

RESOLUTION NO. 2006-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A CONDITIONAL USE PERMIT, TENTATIVE SUBDIVISION MAP AND DESIGN REVIEW FOR THE STONELAKE VILLAGE RESIDENTIAL PROJECT NO. #EG-05-870 SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Stratton Properties (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Conditional Use Permit, Tentative Subdivision Map and Design Review; 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, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described by Assessor Parcel Numbers 132-0460-091 and 132-0460-092; and

WHEREAS, the proposed project is consistent with the General Plan Land Use Policy Map and Zoning Code requirements; and

WHEREAS, the City determined that the Stonelake Village Project was subject to the California Environmental Quality Act and prepared an Initial Study evaluating the potential environmental effects of the project; and

WHEREAS, the Initial Study identified potentially significant adverse effects in the areas of biological resources; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

WHEREAS, the City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program would reduce the impacts to a less than significant level and that a Mitigated Negative Declaration should be prepared; and

WHEREAS, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on September 16, 2005 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was

opened on September 16, 2005 and closed October 16, 2005. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City received written comment letters within the 30 day public review period and responded to those comments in the project staff report; and

WHEREAS, the City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

WHEREAS, conditions of approval have been imposed on the project; and

WHEREAS, the City of Elk Grove, Development Services Planning Department, located 8400 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on January 5, 2006 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the project, subject to the Tentative Subdivision Map as illustrated in Exhibit A and conditions of approval as illustrated in Exhibit B, based on the following findings:

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 the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

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

Evidence: The General Plan designation on the Land Use Policy Map for the site is Commercial. The General Plan identifies Zoning Districts which implement the Land Use Policy Map. The project site is zoned Limited Commercial which is consistent with the General Plan designation. The Zoning Code requires a Conditional Use Permit for single family residential development within a Limited Commercial zone. The project is consistent with the goals and policies of the General Plan for development with the City of Elk Grove.

Tentative Subdivision Map

Finding: Findings (a) through (g) of Section 66474 of the California Subdivision Map Act that requires a City to deny approval of a tentative map do not apply to this Tentative Map.

Evidence:

- a. The proposed map is consistent with the Elk Grove General Plan.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the Municipal Code.
- c. The site is physically suitable for extension of residential development.
- d. The site is appropriate for the specified density of development.
- e. The proposed Tentative Subdivision Map is consistent with the General Plan and zoning and therefore would not cause substantial environmental damage. An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels.
- f. The design of the subdivision map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems.
- 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.

Conditional Use Permit

Finding: The establishment, maintenance and operation of the use, building, or structure applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. (Zoning Code §110-30)

Evidence: Project materials were circulated and reviewed by City departments and their conditions are included in Attachment A of this staff report. The attached conditions of approval will maintain the level of service for a variety of public infrastructure in the vicinity of the project. Public Works reviewed the project for all applicable design requirements related to public street alignments, adequate circulation, right-of-way dedication, as well as visibility. The proposed subdivision

map is consistent with the design criteria of the subdivision code (Title 22 of the Municipal Code). The project has been analyzed for compliance with the policies and goals of the Elk Grove General Plan, the Zoning Code and Residential Design Guidelines. The project design, as well as, the attached conditions of approval, ensures that the project will be compatible with the surrounding land uses.

Design Review (Residential)

Finding: The proposed project is consistent with the Citywide Residential Design Guidelines.

Evidence: The Stonelake Village project is consistent with the Citywide Design Guidelines. The site plan, building elevations, and landscape plan have been reviewed against the Citywide Design Guidelines for residential land uses, and it is concluded that the project's architecture and site planning meet all applicable design requirements. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Evidence: The proposed site plan, building elevations, and landscape plans provide all design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity, application of a consistent color palette throughout the project, and creation of outdoor public spaces. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

Evidence: The proposed Samos Stonelake Village project has been designed to the same scale and quality as the surrounding area. Design Review of the project incorporated an in depth review of the City's design guidelines and an analysis of the project's compliance with all applicable design standards. The project includes the use of several house plans and architectural styles that will create a cohesive internal project design and a compatible development with surrounding neighbors. The project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

Finding: The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Evidence: Public Works reviewed the project for all applicable design requirements related to public street alignments, adequate circulation, right-of-way dedication, as well as visibility. The proposed subdivision map is consistent with the design criteria of the subdivision code (Title 22 of the Municipal Code). The project has been analyzed for compliance with the policies and goals of the Elk Grove General Plan, the Zoning Code and Residential Design Guidelines. The project design, as well as, the attached conditions of approval, ensures that the project will be compatible with the surrounding land uses.

