

ORDINANCE NO. 12-2002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE COMMUNITY PLAN MAP FROM AR-5 TO LIMITED COMMERCIAL, AND AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-5 TO LIMITED COMMERCIAL AND APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)/CONDITIONS OF APPROVAL ON ASSESSOR PARCEL NUMBERS 115-0180-006, 115-0180-007 AND 115-0180-008, AMB/BTS WALGREEN'S PROJECT (EG-00-034)

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the City of Elk Grove Community Plan Map and Zoning Map to assign revised community plan and zoning designations to the parcels shown on attached Exhibit A.

Section 2: Findings

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.

The Applicant revised the proposed project in response to written comments on the project's effects identified in the Mitigated Negative Declaration, which are not new avoidable significant effects. In accordance with Section 15073.5 of the CEQA

Guidelines, a lead agency need not recirculate the Mitigated Negative Declaration under such circumstances.

2. **Finding:** The proposed Community Plan Amendment and Rezone implements and is consistent with the General Plan and does not create problems detrimental to the public health, safety and general welfare of the residents of Elk Grove.

Evidence: The City reviewed the proposed amendment to the Community Plan Map and Zoning Map and received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed retail and commercial uses in the General Plan. Also, the proposed amendment is consistent with the Plan's objectives of orderly and systematic development. The Community Plan and Zone Amendment will not go into effect unless and until the City Council approves the corresponding General Plan Amendment.

Section 3: Action

The City Council hereby amends the Community Plan Map and Zoning Map of the City of Elk Grove for Assessor's Parcel Numbers 115-0180-006, 115-0180-007 and 115-0180-008 as shown on Exhibit A, subject to approval of the General Plan Amendment for this project and subject to the attached Mitigation Monitoring and Reporting Program (MMRP) /Conditions of Approval (Exhibit B).

Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.


Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

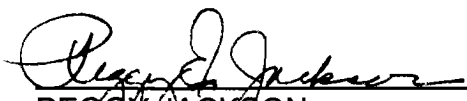
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

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


MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:


PEGGY JACKSON,
CITY CLERK

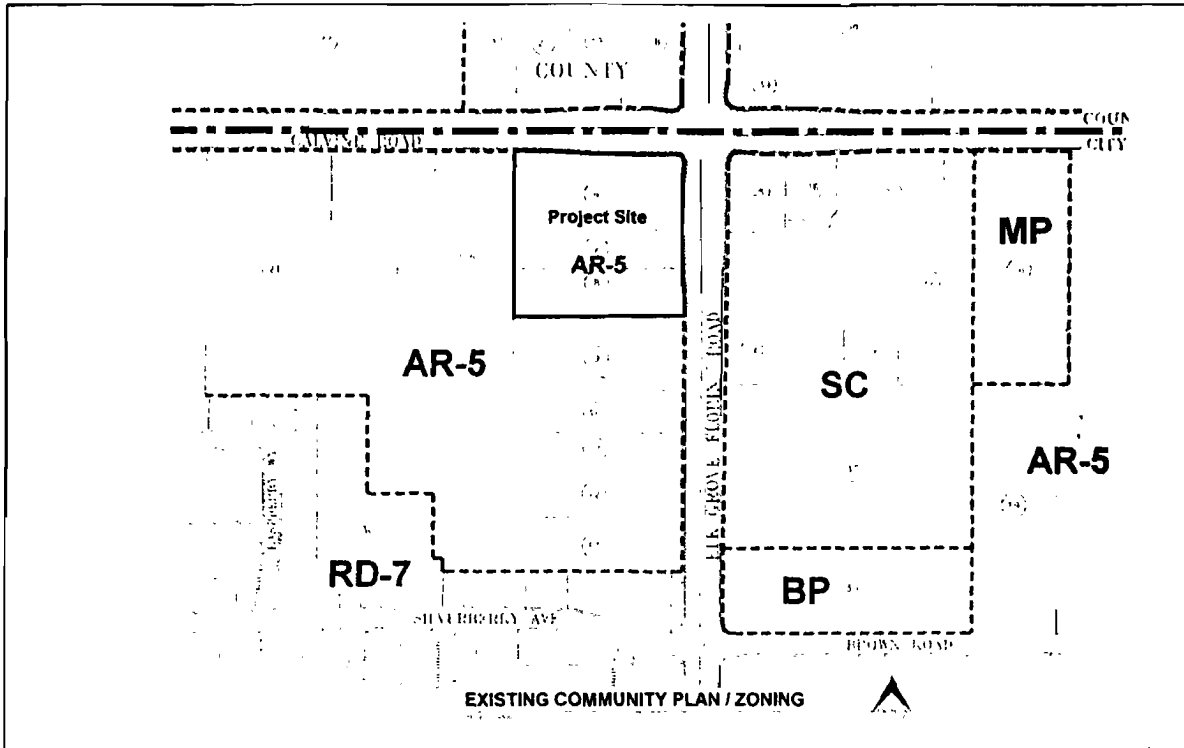

ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

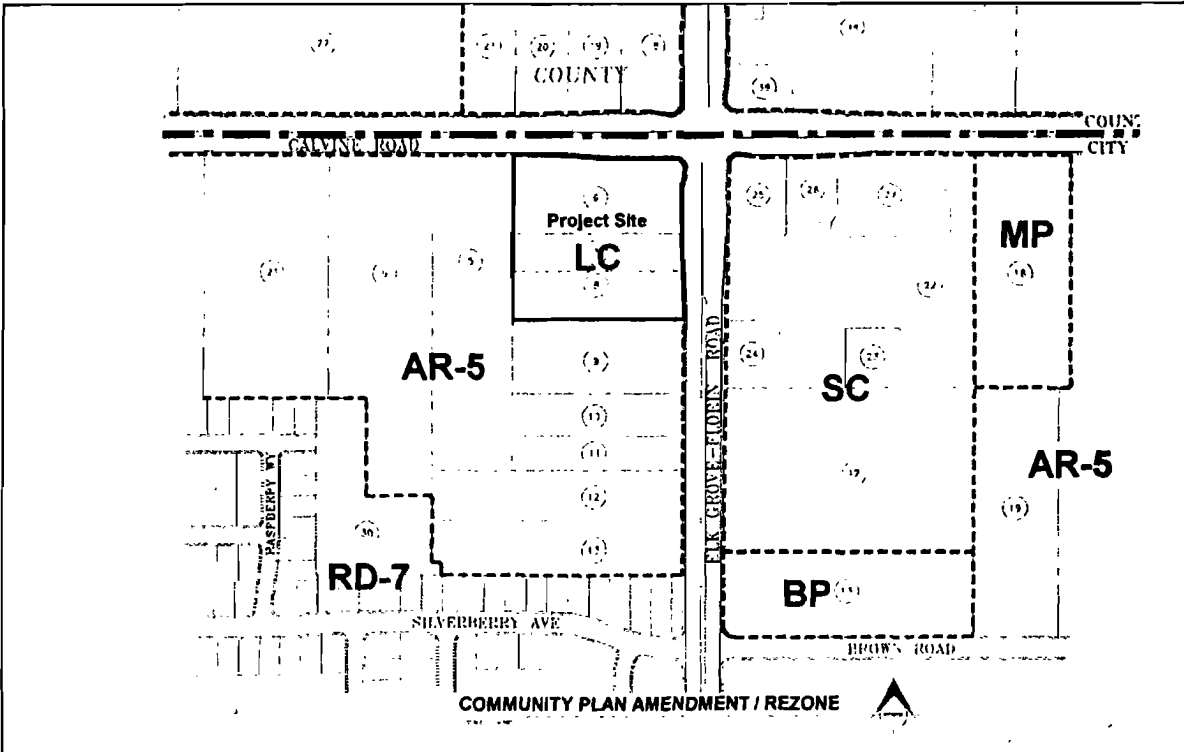
Effective Date: June 14, 2002

Exhibit A

Existing Community Plan and Zoning Designations



Proposed Community Plan Amendment and Rezone



AMB/BTS WALGREENS (EG 00-034)

