

RESOLUTION NO. 2002-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP AND SPECIAL DEVELOPMENT PERMIT FOR THE KAPALUA ESTATES PROJECT EG-00-012

WHEREAS, the Kapalua Estates subdivision, represented by Rod Blonien (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Community Plan Amendment and Rezone designating 39.93 acres from AR-10 to AR-1 and 14.75 acres from AR-5 to AR-1; Rezone from AR-10 and AR-5 to AR-1; A Tentative Subdivision Map for 54 one-acre (gross) lots, and Special Development Permit to allow 'Class C' private streets with gated entries. (Assessor's Parcel Number 127-0120-092)

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 March 28, 2002 and recommended City Council approval of the project.

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

1. Approve the Kapalua Estates project Tentative Subdivision Map and Special Development Permit, subject to the approval of the Community Plan Amendment and Rezone for this project and based on the following findings and the attached conditions of approval (Exhibit A).

1. 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.

2. **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 design 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.

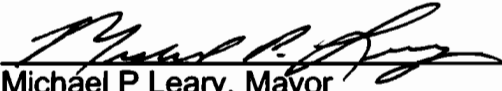
- a. The proposed map is consistent with the proposed amendment to the Community Plan and Rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of residential development and will be consistent with the proposed Community Plan Amendment.
- d. The site is appropriate for the specified density of development and the applicant's proposed amendments to residential densities as presented in the staff report.
- e. The Mitigated Negative Declaration prepared for the Kapalua Estates 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 Kapalua Estates 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.

3. **Finding:** Section 110-69 of the City Zoning Code requires the City to deny approval of a Special Development Permit unless it finds that:
- a. The proposed development will carry out the intent of the General Plan and the appropriate community plan.
 - b. The proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
 - c. The proposed development is compatible with existing and proposed land uses in the surrounding area.
 - d. Exceptions to or deviations from the use, density, requirements or design standards of the Land Use Zone in which the property is located, or of Title III of the Code are justified by the design of the development or by the substantial energy savings proposed pursuant to Section 110-65 (b). In the case of a residential area, the arrangement of dwellings and the mixing of dwelling types shall be justified by larger and more usable open spaces.
 - e. There is adequate assurance that all public improvements will at the scheduled times, as required by Public Works.
 - f. There is adequate assurance that the development schedule will be met.
 - g. The existing or proposed utility services are adequate for the uses and population densities proposed.

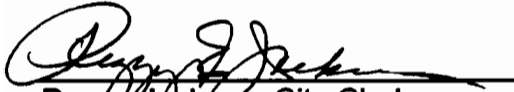
Evidence: The above Findings #a. through #g. apply to the proposed development.

- a. The proposed development will carry out the intent of the General Plan and the appropriate community plan.
- b. The proposed development is of sufficient size and is designed so as to provide a desirable environment within its own boundaries.
- c. The proposed development is compatible with existing and proposed land uses in the surrounding area.
- d. Exceptions to or deviations from the use, density, requirements or design standards of the Land Use Zone in which the property is located, or of Title III of the Code are justified by the design of the development, the arrangement of dwellings and the mixing of dwelling types are justified by larger and more usable open spaces.
- e. There is adequate assurance that all public improvements will at the scheduled times, as required by Public Works.
- f. There is adequate assurance that the development schedule will be met.
- g. The existing or proposed utility services are adequate for the uses and population densities proposed.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 15th day of May 2002.


Michael P Leary, Mayor

ATTEST:


Peggy Jackson, City Clerk

APPROVED AS TO FORM:


Anthony B. Manzanetti, City Attorney

AYES: Leary, Scherman, Cooper
NOES: Soares, Briggs
ABSTAIN: None
ABSENT: None

Kapalua Estates (EG 00-012)

Exhibit A: Final Conditions of Approval / Mitigation Monitoring and Reporting Program¹

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1. The development approved by this action is for a Community Plan Amendment, Rezone and Tentative Subdivision Map for 54 single-family residential as described in the Planning Commission report and associated Exhibits and Attachments dated March 28, 2002.	On-Going	City of Elk Grove Planning Division	
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	City of Elk Grove Planning Division	
3. The Tentative 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.	City of Elk Grove Planning Division	
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	City of Elk Grove Planning Division	
5. No earlier than 45 days and no later than 20 days prior to the commencement of any clearing, grading or construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of	Prior to any site disturbance, such as clearing, or the issuance of any permits for grading, building, or other site	City of Elk Grove Planning Division; California Department of Fish and Game.	

