

**FINAL CONDITIONS OF APPROVAL
LENT RANCH MARKETPLACE**

As Approved by City Council 6-27-01

Special Planning Area, Change of Zone, Tentative Map, Financing Plan, Transportation
System Management Plan, General Plan Amendments

File EG-00-038

General Conditions:

- G1. None of the items listed above shall be deemed approved until the City has determined that the applicant has met the funding requirements of the Agreement for Advance of Funds (Reimbursement Agreement for Staff Processing) adopted by the City of Elk Grove in December 2000.
- G2. Development within the Lent Ranch Marketplace SPA shall occur in accordance with the staged development process defined in Section 5 of the SPA document.
- G3. No development of any kind shall occur until a specific Lent Ranch Marketplace SPA Development Impact Fee Program is adopted by the City. This Fee Program shall establish a source for all funding necessary to construct all required infrastructure (including infrastructure controlled by other agencies, specifically including the Elk Grove Community Services District) needed for the entire SPA area at buildout. For the purposes of this condition of approval, "development" shall include the following:
 - a) Issuance of any grading or building permits, excluding the concurrent grading of the Grant Line/99 freeway interchange and the regional mall site.
 - b) Recordation of any parcel or subdivision map other than the Lent Ranch Tentative Tract Map approved with the original approval of the Lent Ranch Marketplace SPA.
- G4. No additional entitlements including District Development Plans, shall be granted within any District of the SPA (including the regional mall, District A) until a detailed finance plan has been developed which:
 - a) Identifies all required backbone infrastructure necessary to serve complete development of the District;
 - b) Establishes the estimated cost of all required backbone infrastructure needed to serve complete development of the District;
 - c) Identifies the estimated timing for construction for all required backbone infrastructure needed to serve complete development of the District;

- d) Establishes the financing source required to fund all required backbone infrastructure needed to serve complete development of the District and implements an irrevocable financing mechanism to provide this funding.
- G5. The Public Facilities Financing Plan for the project shall provide either complete early funding for a permanent fire station (by means of developer financing of the station with a provision for credit against the Fire Protection Development Fee) or developer financing of a temporary fire station. Sufficient funds will also be required to purchase an engine and grass unit. The Plan shall contain a provision that allows reimbursement for payment of those funds beyond the proposed project's "Fair Share" for all of the above. *This condition of approval implements Mitigation Measure # MM4.6.4-3(a) from the Lent Ranch Marketplace Final EIR.*
- G6. All future development within the SPA shall be subject to the payment of fees in accordance with the adoption of any future development impact fee program, and/or any other fees or finance mechanisms adopted by the City pursuant to any enabling law, consistent with the Development Agreement.
- G7. The first phase of development shall consist of the Regional Shopping (shown as District "A" in Figure 3-1 of the SPA document. No other commercial development, unless authorized by the City Council in the Visitor Commercial Districts (Development Districts F and G as shown in Figure 3-1 of the SPA document), may occur outside District A (Regional Mall) until permits have been issued for the regional mall, as follows:
- a) Grading permits for commercial development projects outside District A shall not be issued until rough grading for the regional mall has been completed.
 - b) Building permits for commercial development projects outside District A shall not be issued until the completion of foundations for at least one (1) of the major department stores.

Residential development within the Lent Ranch Marketplace SPA may occur at any time, regardless of the progress of the regional mall, provided that sufficient infrastructure capacity is available to serve the residential development.

- G8. All District Development Plans shall identify a source of private funding for the maintenance of all landscaped areas abutting the public right-of-way within the District, including sidewalks and other areas with public access easements.
- G9. Prior to issuance of the certificate of occupancy for the regional shopping mall structure(s), the reconstructed SR 99 / Grant Line Road interchange shall be deemed operative and open to traffic by the City Public Works Department. It is expressly understood that the interchange may be operative and open to traffic

prior to its full completion, and that some portions of the interchange (e.g. landscaping) will not be installed at the time this condition is satisfied.

- G10. 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.
- G11. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures of the City of Elk Grove or any other responsible agency.