Exhibit B: 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 General Plan Amendment, Community Plan Amendment and Rezone for Limited Commercial development as described in the Planning Commission report and associated Exhibits and Attachments dated March 14, 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 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	
4. Reflectors, spotlights, floodlights, and other sources of illumination may be used to illuminate buildings, landscaping, parking and loading areas on site if they are equipped with lenses or other devices which concentrate the illumination upon the buildings, landscaping, parking and loading areas. No unshielded lights, reflectors, or spotlights shall be so located that they shine toward or are directly visible from adjacent properties or streets (MM I-1 from Initial Study)	Prior to issuance of Building Permit	City of Elk Grove Planning Division	

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5. Prior to issuance of grading permit, if any previously unrecorded historic or prehistoric sites are encountered, all work shall be halted in the immediate vicinity of any finds until a professional archeologist records and evaluates the finds, and until appropriate mitigation, if any, is completed to the satisfaction of the City (Mitigation Measure MM-V-1 from the Initial Study).	Prior to Issuance of Grading Permit	City of Elk Grove Planning Division	
6. Prior to issuance of grading permit, if human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the discovery until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code Section 5097.98.(Mitigation Measure MM-V-1 from Initial Study)	Prior to Issuance of Grading Permit	City of Elk Grove Planning Division	
7. Prior to issuance of grading permit, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with AMB/BTS Walgreen's. Until the MMRP has been recorded and the estimated MMRP fee of \$5,000 has been paid, no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved.	Prior to Issuance of Grading Permit	City of Elk Grove Planning Division	
8. Reciprocal access shall be granted among the owners of the properties involved in this project with provisions for other future development on adjacent parcels. The applicant shall submit legal documentation to the Planning Division, which establishes reciprocal access.	Prior to Issuance of Grading Permit	City of Elk Grove Planning Division	

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<p>9. 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 NOx 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 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; <u>or</u></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</p>	<p>Prior to Issuance of Grading Permit</p>	<p>SMAQMD and Planning Division</p>	

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<p>emulsified fuel in noncertified engines, and other methods not requiring the use of post 1996-1998 engines.) and</p> <p>Category 2: <u>Reducing NOx Emission from On-Road Diesel Powered Equipment:</u> 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>Category 3: <u>Enforcement Plan</u> 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)</p>			

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<p>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 provisions of District Rule 403 – Fugitive Dust will apply to this project. (Mitigation Measure MMill-1 from the Initial Study).</p>			
<p>10. Grant the City right-of-way for Elk Grove-Florin Road and Calvine Road, based upon requirements of the Department of Transportation and install public street improvements pursuant to the Elk Grove City Improvement Standards. The number, size and location of driveways are subject to approval by the Public Works Department. (LDSIR)</p>	<p>Prior to the second reading of the ordinance adopting the rezone</p>	<p>LDSIR</p>	
<p>11. Grant the City of Elk Grove right-of-way on Calvine Road based on a 108-foot standard and install public street improvements pursuant to the Elk Grove City Improvement Standards. NOTE: There is an offset centerline on Elk Grove Florin Road. The developer should verify the exact location with the Department of Transportation. (DOT)</p>	<p>Prior to the second reading of the ordinance adopting the rezone</p>	<p>DOT</p>	