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<p>Swainson's hawk occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If active nests are located, results of the survey shall be reported to CDFG and any necessary mitigation plans shall be prepared and permits or approvals shall be obtained from CDFG prior to disturbance of the site.</p> <p>Mitigation measures may include postponement of clearing and construction activities, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting; or other measures recommended by the biologist or CDFG.</p> <p>Mitigation Measure MMVI-1 (a) from Initial Study</p>	<p>improvements, whichever occurs first.</p>		
<p>6. Prior to issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Maps on the subject property, the project proponent shall:</p> <p>1) Preserve 41.01 acres (54.68 acres x 0.75 = 41.01 acres) of similar habitat within a 10-mile radius of the project site. This land shall be protected through fee title or conservation easement (acceptable to the California Department of Fish and Game (CDFG) and proof of fee title or conservation easement shall be submitted to the City of Elk Grove Planning Department; Or,</p>	<p>Prior to any site disturbance, such as clearing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Planning Division; California Department of Fish and Game.</p>	

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<p>2) Prepare and implement, to the satisfaction of the California Department of Fish and Game (CDFG), a Swainson's hawk mitigation plan for loss of 54.68 acres of foraging habitat that will include preservation of Swainson's hawk foraging habitat, and submit a copy of the approved plan to the City of Elk Grove Planning Department; Or,</p> <p>3) Submit payment of a Swainson's hawk impact mitigation fee per acre impacted (54.68 acres x 0.75 = 41.01 acres) to the City of Elk Grove Planning Department 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 said Chapter remains in effect.</p> <p>Mitigation Measure MMVI-1 (b) from Initial Study</p>			
<p>7. No earlier than 45 days and no later than 20 days prior to the commencement of any clearing, grading or construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds such as burrowing owl and tricolored blackbird occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone, including the extent of the directly affected portion of the drainage ditch. If active nests are present, the applicant shall consult with CDFG</p>	<p>Prior to any site disturbance, such as clearing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Planning Division; California Department of Fish and Game.</p>	

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<p>and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site. Mitigation measures may include flagging the burrow and avoiding disturbance, passive relocation, active relocation to move owls from the site, or other measures recommended by the biologist or CDFG.</p> <p>Mitigation Measure MMVI-1(c) from Initial Study</p>			
<p>8. No earlier than 45 days and no later than 20 days prior to the commencement of any construction that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of special-status birds, such as tricolored blackbird, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If active nests are present, consult with CDFG and/or USFWS to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG and/or USFWS prior to disturbance of the site. Mitigation measures may include postponement of construction activities until the young have fledged or other measures recommended by the biologist or CDFG.</p> <p>Mitigation Measure MMVI-1(d) from Initial Study</p>	<p>Prior to any site disturbance, such as clearing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Planning Division; California Department of Fish and Game.</p>	

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<p>9. The project applicant shall design the subsequent public and private projects within the plan area to avoid impacts to potential habitat for VELB, if feasible. If project development is required in areas that may impact elderberry shrubs (development within 100 feet of shrub dripline), the project applicant shall perform one of the following measures:</p> <ol style="list-style-type: none"> 1. Create a 100-foot setback from the outer dripline edge of each shrub; or 2. If the shrub cannot be avoided, then a mitigation plan shall be developed in consultation with USFWS consistent with <i>USFWS Conservation Guidelines for the Valley Elderberry Longhorn Beetle (July, 1999)</i>. <p>The mitigation plan shall be approved by the USFWS prior to any site disturbance or issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p> <p>Mitigation Measure MMVI-1(e)</p>	<p>Prior to any site disturbance, such as clearing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Planning Division; U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service</p>	
<p>10. Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, the wetland delineation prepared for the project site shall be submitted to the USACOE for verification and the appropriate permit(s) shall be obtained.</p> <p>Any wetlands that would be lost or disturbed shall be replaced or rehabilitated on a "no-net-loss" basis.</p> <p>Wetlands habitat restoration, rehabilitation, and/or</p>	<p>Prior to any site disturbance, such as clearing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Planning Division; U.S. Army Corps of Engineers</p>	