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

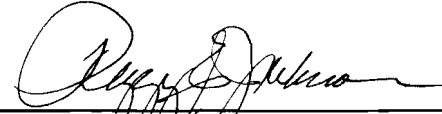
Evidence: The site plan, building elevations, and landscape plan have been reviewed against the Citywide Design Guidelines for residential land uses, and it is concluded that the project's architecture and site planning meet all applicable design requirements. The project includes the use of several house plans and architectural styles that will create a cohesive internal project design and a compatible development with surrounding neighbors.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of February 2006.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



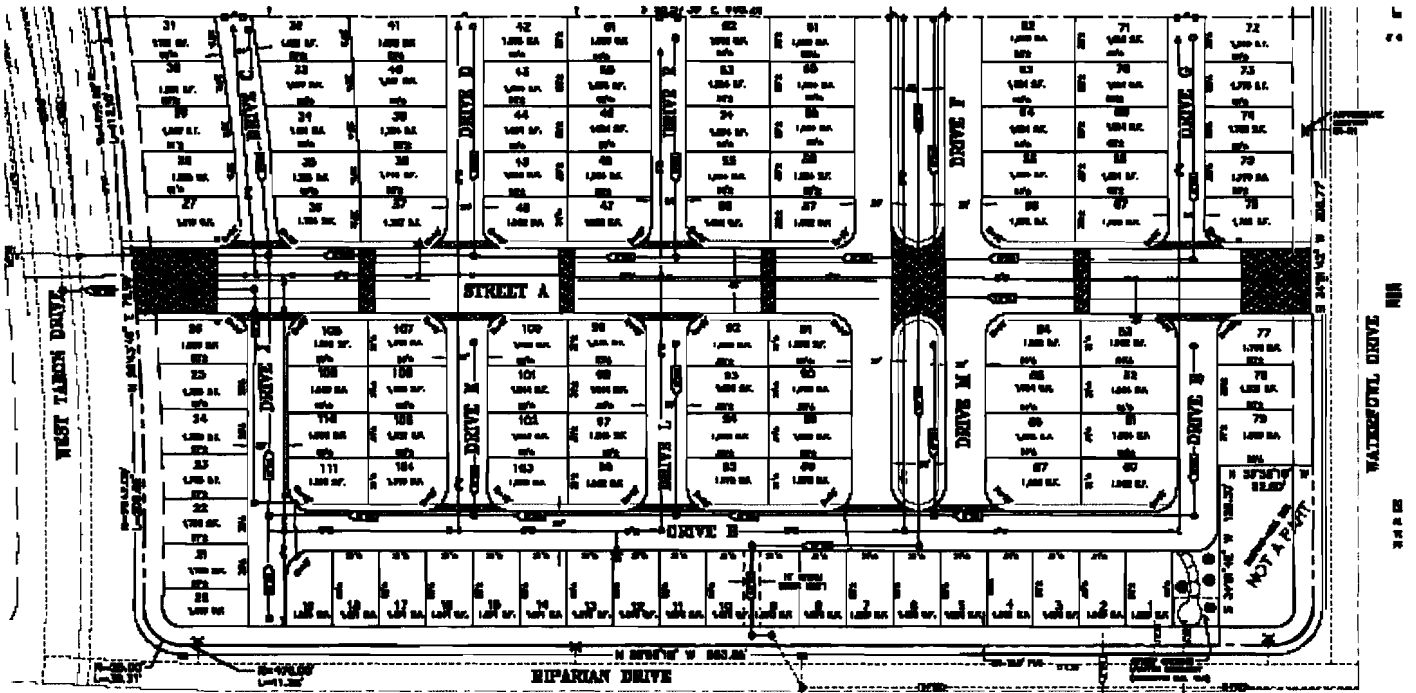
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A Tentative Subdivision Map