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12. Dedicate additional right-of-way on Calvine Road and Elk Grove-Florin Road for intersection widening per Standard Drawings 4-5 and 4-6 of the Sacramento County Improvement Standards and to the satisfaction of the Department of Transportation. NOTE: A bus turnout will be required on Elk Grove-Florin Road at the intersection of Calvine Road and Elk Grove-Florin Road. (DOT)	Prior to the second reading of the ordinance adopting the rezone	DOT	
13. The size, number and location of driveways shall be to the satisfaction of the Department of Transportation. Driveway widths of 45 feet should be provided on Calvine Road and Elk Grove-Florin Road and shall have a minimum clear spacing of 150 feet between them. (DOT)	Prior to the second reading of the ordinance adopting the rezone	DOT	
14. Grant the City of Elk Grove an Irrevocable Offer of Dedication (I.O.D.) of right-of-way for a future urban interchange along the northern boundary adjacent to Calvine Road and along the eastern boundary adjacent to Elk Grove-Florin Road to the satisfaction of the Department of Transportation. (DOT)	Prior to the second reading of the ordinance adopting the rezone	DOT	
15. Grant the right of direct vehicular access along Calvine Road and Elk Grove-Florin Road to the City of Elk Grove, except at approved access locations. (DOT)	Prior to the second reading of the ordinance adopting the rezone	DOT	
16. Access drives on Calvine Road and Elk Grove-Florin Road will be restricted to right-turn-in and right-turn-out only. NOTE: The standard configuration for a six-lane thoroughfare includes a raised median. (DOT)	Prior to approval of Improvement Plans	DOT	

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17. Place bus shelters within the public utility easements that are adjacent to public street rights of way. If bus shelters cannot be accommodated within public utility easements, then it is Regional Transit's request that bus shelter easements, approximately 10-feet wide by 20-feet long, be made available to Regional Transit at such time in the future when bus service may commence. (Regional Transit)	Prior to issuance of Building Permit	RT	
18. Each parcel must have a separate connection to the public sewer system. Sacramento County Improvement Standards apply to on-site sewer construction. Provisions for public sewer easements may be required. If required, the sewer easements shall be dedicated to CSD-1, be a minimum of twenty (20) feet in width and ensure continuous access for maintenance. (CSD-1)	Prior to issuance of Building Permit	CSD-1	
19. Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public ways and private drives. (SMUD and PG&E)	Prior to approval of Improvement Plans	SMUD, PG&E, LDSIR	
20. The developer shall provide the following: (1) Drainage easements, installed pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento Water Agency Code, and Elk Grove Improvement Standards, including the payment of fees required by the Sacramento Water Agency Code; and (2) Off-site drainage improvements pursuant to the City of Elk Grove Floodplain Management Ordinance and Improvement Standards; Or,	Prior to approval of Improvement Plans	Water Resources	

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<p>(3) On-site detention to prevent site drainage and runoff generated by the commercial site development from entering the existing 42" storm drain system in Calvine Road, which is at capacity; and</p> <p>(4) On-site source and treatment control measures in accordance with the most current Guidance Manual of On-site Storm Drainage Water Quality Control Measures. (Water Resources)</p>			
<p>21. 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 (Water Resources)</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Water Resources</p>	
<p>22. 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. (Water Supply)</p>	<p>Prior to the Issuance of Building Permits</p>	<p>Water Supply</p>	
<p>23. Provide for public water service to each building and dedicate easements for water mains to the satisfaction of Sacramento County Water Agency. (Water Supply)</p>	<p>Prior to Issuance of Grading Permits</p>	<p>Water Supply</p>	
<p>24. Prior to issuance of building permits, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18. (Water Supply)</p>	<p>Prior to the Issuance of Building Permits</p>	<p>Water Supply</p>	

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25.	Prior to issuance of building permits, this development is required to provide a fire flow from a public water system capable of delivering a minimum of 3,000 gpm at 20 PSI. static pressure and 1,000 gpm at 20 psi residual pressure. Hydrants shall be spaced a maximum of 300 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. (Fire Department)	Prior to the Issuance of Building Permits	EGCSD Fire Department	
26.	Prior to the issuance of building permits, a permit release letter from the Elk Grove Community Services District Fire Department shall be required. (Fire Department)	Prior to the Issuance of Building Permits	EGCSD Fire Department	
27.	Prior to issuance of building permits, all required roadways, water mains, fire hydrants and fire flow shall be provided prior to the existence of any combustible construction or storage in this development. The driveways 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. (Fire Department)	Prior to the Issuance of Building Permits	EGCSD Fire Department	
28.	Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento Regional Fire/EMS Communications Center. (Fire Department)	Prior to the Issuance of Occupancy Permits	EGCSD Fire Department	
29.	All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system. (Fire Department)	Prior to the Issuance of Occupancy Permits	EGCSD Fire Department	