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<p>Wetlands habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the USACOE or, if the Corps does not take jurisdiction of the wetlands, by methods agreeable to the City of Elk Grove Planning Division.</p> <p>Mitigation Measure MM IV-2(a) from Initial Study</p>			
<p>11. Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, a special-status/rare plant survey shall be conducted, at the time of year when special-status/rare plant species are both evident and identifiable, by a qualified botanist for the portions of the project site supporting wetland and riparian vegetation. Results of this survey shall be submitted to the City of Elk Grove Planning Department and California Department of Fish and Game for review and approval.</p> <p>Mitigation Measure MM IV-2(b) from Initial Study</p>	<p>Prior to any site disturbance, such as clearing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>City of Elk Grove Planning Division; California Department of Fish and Game.</p>	
<p>12. If any prehistoric, archaeological, paleontological, or historic artifacts, or other indications of archaeological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.</p>	<p>To commence with site improvement and continue through completion of construction.</p>	<p>Planning Division</p>	

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	Mitigation Measure MM V-1(a) from the Initial Study			
13.	<p>If any human remains are found once the project construction is underway, all work in the immediate vicinity must stop and the County Coroner shall be notified, according to Section 7050.5 of California's Health and Safety Code. If the Coroner determines that the remains are Native American, the procedures outlined in Section 15064.5 (d) and (e) shall be followed.</p> <p>Mitigation Measure MM V-1(b) from the Initial Study</p>	To commence with site improvement and continue through completion of construction.	Planning Division	
14.	<p>Drainage improvements shall be constructed as described in the Drainage Study, South Branch of Laguna Creek South of Bond Road prepared by Baker-Williams Engineering Group and dated June 29, 2001. 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, or bonded for, 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, and fees paid as required by the Sacramento County Water Agency Code. All improvements shall be completed prior to the issuance of building permits.</p> <p>Mitigation Measure MM VIII-1 from the Initial Study</p>	Prior to Issuance of Building Permit	Water Resources Department	

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<p>15. Prior to issuance of grading permit, in order to mitigate erosion and sediment control problems, the project site shall comply with the City's Land Grading and Erosion Control Ordinance. Additionally, because the project size is more than five acres, a Notice of Intent (NOI) must be filed prior to construction to obtain coverage under the State's General Construction Activity Storm Water Permit. As a condition of the General Permit, a Storm Water Pollution Prevention Plan (SWPPP) must be developed for the project. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Compliance with the General Permit is enforced in the Sacramento area by the Central Valley Regional Water Quality Control Board.</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Water Resources Department</p>	
<p>16. Prior to issuance of grading permit, construction contracts for the project shall include the following measures to be monitored by the City and SMAQMD:</p> <p><u>Category 1: Reducing NO_x Emissions from Off-Road Diesel Powered Equipment:</u></p> <p>A. The prime contractor shall submit, to the City of Elk Grove Planning Department, 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</p>	<p>Prior to Issuance of Grading Permit</p>	<p>SMAQMD and Planning Division</p>	

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<p>follows:</p> <ul style="list-style-type: none"> • 175 hp – 750 hp 1996 and newer engines • 100 hp – 174 hp 1997 and newer engines • 50 hp – 99 hp 1998 and newer engines <p>Said off-road equipment may be owned and operated by the prime contractor and/or any subcontractor; or</p> <p>B. The prime contractor shall provide a plan, for approval by the City of Elk Grove Planning Department 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.) and</p> <p><u>Category 2: Reducing NO_x Emission from On-Road Diesel Powered Equipment:</u></p> <p>The prime contractor shall submit, to the Environmental Services Division, a comprehensive inventory of all heavy-duty on-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project. and</p> <p><u>Category 3: Enforcement Plan</u></p>			

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<p>An enforcement plan shall be established to weekly evaluate project-related on-and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty (>14,000 LB. GVWR) on-road equipment emissions for compliance with this requirement. The certified environmental coordinator may be a City inspector, a representative of the prime contractor, or an independent contractor. The Environmental Coordinator will maintain a current VEE rating for the duration of the project.</p> <p>For project-related heavy-duty on-road diesel vehicles, the coordinator shall routinely evaluate emissions of trucks at the project site. Operators of vehicles found to exceed opacity limits will be notified and the vehicle(s) repaired as soon as possible. The coordinator will maintain a log of such violations and routinely notify the SMAQMD.</p> <p>For project-related heavy-duty off-road diesel vehicles, the coordinator will routinely evaluate emissions of vehicles at the project site. Operators of vehicles found to exceed opacity limits will be notified and equipment will be repaired immediately. The coordinator will maintain a log of such violations and routinely notify the SMAQMD.</p> <p>The project applicant shall place the following</p>			