Map Conditions:

- TM1. On the Final Map, dedicate pedestrian easements for sidewalks within landscape corridors along all public streets, to the satisfaction of the City of Elk Grove.
- TM2. On the Final Map, dedicate public utility easements (PUE) 12.5 feet wide adjacent to all public rights-of-way.
- TM3. An approved sewer study to the satisfaction of CSD-1, addressing interim and ultimate sewer facilities requirements, including any required specific operating conditions on the interim service shall be required prior to submittal of improvement plans. *This condition of approval implements Mitigation Measure #MM4.6.2-2 from the Lent Ranch Marketplace Final EIR.*
- TM4. Record irrevocable offers of dedication to the City of all water, sewer, storm drainage, electric, gas, cable and other public utility infrastructure constructed or installed in or on the Property.

Note: See also the "Transportation" conditions for items relating to dedication of roadways and easements on the Final Map.

Drainage Conditions:

- D1. Downstream from the project are existing agricultural ditches and Bruceville Road, which overtops in high intensity storm events. These ditches and road crossings are not designed to handle the increased run-off from the proposed project. Detain peak flows to existing condition, measuring the 2, 10, 50 and 100-year storm event immediately downstream of drainage improvements and at Bruceville Road. This detention basin will be considered interim and will not be reimbursed by the Department of Water Resources.

- D2. Depending upon design grades and hydraulics, it may be necessary to construct a pilot channel from the project boundary to Bruceville Road to ensure positive gravity drainage.
- D3. The project shall include a storm water quality facility capable of treating storm water runoff pursuant to the Sacramento City/County Storm Water Management Program. This might be best accomplished as a wet volume at the bottom of the flood control detention basin. Attention to basin aesthetics shall be made a part of the design process.
- D4. A permanent storm drain message "No Dumping – Flows to Creek" or other approved message to be placed at each storm drain inlet. Other source controls measures should be required for fueling stations, automotive repair facilities, and car wash areas of multi-family complexes, consistent with the requirements of the City's NPDES permit.
- D5. Provide drainage easements, on and off-site, and install facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards, including any fee required by the Sacramento County Water Agency Code.
- D6. Annex to the County of Sacramento Stormwater Utility pursuant to the Sacramento County Water Agency Code, and the Sacramento County Improvement Standards.
- D7. The project engineer shall consult with the City when designing the proposed detention basin, and the developer shall submit detention basin designs and proposed plantings in and around the detention basin to these agencies for review and approval prior to approval of the improvement plans. *This condition of approval implements Mitigation Measure #MM4.7-2(a) from the Lent Ranch Marketplace Final EIR*

Transportation Conditions:

- Tr1. On the Final Map, grant the City of Elk Grove sufficient right of way that, when combined with existing right-of-way, will create 96 feet of right-of-way for Kammerer Road based on a modified thoroughfare standard as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr2. On the Final Map, grant the City of Elk Grove right-of-way for West Stockton from the Kammerer Road intersection to the main entrance of the Lent Ranch Marketplace mall based on a modified thoroughfare standard as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove

Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA. *This condition of approval implements Mitigation Measure #MM4.2-2 from the Lent Ranch Marketplace Final EIR.*

- Tr3. On the Final Map, grant the City of Elk Grove right-of-way for West Stockton from the main entrance of the mall to the northern edge of the project based on a modified arterial standard, as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA. *This condition of approval implements Mitigation Measure #MM4.2-3 from the Lent Ranch Marketplace Final EIR.*
- Tr4. On the Final Map, grant the City of Elk Grove right-of-way for the public street between Lot F, H, and Lot E based on a modified arterial standard as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr5. On the Final Map, grant the City of Elk Grove right-of-way for the public street between Lot E and Lot D based on a modified arterial standard, as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr6. On the Final Map, grant the City of Elk Grove right-of-way for the public street between Lot D and Lot C based on a modified arterial standard, as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr7. On the Final Map, grant the City of Elk Grove right-of-way for the public street between Lot I and Lot J based on a standard collector street standard, as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr8. On the Final Map, grant the City of Elk Grove right-of-way for the public street south of Lot K based on a standard collector street, as shown on the Tentative Map. Install public street improvements pursuant to City of Elk Grove

Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.