Samos Stonelake Village (EG-05-870)
 City Council February 8, 2006

Exhibit B – Conditions of Approval

<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 a Tentative Subdivision Map, Design Review and Conditional Use Permit as described in the staff report and as shown on the following exhibits:</p> <ul style="list-style-type: none"> • Tentative Map received October 27, 2005 • Landscape Plan received October 27, 2005 • Color Scheme & Colored Elevations received June 15, 2005 <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
2.	<p>The Applicant or Successors in Interest (hereby referred to as 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.</p>	On-Going	Planning	
3.	<p>This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning	
4.	<p>The Tentative Parcel Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.</p>	On-Going	Public Works	
5.	<p>The Conditional Use Permit, if not used for the purpose for which it was granted, shall expire three years after the City Council approval date, or upon the expiration date of a valid building permit obtained after the grant of the Conditional Use Permit, whichever date is last to occur.</p>	Three years, commencing with the date of City Council approval	Planning	
6.	<p>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.</p>	On-Going	Public Works	

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7.	The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
8.	Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches. Pavement restoration shall also be performed to the satisfaction of Public Works.	On-Going	Public Works	
9.	The Home Owners' Association shall maintain and enforce the 'No Parking' signs to ensure that on-street parking does not interfere with emergency response and trash pick-up.	On-Going	Public Works	
10.	Any on site traffic calming devices and locations proposed by the Applicant must be approved by Public Works prior to installation, including but not limited to speed bumps.	On-Going	Public Works	
11.	If a vehicular access control gate is added in the future, it shall not be constructed prior to the review and approval by the City of Elk Grove Public Works Department.	On-Going	Public Works	
12.	The Applicant shall design all improvements 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	
13.	All driveways shall require the Applicant to apply for an encroachment permit. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	On-Going	Public Works	
14.	The property owners shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and driveways damaged by CSD-1 maintenance and repair operations. This requirement shall be a covenant running with the land and binding on successors in interest of all parcels. This requirement shall be included as language to be approved by the District, in all easement documents and included in The Real Estate Commissioners' Public Report.	On-Going	CSD-1	

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15.	Water supply shall be provided by the Sacramento County Water Agency and public water service shall be provided to each building.	On-Going	Dept. of Water Resources	
16.	The minimum setbacks for each lot shall be three (3) feet in the front, five (5) feet on the sides and ten (10) feet in the rear.	On-Going	Planning	
17.	This project is subject to comply with all applicable mitigation measures adopted by the Sacramento County Board of Supervisors Laguna Stonelake project 99-GPB-CZB-DAB-ZOB-SPP-SDP-3465368.	On-Going	Planning	
18.	The Applicant shall provide additional fire hydrants in this community so that the maximum distance from any one lot to the closest hydrant does not exceed 250 feet as measured by a path of travel.	On-Going	Elk Grove Fire Department	
19.	There shall be no parking on streets that are less than 26 feet in width. All streets shall be marked in accordance with the California Vehicle Code, Section 22500.1	On-Going	Elk Grove Fire Department	
Prior to Final Map				
20.	The Applicant shall dedicate all private streets as an easement to allow access for utility and emergency vehicles.	Prior to Approval of Final Map	Public Works	
21.	The Applicant shall dedicate a 20 foot public utility easement for underground and appurtenances within landscaping along West Taron Drive, Riparian Drive and Waterfowl Drive.	Prior to Approval of Final Map	Public Works	
22.	The Applicant shall dedicate a blanket P.U.E. within the project over all private streets and drive aisle.	Prior to Approval of Final Map	Public Works	
23.	The Applicant shall dedicate a 20' landscape corridor on West Taron Drive, a 15' landscape corridor on Riparian Drive, and a 15' landscape corridor on Waterfowl Drive. All corridors shall be dedicated in fee title to the City of Elk Grove for the purpose of landscape and pedestrian use.	Prior to Approval of Final Map	Public Works	
24.	The Applicant shall dedicate access rights (direct vehicular ingress and egress to West Taron Drive, Riparian Drive, and Waterfowl Drive) to the City of Elk Grove, except at the approved intersections of Street 'A'/West Taron Drive and Street 'A'/Waterfowl Drive.	Prior to Approval of Final Map	Public Works	
25.	Improvement plans must be approved by Public Works prior to City Council approval of Final Map.	Prior to Approval of Final Map	Public Works	