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<p>mitigation requirements in all construction contracts and shall require the use of Best Available Control Technologies (BACT), including but not limited to the requirements listed below. 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 demolition of existing buildings or structures, 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 hour or less. • Use low-emission on-site stationary equipment whenever possible. • Encourage construction employees to carpool to the work site. 			

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<ul style="list-style-type: none"> • 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. <p>Mitigation Measure MM III-1 from the Initial Study</p>			
<p>17. Prior to recordation of the Final Subdivision Map, the Applicant shall construct, or bond for, on-site and off-site public collector sewer to the satisfaction of County Sanitation District 1. An interim sewer pump station and force main will be necessary to provide sewer service to the eastern portion of the development prior to the construction of the Deer Creek Interceptor (scheduled for completion in 2023). Design of the interim facilities shall be coordinated with and approved by CSD-1. Sacramento County Improvement Standards shall apply to on-site sewer construction.</p>	<p>Prior to Recordation of the Final Subdivision Map or Approval of Improvement Plans, whichever occurs first.</p>	<p>CSD-1</p>	

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<p>Provisions for public sewer easements may be required. If required, the sewer easements shall be dedicated to CSD-1, be a minimum of twenty feet (20) in width and ensure continuous access for maintenance.</p> <p>An approved sewer study to the satisfaction of CSD-1 shall be required prior to submittal of improvement plans.</p> <p>The subject property shall be annexed into both the SRCSD & CSD-1 of Sacramento County prior to recordation of the final map or to the approval of improvement plans, whichever occurs first.</p>			
<p>18. Private streets shall be constructed to City of Elk Grove Improvement Standards and privately maintained. A maintenance agreement including all parcels of the subject map shall be recorded at the time the Final Subdivision Map is recorded.</p>	<p>Prior to Recordation of the Final Subdivision Map</p>	<p>LDSIR, DOT</p>	
<p>19. Prior to recordation of the Subdivision Map, provide visibility easements as necessary to meet Improvement Standard requirements at all intersections of streets with curvilinear alignment.</p>	<p>Prior to Recordation of the Final Subdivision Map</p>	<p>LDSIR, DOT</p>	
<p>20. Prior to recordation of the Final Subdivision Map, dedicate land or pay in lieu fees, or both, for park purposes, as required by and in accordance with the procedures and standards set forth in Chapter 22.40, Title 22 of the Elk Grove City Code.</p>	<p>Prior to Recordation of the Final Subdivision Map</p>	<p>LDSIR, EGCSO</p>	

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21.	Prior to recordation of the Subdivision Map, dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public ways and private drives.	Prior to Recordation of the Subdivision Map	SMUD, PG&E, LDSIR	
22.	Prior to recordation of the Subdivision Map, the applicant shall install, or bond for the installation of separate water service to each parcel and dedicate water easements to the satisfaction of Sacramento County Water Agency. All improvements shall be completed prior to final inspection.	Prior to Recordation of the Subdivision Map	Water Supply	
23.	Prior to recordation of the Subdivision Map, applicant shall provide water for use during grading and construction before abandoning any existing agricultural wells.	Prior to Recordation of the Subdivision Map	Water Supply	
24.	Prior to recordation of the Subdivision Map, 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 Recordation of the Subdivision Map	Water Supply	
25.	Prior to recordation of the Subdivision Map, this project is required to connect, or bond for connection, to the existing Sacramento County Water Agency system. The applicant shall coordinate with the Agency and adjacent projects to accomplish this. Metered connections shall be made on transmission mains to the satisfaction of the Sacramento County Water Agency.	Prior to Recordation of the Subdivision Map	Water Supply	