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30.	The owners of all real property within the boundaries of the project site shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by the District consenting to: (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. All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District. (Elk Grove Community Services District)	Prior to the issuance of Building Permit	EGCSD Parks & Recreation	
31.	Prior to issuance of a Certificate of Occupancy, improve a 25-foot Landscape Corridor to the Elk Grove Community Services District adjacent to the right-of-way for Elk Grove Florin Road and Calvine Road. (Elk Grove Community Services District)	Prior to Issuance of Certificate of Occupancy	EGCSD Parks & Recreation	
32.	Prior to issuance of a Certificate of Occupancy, landscape corridors shall be constructed and installed in accordance with plans and specifications approved by the Elk Grove Community Services District and shall be	Prior to Issuance of Certificate of Occupancy	EGCSD Parks & Recreation	

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<p>consistent with the Elk Grove Community Services District "General Guidelines for Landscape Corridor Design" and other CSD projects in Close vicinity to the area. Corridors will be inspected by District employees and include meandering or bifurcated sidewalks, subject to EGCS D approval. Any proposed deviation from CSD's specifications would need to be submitted to the CSD and be approved in writing. All landscape corridor walls shall be of masonry construction. Wall design and materials shall be subject to CSD approval. Graffiti resistant materials shall be used. (Elk Grove Community Services District)</p>			
<p>33. When the improvements to the landscape corridor have received final acceptance by the Community Services District, the District will accept a grant of deed or a grant of a landscape maintenance easement from the Applicant and assume the future obligation for operation, maintenance, repair and replacement. Applicant shall be responsible to fund the direct cost of performing this work until the District has incorporated these costs into the annual budget for the Landscape and Lighting Assessment District. If the inclusion of these costs results in an increase in the assessments requiring a ballot approval pursuant to the provision of Proposition 218, the Applicant's funding obligation could continue until Prop 218 compliance is met. Applicant's funding obligation will be addressed in the agreement with the District. (Elk Grove Community Services District)</p>	<p align="center">Upon Final Acceptance by EGCS D</p>	<p align="center">EGCS D Parks & Recreation</p>	

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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, including any authorized adjustments and updates thereto. (Infrastructure Finance Section)	Prior to the Issuance of Building Permits	Infrastructure Finance Section	
35. Truck deliveries to the site shall not be permitted between the hours of 6:00 a.m. to 8:30 a.m. and 3:30 p.m. to 6:00 p.m.. The Applicant shall provide written evidence that the tenants have acknowledged this provision.	Prior to the Certificate of Occupancy	City of Elk Grove Planning Division	
36. The Applicant and future tenants shall not erect electronic reader boards as described in the City of Elk Grove Sign Regulations, on the project site.	On-going	City of Elk Grove Planning Division	

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. 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)
- b. 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)
- c. The installation of addresses, landscaping, pipe bollards, fuel tanks, tree wells and/or traffic islands are subject to the standards outlined by the Community Services District. (Fire Department)
- d. 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)
- e. Mitigate the potentially isolating impact of physical barriers such as soundwalls and landscaped corridors. (Regional Transit)
- f. Access to possible future transit service along the major arterials and collectors should include direct, safe and convenient connections by pedestrians and bicyclists. The design of the project should emphasize the importance of accessibility to future transit service for this area. (Regional Transit)
- g. Increase connectivity with other Elk Grove neighborhoods with bicycle routes and pedestrian walkways connecting the development to other area developments. (Regional Transit)
- h. On-site source and treatment 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)
- i. The developer shall provide drainage easements and install facilities pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code. Stormwater Quality may be mitigated on-site (in-lieu of providing off-site facilities) with source and treatment control measures in accordance with the latest version of the Guidance Manual of On-site Storm Water Quality Control Measures. The final design of the proposed on-site source and treatment controls shall be subject to the approval of the City of Elk Grove Department of Water Resources. (Water Resources)
- j. Install "Energy Star" labeled roofing materials. (Sacramento Metropolitan Air Quality Management District)

Exhibit B: Conditions of Approval / Mitigation Monitoring and Reporting Program

- k. Install lowest emission/most efficient, commercially available heating and air conditioning system. (Sacramento Metropolitan Air Quality Management District)
- l. Comply with SMUD Advantage (Tier II) energy standards. (Sacramento Metropolitan Air Quality Management District)
- m. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 916-876-6100 for sewer impact fee information.