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26.	<p>The Applicant shall prepare and submit a comprehensive drainage study and plan that includes but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; and the proposed method of flow conveyance with adequate supporting calculations. The study shall include any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff including quality, quantity, volume, and duration. The project shall not cause a net loss of storage, nor an increase in velocity, of drainage water within the 100-year floodplain. The study shall incorporate the City of Elk Grove Storm Water Capital Improvement Plan; be consistent with the ultimate upstream development in the General Plan, and any specific, area, or master plans; and shall conform to the City of Elk Grove Improvement Standards. It shall demonstrate that the proposed methods of flow conveyance mitigate the potential project impacts. The study shall further demonstrate that the lots on the proposed Final Map shall be outside the 100-year frequency floodplain after improvements are constructed in accordance with the policies in the City Floodplain Management Plan. Study must be completed and stamped by a Professional Engineer, and determined by the City to be comprehensive, accurate, and adequate.</p>	Prior to Approval of Final Map	Public Works	
27.	<p>The Applicant shall design this project to adequately accommodate the placement of trash and recycle containers on all streets without blocking common lot driveways or private driveways. This may require additional street frontage and the installation of no parking signs prohibiting parking on solid waste service days. An alternative solution may be approved by the City of Elk Grove's Integrated Waste Program Manager. All trash, recycling and green waste carts are to be stored onsite out of view of the general public.</p>	Prior to Approval of Final Map	Public Works	

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28.	The Applicant shall provide Home Owners' Association bylaws including, but not limited to, common area ownership, maintenance, and joint access for review and approval by Public Works.	Prior to Approval of Final Map	Public Works	
29.	<p>The Applicant shall record Covenants, Conditions, and Restrictions over all parcels within the boundaries of the tentative map. The Covenants, Conditions, and Restrictions shall, at a minimum, include the following:</p> <ul style="list-style-type: none"> ▪ The proposed connection between the future residential and commercial shall be an easement maintained by the Home Owners Association. ▪ All internal streets and signs shall be private and maintained by the Home Owners' Association. ▪ The two 35' landscape areas identified on the map shall be maintained by the Home Owners' Association ▪ For all homes on dead-end drives (C Drive, D Drive, E Drive, F Drive and G Drive) trash cans shall be pulled out to Street A ▪ Lot 20 and 21 shall pull their trash can to north of Lot 21. The Applicant shall prepare a document to notify the future owners of Lot 22 and 19 that the trash cans for Lot 20 and 21 will be placed along their property frontage. 	Prior to Approval of Final Map	Public Works	
30.	Prior to the final map, the project area shall annex into a Mello-Roos Community Facilities District (CFD) to fund a portion of the additional costs for police service related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax.	Prior to Approval of Final Map	Finance Department	
31.	Prior to the final map, the project area shall form or annex into a Mello-Roos CFD, assessment district, other financing district, or will provide some other funding mechanism, which is acceptable to the Finance Director of the City to fund the project's fair share of landscape maintenance costs which may include, but not be limited to, roadway corridors, interchanges, medians, drainage corridors, trails, open space, and parks, and maintenance costs of other community facilities.	Prior to Approval of Final Map	Finance Department	

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32.	Prior to Final Map approval, the Applicant shall 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 Approval of Final Map	Department of Water Resources	
33.	Sewer easements will be required. All sewer easements shall be dedicated to CSD-1, in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance.	Prior to Approval of Final Map	CSD-1	
34.	Impact fees for CSD-1 shall be paid prior to the filing and recording of the Final Map or issuance of the Building Permits, whichever is first.	Prior to Approval of Final Map	CSD-1	
35.	The Applicant shall improve Street A, to the satisfaction of Public Works, based on a modified collector which shall be 46' from back of sidewalk to back of sidewalk.	Prior to Approval of Final Map	Public Works	
Grading Permit/Improvement Plans				
36.	The Applicant shall record a Mitigation Monitoring and Reporting Program for the parcels included in this project, 132-0460-091 & 092. Prior to the issuance of any grading permits, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP fee of \$2,000.00 has been paid, no grading, building, sewer connection, water connection, or occupancy permit from the City will be approved.	Prior to Issuance of a Grading Permit/Improvement Plans	Planning	
37.	The Applicant shall design the street lights in accordance with the City of Elk Grove new street light standard and to the satisfaction of Public Works.	Prior to the approval of Improvement Plans	Public Works	
38.	The Applicant shall design and install appropriate safety and security lighting adjacent to the commercial center to the north, including but not limited to, the meandering trail and pedestrian entrances.	Prior to the approval of Improvement Plans	Public Works	
39.	The Applicant shall design all structural street sections to City of Elk Grove Standards.	Prior to the approval of Improvement Plans	Public Works	
40.	The Applicant shall design vertical curbs adjacent to all planter strips.	Prior to the approval of Improvement Plans	Public Works	
41.	The Applicant shall design all private improvements within the subdivision accordance with the City of Elk Grove Improvement	Prior to Approval of Improvement Plans &	Public Works	