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26.	A supplemental drainage fee, in addition to fees identified in the Sacramento County Water Agency Code shall be paid. The fee shall be equal to the supplemental fee numerated in the Vineyard Spring Comprehensive Plan Financing Plan or established in a separate financial analysis.	Prior to Issuance of Building Permit	Water Resources	
27.	<p>Concurrent with recordation of the Final Subdivision Map, the owners of all real property within the boundaries of the project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by the District consenting to:</p> <ul style="list-style-type: none"> (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services; (iii) the budget, formulas and cost of living indexes used to establish the amount of the annual assessments; and (iv) the levying of the annual assessment to fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems lakes, creeks and other recreational and aesthetic amenities. 	Concurrent with Recordation of Final Subdivision Map	EGCSD	

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All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District.			
28. Prior to the issuance of the 40 th building permit, two points of access to existing public roads shall be provided pursuant to Title 22 of the Elk Grove City Code. Depending on the timing of development, this may require offsite extension to Bond Road. Responsibility for securing said offsite easements, if necessary, shall belong solely to the developer of this project. If a temporary roadway is provided, it 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.	Prior to the issuance of the 40 th Building Permit	LDSIR and Fire Department	
29. Prior to the issuance of building permits, a permit release letter from the Elk Grove Community Services District Fire Department shall be required.	Prior to the Issuance of Building Permits	EGCSD Fire Department	
30. Prior to issuance of building permits, this development is required to provide a fire flow from a public water system capable of delivering as a minimum 50 PSI static pressure and 1,000 gpm at 20 psi residual pressure. Hydrants shall be spaced a maximum of 500 feet apart. 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.	Prior to the Issuance of Building Permits	EGCSD Fire Department	

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	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
31.	Prior to issuance of building permits, all required roadways, water mains, fire hydrants and fire flow shall be provided. 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.	Prior to the Issuance of Building Permits	EGCSD Fire Department	
32.	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.	Prior to the Issuance of Building Permits	Water Supply	
33.	Prior to issuance of building permits, the project shall conform to the specific provisions of the Sacramento County Landscape Water Conservation Ordinance (Chapter 14.10 of the Sacramento County Code) to the satisfaction of the County Landscape/Oak Tree Coordinator.	Prior to the Issuance of Building Permits	Water Supply	
34.	Prior to issuance of building permits, the property owner shall pay development impact fees in accordance with the Elk Grove / West Vineyard Public Facilities Financing Plan Development Impact Fee Program as adopted by the City of Elk Grove on July 1, 2000 and October 25, 2000, including any authorized adjustments and updates thereto. The property owner shall pay roadway, fire, park, library, and transit impact fees in accordance with the Elk Grove/West Vineyard Public Facilities Financing Plan Development Impact Fee Program as adopted by the City of Elk Grove on July 1, 2000 and October 25, 2000, including any authorized adjustments and updates thereto, as if the	Prior to the Issuance of Building Permits	Infrastructure Finance Section	

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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>project were an Urban development located within Subzone 4 of the Elk Grove/West Vineyard Public Facilities Financing Plan area, per Chapter 16.82 of the Sacramento County Code.</p>			
<p>35. Structures on lots located on the perimeter of the project site and adjacent to parcels zoned AR-2 or larger in size shall not exceed a building height of one story. A note to this effect shall be included on the final subdivision map prior to recordation.</p>	<p>Prior to Recordation of the Subdivision Map</p>	<p>Community Development Department</p>	
<p>36. Residential lots located on the perimeter of the project and adjacent to parcels zoned AR-2 or larger in size shall maintain a minimum 75-foot non-buildable setback area, measured from the project boundary, or a minimum 10-foot non-buildable setback area, measured from the top of the improved drainage channel, whichever is greater.</p>	<p>Prior to Recordation of the Subdivision Map</p>	<p>Community Development Department</p>	
<p>37. Project proponents, future successors or interests shall reserve a minimum net 2 acre site for water production, treatment and storage to the satisfaction of the Sacramento County Water Agency (SCWA). The site shall not be located in proximity to either Bond Road or the southern project boundary. The 2 acre site may be situated on the Van Ruiten Acres / Kapalua Estates border such that each project proponent shall reserve a contiguous 1 acre site. If contiguous 1 acre sites cannot be secured on both Van Ruiten and Kapalua Estates then the entire net 2 acre site shall be situated on Van Ruiten Acres.</p>	<p>Prior to Recordation of the Subdivision Map</p>	<p>Water Supply</p>	