- Tr9. On the Final Map, grant additional right-of-way on Kammerer Road and West Stockton Boulevard for intersection widening pursuant to the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr10. On the Final Map, grant additional right-of-way on West Stockton Boulevard and the public street between sLots E and H for intersection widening pursuant to the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr11. On the Final Map, grant additional right-of-way on West Stockton Boulevard and the public street between Lot E and Lot D for intersection widening pursuant to the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr12. On the Final Map, grant additional right-of-way on West Stockton Boulevard and the public street between Lot D and Lot C for intersection widening pursuant to the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr13. On the Final Map, grant additional right-of-way on Kammerer Road and the public street between Lot D and Lot C for intersection widening pursuant to the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency as defined in the Infrastructure Financing and Implementation Plan for the Lent Ranch SPA.
- Tr14. With the approval of District Development Plans for each individual district, grant the City of Elk Grove the right of direct vehicular access along Kammerer Road except at approved roadway and driveway locations.
- Tr15. Reconstruct the SR 99 Northbound Ramps/E. Stockton Boulevard intersection to intersect with Grant Line Road to form the northbound off-ramp. Signalize and provide the following lane configuration at the intersection:
- Two left- and right-turn lanes on the northbound off-ramp;
 - Two through lanes on the eastbound approach; and
 - Three through lanes lane on the westbound approach.

This condition of approval implements Mitigation Measure #MM4.2-5 from the Lent Ranch Marketplace Final EIR.

Tr16. The Grant Line Road/E. Stockton Boulevard intersection shall be relocated 900 feet to the east to coincide with the existing Grant Line Road/Survey Road intersection. Signalize and provide the following lane configuration at the intersection:

- One left turn lane, three through lanes and a separate right turn lane on the eastbound approach;
- One left turn lane, two through lanes and a shared through/right-turn lane on the westbound approach; and
- One left turn, one through and one right turn lane on the northbound and southbound approaches.

This condition of approval implements Mitigation Measure #MM4.2-6 from the Lent Ranch Marketplace Final EIR.

Tr17. Reconstruct the SR 99 Southbound Ramps/W. Stockton Boulevard intersection to intersect with Grant Line Road. Signalize and provide the following lane configuration at the intersection:

- One left-turn lane, one shared left/right-turn lane and one separate right turn lane on the southbound off-ramp;
- Three through lanes on the eastbound approach; and
- Two through lanes on the westbound approach.

This condition of approval implements Mitigation Measure #MM4.2-7 from the Lent Ranch Marketplace Final EIR.

Tr18. The Grant Line Road/W. Stockton Boulevard intersection is the main access to and from the proposed project site. This intersection would be relocated approximately 850 feet west of its current location to provide better spacing between the new SR 99 Southbound off-ramp intersection. Signalize and provide the following lane configurations at the intersection:

- Three left-turn lanes, one through lane and one shared through/right-turn lane on the southbound approach;
- One left turn lane, two through lanes and one shared through/right-turn lane on the eastbound approach;
- One left turn lane, two through lanes one shared through/right-turn lane and a free right-turn lane on the westbound approach; and
- One left turn, one through lane and one right-turn lane on the northbound approach.

This condition of approval implements Mitigation Measure #MM4.2-8 from the Lent Ranch Marketplace Final EIR.

Tr19. Construct two lanes on the SR 99 southbound off-ramp to Grant Line Road. *This condition of approval implements Mitigation Measure #MM4.2-11 from the Lent Ranch Marketplace Final EIR.*

Tr20. Signalize the intersection of Poppy Ridge Road and West Stockton Boulevard and provide the following lane configurations:

- Two left-turn lanes and two through lanes on the northbound approach;
- One right-turn lane and two through lanes on the southbound approach; and
- One left-turn and one right-turn lane on the eastbound approach.

This condition of approval implements Mitigation Measure #MM4.2-23 from the Lent Ranch Marketplace Final EIR.

Tr21. The size, number, and location of driveways shall be designed to the satisfaction of the Department of Transportation of the Public Works Agency. Note: Driveway pavement widths of 45 feet shall be provided on all public streets. A minimum of four (4) driveway entrances from West Stockton Road to the regional mall (District A) shall be allowed.

Tr22. All signalized intersections installed by the project developer shall be equipped with traffic pre-emption devices at the time of installation. *This condition of approval implements Mitigation Measure #MM4.6.4-3(b) from the Lent Ranch Marketplace Final EIR.*

Water Conditions:

W1. Public water service shall be provided to each building.