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	Standards and to the satisfaction of Public Works.	Prior to the Issuance of Building Permits		
42.	If the project is to be phased, the Applicant shall submit a phasing plan for Public Works review and approval, prior to the 1 st improvement plan submittal.	Prior to the Issuance of any permits for grading, building or any other site improvements	Public Works	
43.	The Applicant shall obtain applicable California Department of Fish and Game, U.S. Army Corps of Engineers, and other required state and federal permits. The conditions of such permits must be reviewed and deemed acceptable by the City. The City will not accept any conservation or other conditional easements on the drainage courses to be conveyed to the City.	Prior to the Issuance of any permits for grading, building or any other site improvements	Public Works	
44.	The landscaping for the project shall incorporate the City's Zoning Code and Water Conserving Landscape Requirements. Landscape improvement plans shall be submitted to the Planning Department and the Public Works Department for review and approval.	Prior to approval of Improvement Plans	Planning & Public Works	
45.	The Applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation and arterial and collector streets may be required to have lanes above the 100-year frequency flood elevation pursuant to the Floodplain Management Plan.	Prior to Final Map approval and Prior to issuance of Grading Permits	Public Works	
46.	The Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be executed through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. These measures shall be	Prior to Improvement Plan Approval and Prior to Issuance of Grading Permits	Public Works	

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	<p>consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board for approval and to the City for review. During construction, the applicant shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The project applicant shall implement Best Management Practices (BMPs) in accordance with the SWPPP and the City of Elk Grove Improvement Standards.</p> <p>In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) will be filed prior to construction start to obtain coverage under the California State Water Resources General Construction Activity Storm Water Permit. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Applicant shall comply with the terms of the general construction permit, the City of Elk Grove Municipal Code, and the NPDES Waste Discharge Requirements for the City of Elk Grove Storm Sewer Discharges.</p>			
47.	<p>The Applicant shall 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, the Applicant shall use water from agricultural wells for grading and construction.</p>	Prior to Issuance of Improvement Plans	Department of Water Resources	
48.	<p>In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.</p>	Prior to approval of Improvement Plans	CSD-1	
49.	<p>For this development and commercial developments adjacent and north of this project, an on site sewage collection system will be required. All lines serving two or more buildings or other sewage sources must be conveyed in minimum 8-inch collectors in easements per above condition.</p>	Prior to approval of Improvement Plans	CSD-1	

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50.	Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.	Prior to approval of Improvement Plans	CSD-1	
51.	CSD-1 shall require an approved sewer study prior to the approval of Final Map or submittal of improvement plans for plan check to CSD-1, whichever comes first.	Prior to submittal of Improvement Plans	CSD-1	
52.	Lot one shall have open view fencing on the east side yard adjacent to the park.	Prior to approval of Improvement Plans	Planning	
53.	The Applicant shall install a keyless entry system on the wrought iron fence at the pedestrian access points.	Prior to approval of Improvement Plans	Planning	
54.	<p>Mitigation Measure 1 (Biological Resources-Swainson's Hawk) In order to mitigate for the loss of Swainson's hawk foraging habitat, the Applicant shall implement one of the following City of Elk Grove approved mitigation alternatives.</p> <p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR • Purchase mitigation credits at a 1:1 ratio (one credit per each acre of habitat lost) at a Department of Fish and Game approved mitigation bank, OR • 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 	Prior to Any Site Disturbance	Planning in consultation with CDFG	