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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>Acceptance and approval of any site shall be subject to meeting State Department of Health Services (DHS) sanitary set back requirements and obtaining acceptable results from hydrogeologic evaluations (exploratory drilling). If these conditions cannot be satisfied, then an alternate site on the Van Ruiten Subdivision shall be selected and similarly evaluated. Prior to final map approval, the project proponent shall grant right-of-entry to SCWA to conduct hydrogeological evaluations. In addition, prior to final map recordation, the property owner shall enter into purchase agreement with SCWA consistent with Chapter 22.50 of the Sacramento County Code and Government Code Title 7, Division 2, Article 4.</p>			
<p>38. Fencing located on the perimeter of the project and adjacent to parcels zoned AR-2 or larger in size shall consist of open, wrought iron or tubular steel, which may be supported by masonry pilasters. Perimeter fencing shall not consist of solid masonry, redwood, or chain link. A note to this effect shall be placed on the final subdivision map prior to recordation. Perimeter fencing shall be erected prior to final building inspection.</p>	<p>Prior to Recordation of the Subdivision Map</p>	<p>Community Development Department</p>	
<p>39. A landscape corridor eight feet in width shall be provided along the north and east sides of the drainage channel and at least two feet from the top of the drainage channel. Landscaping adjacent to the drainage channel along the south and west project boundaries shall consist of native, drought tolerant plant materials and shall be installed prior to</p>	<p>Prior to final building inspection.</p>	<p>Community Development Department, Water Resources</p>	

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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>final building inspection. The Homeowners' Association shall be responsible for the on-going maintenance of this landscape corridor, which shall be acknowledged in the Covenants, Conditions and Restrictions.</p>			
<p>40. In accordance with his offer, the Applicant shall provide ten Redwood trees (<i>Sequoia sempervirens</i>), either fifteen gallon size or 24-inch box specimen, to each of those neighbors who abut the southern project boundary, and who request delivery of such trees. A note to this effect shall be placed on the final subdivision map prior to recordation. Plant materials shall be delivered prior to final building inspection.</p>	<p>Prior to Recordation of the Subdivision Map</p>	<p>Community Development Department</p>	
<p>41. The Applicant shall disclose to all buyers of property within the Kapalua Estates subdivision that surrounding agricultural properties and uses may continue in perpetuity, subject to the provisions of the Right to Farm Ordinance dated July 10, 1990. The Applicant, or his successors, shall include such disclosure in any Covenants, Conditions and Restrictions recorded for the project and shall require each homebuyer to sign such a disclosure. A note to this effect shall be placed on the final subdivision map prior to recordation.</p>	<p>Prior to Recordation of the Subdivision Map</p>	<p>Community Development Department</p>	
<p>42. Off-site drainage improvements shall include facilities that convey drainage from properties located on Pavich Lane, Jetmar Lane and Butterfly Lane, which shall be incorporated into final improvement plans. Such drainage facilities shall be constructed prior to the issuance of building permits.</p>	<p>Prior to issuance of building permits.</p>	<p>Water Resources</p>	

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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
43. The Applicant, or his successors, shall disclose to all buyers of property within the Kapalua Estates subdivision that spotlights, floodlights, reflectors, or other types of lighting may be used to illuminate buildings, patios and landscaped areas. However, such lighting shall be focused and equipped with lenses or other devices so that the illumination is screened and/or directed away from adjacent properties. Such a disclosure shall be included in any Covenants, Conditions and Restrictions recorded for the project and each homebuyer shall sign such a disclosure. A note to this effect shall be placed on the final subdivision map prior to recordation.	Prior to final Building inspection.	Community Development Department	
44. The Applicant, or his successors, shall remove the existing wall located at the intersection of Bradshaw Road and Kapalua Lane and replace the wall with a combination of berms, masonry walls and landscaping similar to the wall treatment adjoining the Silvergate development to the north.	Prior to final Building inspection.	EGCSD, Community Development Department	...
45. In accordance with City Improvement Standards, no street lights shall be required or installed within the project site.	Prior to Recordation of the Subdivision Map.	Community Development Department	

General Information and Compliance Items:

The following items are noted for the applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