- 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-00-034, has been established for the project entitled "**AMB/BTS Walgreen's.**"

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 **\$ 5,000.00**, which must be paid to the Planning Division of the City of Elk Grove Community Development 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.

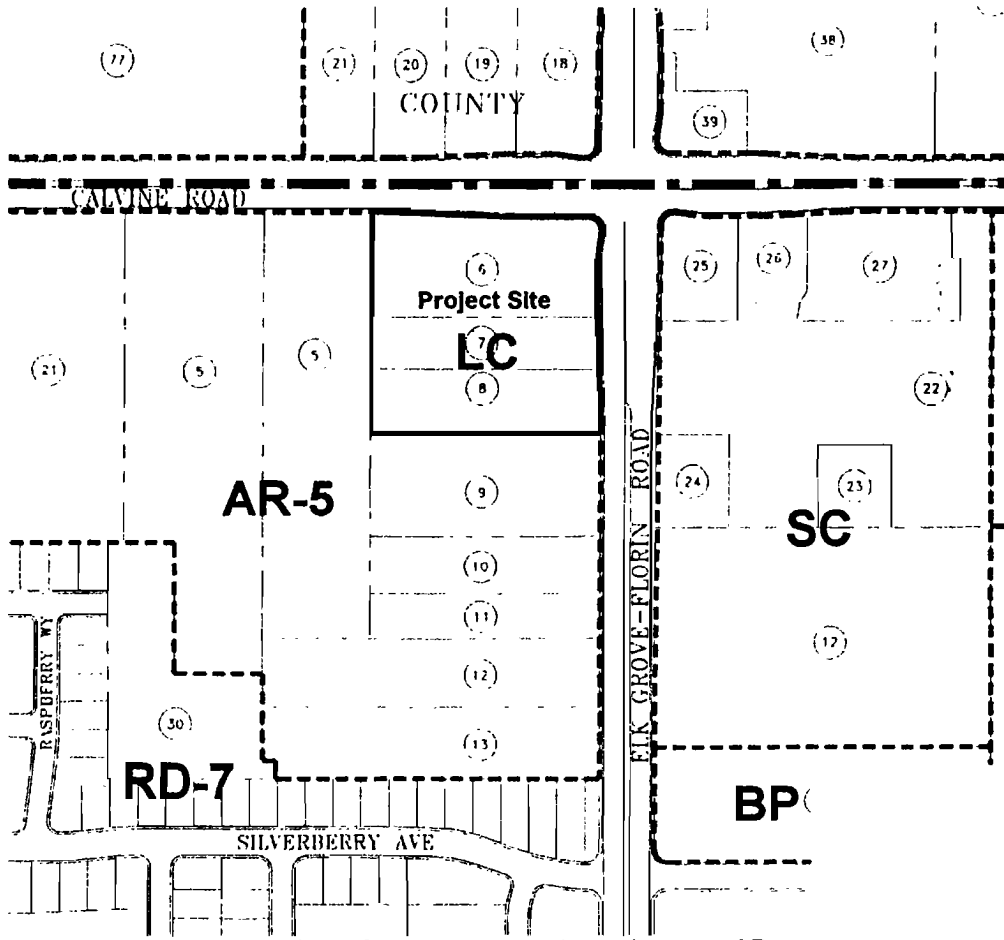
The requirements of this adopted Program run with the real property that is the subject of the project, as described in **the attached project site map**. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

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 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.

PROJECT SITE



GPA, Community Plan Amendment and Rezo