- W2. The applicant and any successor or developer shall provide non-potable water for use during grading and construction. Existing agricultural wells shall be used during grading of the site. Existing agricultural wells may be rehabilitated to provide non-potable water to the satisfaction of Sacramento County Water Agency. Costs associated with well rehabilitation shall be non-reimbursable developer costs. Agricultural wells not subject to rehabilitation shall be abandoned after substantial completion of the project.
- W3. Abandonment of agricultural wells shall be accomplished in accordance with the requirements of the Sacramento County Environmental Health Division. All abandoned/destroyed wells shall be clearly shown on any improvement plans submitted within the SPA area.
- W4. Easements shall be provided for the ultimate placement of reclaimed water mains within the public right-of-way prior to the approval of improvement plans for the construction of public streets.
- W5. The proposed project shall connect to the existing Sacramento County Water Agency system via a 24-inch transmission main extending from the southern portion of the project to the intersection of Grant Line Road and Waterman Road, then proceeding north along Waterman Road to the existing transmission main stub. Installation of the 24-inch transmission main shall be included in the construction of the Grant Line/SR99 interchange project.
- W6. Prior to issuance of building permits, the project applicant/developers shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.
- W7. All landscaping plans shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (Chapter 14.10 of the Elk Grove Municipal Code) to the satisfaction of the City of Elk Grove.

Sewer Conditions:

- S1. The project applicant shall design and construct all sewer lines consistent with the Sewer Master Plan. The project applicant shall also pay the required sewer facilities impact fees. *This condition of approval implements Mitigation Measure #MM4.6.2-1 from the Lent Ranch Marketplace Final EIR.*
- S2. Connection to public sewer shall be required for all development. County Sanitation District 1 (CSD-1) Improvement Standards shall apply to all on-site sewer construction.
- S3. A revised detailed sewer study that reflects neighboring sewer study revisions shall be prepared to the satisfaction of CSD-1 prior to submittal of improvement plans.

Public Safety Conditions:

- PS1. The following conditions shall be satisfied prior to the issuance of any certificate of occupancy for the regional mall:
- (a) Mall management shall contract with a private security firm to provide uniformed patrols both inside and outside the mall.
 - (b) Mall management and security shall meet with the Sheriff's Department or Elk Grove Police Department prior to opening to coordinate efforts in addressing anticipated law enforcement problems. Meeting minutes that identify action items are to be taken and signed by all participating parties.
 - (c) Mall management shall provide to the Elk Grove Police Department free of charge an appropriate amount of space within the Mall for a storefront station. The amount of space shall be mutually determined by the City of Elk Grove in coordination with the Mall's security service during the preparation of the District Development Plan.
 - (d) Signs shall be posted banning loitering, skateboarding, rollerblading, and public drinking. Signs shall be posted in all parking lots (except in multi-family) indicating parking is for customers only.
 - (e) Outdoor parking lot lighting shall be a minimum of one (1) foot-candle minimum maintained illumination in all parking areas during business hours and 0.25 foot candles of minimum maintained illumination on any walkway, alcove, or passageway. Entranceways shall have a minimum of one-foot candle lighting. All light fixtures shall be vandal resistant.

This condition of approval implements Mitigation Measure #MM4.6.5-1 (a - e) from the Lent Ranch Marketplace Final EIR.

Mitigation Measure Conditions:

- MM1. Disclose to all prospective buyers of property within 500 feet of any active farming operations through notification in the title report, that they could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the City Right-to-Farm Ordinance. *This condition of approval implements Mitigation Measure #MM4.1-2 from the Lent Ranch Marketplace Final EIR.*
- MM2. The construction contract shall require that the contractor water all exposed soil surfaces as required by the requirements of the grading permit. Areas being actively graded shall be kept sufficiently moist to prevent the generation of

windborne dust. *This condition of approval implements Mitigation Measure #MM4.3-1(a) from the Lent Ranch Marketplace Final EIR.*