- a. Trunk sewer design and construction may be reimbursed by CSD-1. Prior to initiating design of any trunk sewer facility, the applicant shall contact CSD-1 regarding their Trunk Sewer Reimbursement Program. Failure to strictly comply with the provisions of the CSD-1 Connection Fee Ordinance may jeopardize trunk sewer reimbursement. In the event of any potential conflicts, the consulting engineer submitting the tentative map shall contact Rah-Nohn Spears at 876-6074. (CSD-1)
- b. The interim sewer lift station is not subject to reimbursement by CSD-1. However, a participation agreement can be created to establish a service area for the lift station from the future users of the interim facility. Coordination with the Remington Estates and Van Ruiten Acres projects to consolidate interim facilities may be advantageous (CSD-1)
- c. 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. (CSD-1)
- d. Though not required, it is recommended that all single family dwellings be equipped with an automatic fire sprinkler system. As approximately 80% of all fire deaths occur in residential dwellings, these life safety systems drastically improve the occupant's chance of surviving a fire. (Fire Department)
- e. 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. (Fire Department)
- f. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-arounds. (Fire Department)
- g. 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 Community Services District Fire Department and the water purveyor having jurisdiction. (Fire Department)
- h. The installation of addresses, landscaping, tree wells and/or traffic islands are subject to the standards outlined by the Community Services District. (Fire Department)
- i. Gas service may be available to this project if desired. The developer should contact PG&E's Service Planning Department at (916) 386-5067 as soon as possible to coordinate construction so as not to delay the project. (PG&E)
- j. Homes that have attached garages with side or rear doors will have solid core or metal covered doors with dead bolt locks. (Sheriff's Department)
- k. Skylight side panels that are placed next to entrance doors will not be on the same side as the lock mechanism of the door. Only one panel may be installed per door, adjacent to the hinges. (Sheriff's Department)
- l. All external door frames, including the side garage, will have screws that are a minimum of three inches long in the strike plate. Strike plates should be anchored with a minimum of four screws. (Sheriff's Department)

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- m. The Sheriff's Department highly recommends that homes be designed with the front of the garage aligned with or set back from the front of the house. This will improve visibility from inside the home of the entire block. Homes with covered front porches promote resident involvement with neighbors which in turn helps reduce crime. (Sheriff's Department)
- n. Mitigate the potentially isolating impact of physical barriers such as soundwalls and landscaped corridors.
- o. Increase connectivity with other Elk Grove neighborhoods with bicycle routes and pedestrian walkways connecting the development to other area developments. (Regional Transit)
- p. On-site source and control measures are required for this project in accordance with the latest version of the City/County Guidance Manual (Guidance Manual of On-Site Storm Water Quality Control Measures). In all cases, source control measures on the improvement plans will include provision of a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each inlet. Other on-site source and treatment control measure(s) should also be used in accordance with specific residential activities referenced in the Guidance Manual. Prior to development plan approval, the final design of the proposed on-site source and treatment controls will be approved by the City of Elk Grove Department of Water Resources. (Water Resources)

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- ¹ Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the City of Elk Grove Code, a Mitigation Monitoring and Reporting Program, City Control Number EG-00-012, has been established for the project entitled **"KAPALUA ESTATES COMMUNITY PLAN AMENDMENT, REZONE AND TENTATIVE SUBDIVISION MAP"**.

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

It shall be the responsibility of the project applicant to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the preceding pages. The City of Elk Grove Planning Department will verify, within ten (10) business days of notification, that the project is in compliance. Any non-compliance will be reported to the project applicant, and it shall be the project applicant's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project applicant in accordance with Chapter 20.02 of the City of Elk Grove Code.

It shall be the responsibility of the project applicant to reimburse the City for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program, including any necessary enforcement actions. The initial estimate of City monitoring costs for this project is **\$ 7,500**, which must be paid to the City of Elk Grove Planning Department. If actual City monitoring costs are less than the initial estimate, the difference will be refunded to the applicant; and if the actual City monitoring costs exceed the initial estimate, a revised estimate and/or supplemental bill(s) will be submitted to the applicant.

Pursuant to Section 20.02.060 of the City of Elk Grove Code, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall issue and the City Clerk shall record a Program Completion Certificate for the project.

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Section 20.02.050(b)(2) of the City of Elk Grove Code, the project applicant shall provide to the City of Elk Grove Planning Department a Legal Description for the real property that is the subject of the project.

The requirements of this adopted Program run with the real property that is the subject of the project, as shown in the attached map. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application

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for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

Chapter 20.02 of the City of Elk Grove Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the City of Elk Grove Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Section 20.02.080 of the City of Elk Grove Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