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<p>may be amended from time to time and to the extent that said chapter remains in effect.</p> <p>This Mitigation Measure shall not apply if the Applicant can provide verification that mitigation for the loss of Swainson's hawk foraging habitat on-site has been previously provided.</p>			
<p>55. Mitigation Measure 2 (Biological Resources – Burrowing Owls)</p> <p>In order to reduce impacts to burrowing owls to a less than significant level, the Applicant shall contract a qualified biologist to conduct a pre-construction survey. Within thirty days of the commencement of any clearing, grading or construction that would occur during the nesting/breeding season (February 1 through August 31), a field survey shall be conducted by a qualified biologist to determine if active nests of burrowing owls occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed. If no owls or nesting habitat (burrows with evidence of being occupied by Burrowing Owls) are found, no further action is necessary.</p> <p>If burrowing owls or their nests are found, the applicant shall comply with the following measures:</p> <ul style="list-style-type: none"> • Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. • To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approximately 300 feet} foraging 	<p>Prior to Any Site Disturbance</p>	<p>Planning in consultation with California Department of Fish and Game (CDFG)</p>	

Exhibit B – Conditions of Approval

<p align="center"><u>Conditions of Approval / Mitigation Measure</u></p>	<p align="center"><u>Timing/ Implementation</u></p>	<p align="center"><u>Enforcement/ Monitoring</u></p>	<p align="center"><u>Verification (date and Signature)</u></p>
<p>radius around the burrow) per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the Department. <i>Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.</i></p> <ul style="list-style-type: none"> • When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site. • If owls must be moved away from the disturbance area, passive relocation techniques shall be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows. • The project sponsor shall provide funding for long-term management and monitoring of the protected lands. The monitoring plan shall include success criteria, remedial measures. And an annual report to the Department. • The applicant shall submit to Development Services – Planning for approval, a copy of the survey results prepared by the qualified biologist. <u>The survey must be conducted no earlier than 30 days prior to the planned commencement of clearing, grading or construction.</u> <p>If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, a new survey shall be conducted and the results submitted to Development Services - Planning for approval. <u>The survey must be conducted no earlier</u></p>			

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<p><u>than 30 days</u> prior to the planned recommencement of clearing, grading or construction.</p> <p>If Burrowing Owls and/or nesting habitat (burrows with evidence of being occupied by Burrowing Owls) are found, the applicant shall provide Development Services – Planning evidence that mitigation has been fulfilled to the satisfaction of the Department of Fish and Game.</p>			
<p>56. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any 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.</p>	<p>Note on Improvement Plans</p>	<p>Development Services-Planning</p>	
<p>Prior to Building Permit</p>			
<p>57. The Applicant shall comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove Flood Plain Management Ordinance. The lowest finished floor elevation for a habitable building will be a minimum of 1 (one) – foot above the 100-year frequency water level, certified by a registered Civil Engineer or licensed Land Surveyor, and submitted to the City. Amendments and/or revisions of FEMA flood insurance rate maps will be required for all development located in the federal or local flood zone. All FEMA map revisions (both CLOMR and LOMR) must be approved by the City and fully processed through FEMA. Completed revisions shall be placed on file with the City.</p>	<p>Prior to Issuance of the 1st Building Permit</p>	<p>Public Works</p>	

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58.	The Applicant or its successor in interest shall pay drainage Capital Improvement Plan fees in effect at the time of building permit application. The Applicant may pay a reduced fee due to the construction of Capital Improvement Plan drainage structures in lieu of full payment of fees when so stated in a separate credit or reimbursement agreement.	Prior to the Issuance of each Building Permit	Public Works	
59.	Final Map shall be completed, approved and recorded prior to 1 st building permit.	Prior to Issuance of 1 st Building Permit	Public Works	
60.	The Applicant shall install a 20' landscape corridor on West Taron Drive, a 15' landscape corridor on Riparian Drive, and a 15' landscape corridor on Waterfowl Drive prior to the issuance of the first building permit. If weather prevents the installation at the time of first building permit, up to 25% of the building permits may be issued at staff discretion upon demonstration of a fully executed landscape contract for the work.	Prior to Issuance of 1 st Building Permit	Public Works	
61.	The Applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details at all street intersections, public or private, within one block of the proposed project,	Prior to Issuance of 1 st Building Permit	Public Works	
62.	The Applicant shall construct all improvements in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of 1 st Building Permit	Public Works	
63.	The Applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance.	Prior to Issuance of 1 st Building Permit	Finance	
64.	This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure.	Prior to Issuance of 1 st Building Permit	EGCSD Fire	
65.	The Applicant shall pay all zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.	Prior to Issuance of 1 st Building Permit	Department of Water Resources	
66.	Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.	Prior to Finalization of Building Permit	CSD-1	

