fire Department, including a form explaining the option for residential sprinklers. The contractor or their agent shall provide the approved informational packets to any and all prospective buyers and require the execution of a signed receipt for the educational material from the prospective buyer. The contractor shall install residential fire sprinklers upon the request and execution of a purchase agreement by the homebuyer. Fire sprinkler systems for single-family homes and duplexes shall be designed and installed to not less than the minimum requirements contained in NFPA 13D, 1996 edition.
20. An approved automatic fire sprinkler system shall be installed within all new R-3 occupancies when the total floor area (area under roof including garages and attached solid roof canopies) exceeds 5,999 square feet and/or the total livable area (area not including garages and attached solid roof canopies) exceeds 4,999 square feet.
21. All civil engineering plans are required to be submitted in an electronic format. When plan is ready for final signature, it is required that the engineering firm will submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:

DFX (Drawing Interchange file) release 2002 or previous

DWG (Applies to AUOCAD drawing file) release 2002 or previous

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-147**

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 16th day of June 2004 by the following vote:

AYES 4: COUNCILMEMBERS: Scherman, Soares, Briggs, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Cooper



A handwritten signature in cursive script, appearing to read "Peggy E. Jackson", written over a horizontal line.

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