- MM3. The construction contract shall require that the contractor water all dirt roads three times per day to prevent dust generation and that the contractor will limit travel speeds on any unpaved roads to 15 mph or less. *This condition of approval implements Mitigation Measure #MM4.3-1(b) from the Lent Ranch Marketplace Final EIR.*
- MM4. The construction contract shall require that all trucks hauling soil, sand, or other loose material are covered and at least two feet of freeboard (i.e., minimum vertical distance between top of load and top of trailer) is maintained. *This condition of approval implements Mitigation Measure #MM4.3-1(c) from the Lent Ranch Marketplace Final EIR.*
- MM5. The construction contract shall require contractors to implement ridesharing programs for construction employees traveling to and from the site. *This condition of approval implements Mitigation Measure #MM4.3-1(d) from the Lent Ranch Marketplace Final EIR.*
- MM6. The project developer shall submit with each District Development Plan a plan to ensure that all applicable measures proposed by the applicant's Draft AQ-15 and TSM Plan for the project to reduce peak hour vehicle trips by project employees and reduce the emissions from both mobile and stationary sources are implemented. Measures in the AQ-15 Plan and TSM Plan may be implemented by persons or entities other than the project developer. *This condition of approval implements Mitigation Measure #MM4.3-2 from the Lent Ranch Marketplace Final EIR.*
- MM7. All construction activity within the Lent Ranch SPA area shall comply with the following requirements:
- (a) Site preparation and construction activities shall be limited to between the hours of 6 A.M. to 8 P.M., Monday through Friday, and 7:00 A.M. to 8:00 P.M. on Saturday and Sunday (City of Elk Grove Noise Control Ordinance, Section #6.68.090). Furthermore, construction equipment maintenance shall be limited to the same hours.
 - (b) All construction equipment shall be equipped with appropriate mufflers in good working condition.
 - (c) Construction staging areas shall be located as far from noise-sensitive uses as is feasible.
 - (d) Stationary construction equipment shall be located as far from noise sensitive uses as feasible, and temporary or portable acoustic barriers shall

be installed around the equipment/work area when within 100 feet or less of residential properties or other sensitive uses.

- (e) Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted on a sign no larger than 4 foot by 8 foot at all construction entrances to allow for surrounding and on-site property owners to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.
- (f) If construction noise results in noise levels that exceed the 65 dB (A) L_{dn}/CNEL to onsite or adjacent residential land uses, the project applicant shall relocate the occupants on a temporary basis.
- (g) If construction vibration results in peak ground velocities of more than 0.1 inches/second to onsite or adjacent residential land uses, the project applicant shall relocate the occupants on a temporary basis.
- (h) Prior to the commencement of pile driver operation in proximity to residential areas, an assessment of vibrations induced by pile driving at the site shall be evaluated. During indicator pile driving, vibrations should be measured at regular intervals to determine the levels of vibration at various distances from pile driving equipment. The indicator piles shall be driven at location at least 400 feet from any existing residents. After monitoring, methods of reducing the peak ground velocities to less than 0.4 inches/second shall be determined and implemented during production pile driving. Methods to reduce vibrations, if needed, could include cut-off trenches, and the use of smaller hammers. The vibration reduction techniques to be used should be described in a note attached to the construction plans for the project to be reviewed and approved by the appropriate City regulatory agency prior to issuance of building permits.

This condition of approval implements Mitigation Measure #MM4.1(a-f) and #MM4.4-4(a and b) from the Lent Ranch Marketplace Final EIR.

MM8. The project developer shall implement noise attenuation measures, as necessary to reduce exterior and interior noise levels below the thresholds shown in the *General Plan* Noise Element. Based on the Land Use Compatibility Guidelines in the Noise Element (as well as Policy NO-1), the exterior thresholds are 60 dB(A) L_{dn}/CNEL for residential uses and 65 dB(A) for commercial uses. Based on Policy NO-7, the interior threshold is 45 dB(A) L_{dn}/CNEL for residential uses. Based on Table II-3 of the Noise Element, the acceptable interior noise levels in conference rooms and small offices are 40 to 45 dB(A), in large offices, banks and stores, 45 to 50 dB(A), and in restaurants, 45 to 55 dB(A). The measures required shall be

identified during the planning and design of individual projects within the project site, on the basis of a detailed acoustical analysis. The analysis shall consider traffic generated by the proposed project and anticipated cumulative development, based on the Sacramento County Traffic Model. *This condition of approval implements Mitigation Measure #MM4.4-5(a) from the Lent Ranch Marketplace Final EIR.*

MM9. A noise barrier of sufficient size to break the line of sight between exterior usable areas within the multi-family residential uses and traffic noise sources along SR99/West Stockton Boulevard and parking lot noise shall be developed along the District F boundary. The noise wall will be designed in accordance with design guidelines, as adopted in the District Development Plan for District F (Multi-Family). *This condition of approval implements Mitigation Measure #MM4.4-5(b) from the Lent Ranch Marketplace Final EIR.*

MM10. Where sweepers are operated within 75 feet of residential uses, sweeper operations shall be restricted to the hours of 7:00 A.M. to 10:00 P.M. *This condition of approval implements Mitigation Measure #MM4.4-7 from the Lent Ranch Marketplace Final EIR.*