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67.	Homes in the subdivision shall be reviewed by Development Services-Planning, according to the Residential Design Guidelines of the City.	Prior to Issuance of 1 st Building Permit	Planning	
68.	The Applicant shall provide park land dedication and/or fees according the standards set forth in Chapter 22.40, Title 22 of the City of Elk Grove code.	Prior to Issuance of 1 st Building Permit	Finance	
Prior to Occupancy				
69.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Certificate of Occupancy	Public Works	
70.	The Applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans, as well as, fulfill all requirements of federal and state permits.	Prior to Certificate of Occupancy	Public Works	
71.	Upon completion of the installation of the landscaping the project landscape architect/designer shall certify that the installed landscape complies with all City Water Conserving Landscape Requirements. Certification shall be accomplished by completion of a Certificate of Conformance on a form provided the City. Failure to submit a complete and accurate Certificate of Conformance to the Planning Department will delay final approval/occupancy of the project.	Prior to Certificate of Occupancy	Planning	
72.	All landscaping shall be installed and completed in accordance with approved plans and the landscape corridors shall be built by the Applicant.	Prior to Certificate of Occupancy	Planning	
73.	The Applicant shall submit Flood Elevation Certification for each structure or appropriate documents as determined by Public Works.	Prior to Certificate of Occupancy	Public Works	
74.	Landscape improvement plans for the landscape corridors along West Taron Drive, Riparian Drive and Waterfowl Drive shall follow the City's Landscape Improvement Plans Guidelines for Medians, Corridors and Parks.	Prior to Certificate of Occupancy	Planning	
75.	The projects landscaping for landscape corridors, medians and common areas and model homes shall incorporate the City's Water Conserving Landscape Requirements. Plans shall be submitted to	Prior to Certificate of Occupancy	Planning	

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	the Planning Department and the Public Works Department for review and approval.			
76.	The Applicant shall install two tables and benches within each 35' landscape area.	Prior to Certificate of Occupancy	Planning	
77.	The Applicant shall implement an anti-speculation agreement restricting the initial property owners from renting the homes for a period of 18 months from the date of the issuance of final occupancy. Such provisions shall be written into the Covenants, Conditions and Restrictions (C,C & R's) and shall be included in the deeds for each unit. The form of these restrictions shall be provided to the City prior to their recording.	Prior to Certificate of Occupancy	Planning	
78.	The Applicant shall allow the Stonelake Homeowners' Association to vote on whether to annex the project into their community. If the Stonelake Homeowners' Association does not annex this project into their community, the Applicant shall form a new Homeowners' Association for this project.	Prior to Certificate of Occupancy	Planning	

General Compliance Items for Building Permit

1. Dead end streets in excess of 150 feet require emergency vehicle turn-around.
2. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
3. All civil engineering plans are required to be submitted in an electronic format. When plans are ready for final signature, it is required that the engineering firm 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:

DXF (Drawing Interchange file) any DXF version is accepted

DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted

4. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
5. Commercial developments in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals. This on-site fire main shall be connected to the municipal water main at not less than two (2) points.
6. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in residential, single-family homes areas. Buildings of certain types of construction, size, and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum.
7. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of access roadways shall not exceed 10% for asphalt and 5% for concrete. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage.
8. EGCSDFD approved traffic pre-emption devices of a type approved by the Elk Grove Fire Department shall be installed on all traffic 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 Elk Grove Fire Department.
9. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
10. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.
11. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other traffic calmina devices is subject to standards outlined by the Elk Grove Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-37**

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 February 8, 2006 by the following vote:


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

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: *Cooper*





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