MM11. Loading docks constructed on the project site shall be designed to have either a depressed (i.e., below grade) loading dock area; an internal bay; or wall to break the line of sight between residential land uses and loading operations. Acoustical analysis shall be performed to demonstrate that the loading docks do not result in noise levels that exceed City standards at nearby residential property lines. These components shall be incorporated into the plans to be submitted by the applicant to the City of Elk Grove for review and approval prior to the issuance of building permits. *This condition of approval implements Mitigation Measure #MM4.4-8 from the Lent Ranch Marketplace Final EIR.*

MM12. The applicant shall minimize noise impacts from electrical and mechanical equipment, such as ventilation and air conditioning units, by locating equipment away from receptor areas, proper selection and sizing of equipment, installation of equipment with proper acoustical shielding and incorporating the use of parapets into building design. *This condition of approval implements Mitigation Measure #MM4.4-9 from the Lent Ranch Marketplace Final EIR.*

MM13. Prior to the issuance of demolition permits for existing onsite structures, asbestos-material sampling shall be conducted to determine if materials are present. Any identified asbestos-containing materials present in each of the structures to be dismantled shall be removed under acceptable engineering methods and work practices by a licensed asbestos abatement contractor prior to removal. These practices include, but are not limited to: containment of the area by plastic, negative air filtration, wet removal techniques and personal respiratory protection and decontamination. The process shall be designed and monitored by a California Certified Asbestos Consultant. The abatement and monitoring

plan shall be developed and submitted for review and approval by the appropriate regulatory agency (the Sacramento Metropolitan Air Pollution Control District) and shall include all on-site structures with ACBM.

Prior to the issuance of demolition permits for existing onsite structures, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations.

The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, state, and federal regulations.

This condition of approval implements Mitigation Measure #MM4.5-1 and MM4.5-2(a and b) from the Lent Ranch Marketplace Final EIR.

MM14. Uses constructed on the project site shall meet the minimum necessary fire flow and other standard fire protection and life safety requirements identified in the Uniform Fire Code. Construction sites shall ensure adequate on-site water supply and all-weather access for fire-fighting equipment and emergency vehicles before framing can occur. The applicant shall also pay the Fire Protection Development Fee in effect at the time of building permit issuance. *This condition of approval implements Mitigation Measures #MM4.6.4-1 from the Lent Ranch Marketplace Final EIR.*

MM15. Prior to issuance of building permits, the applicant and the EGCS D shall reach an agreement on funding to provide adequate staff to conduct site plan review and construction inspection services for the project. The agreement shall specify funding levels and timing of payment. *This condition of approval implements Mitigation Measures #MM4.6.4-2 from the Lent Ranch Marketplace Final EIR.*

MM16. The project applicant shall prepare and submit to the City of Elk Grove, a Storm Water Pollution Prevention Plan (SWPPP) to be administered throughout all phases of grading and project construction. The SWPPP will incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. Examples of BMPs that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences. *This condition of approval implements Mitigation Measures #MM4.7-1 from the Lent Ranch Marketplace Final EIR.*

MM17. Any biofilter swales and vegetated strips shall be placed in the bottom of channel areas and be designed to provide biofiltration of pollutants in project runoff. The project engineer shall consult with the City when designing these

areas, and the developer shall submit designs of the areas to these agencies for review and approval prior to approval of the Final Map. The developer shall retain a qualified specialist to assist in designing the features, to maximize their effectiveness in removing pollutants. *This condition of approval implements Mitigation Measures #MM4.7-2(b) from the Lent Ranch Marketplace Final EIR.*

MM18. Prior to improvement plan approval or building permit issuance, whichever comes first, implement one of the following alternatives to mitigate for the loss of 293 acres of Swainson's hawk foraging habitat:

- a) Preserve 293 acres (1 acre for each lost) of similar habitat within a 10-mile radius of the project site to be protected through fee title or conservation easement acceptable to the California Department of Fish and Game
- b) Prepare and implement a Swainson's Hawk Mitigation Plan to the satisfaction of the California Department of Fish and Game that includes preservation of Swainson's hawk foraging habitat.
- c) Submit a payment of a Swainson's hawk impact mitigation fee per acre impacted to the Department of Planning and Community Development in the amount as 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.

This condition of approval implements Mitigation Measures #MM4.8-1(a) from the Lent Ranch Marketplace Final EIR.

MM19. If active Swainson's hawk nests are found within 1/2 mile of the construction site, clearing and construction shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. If a nest tree is found on the project site prior to construction and will be removed, then appropriate permits from CDFG shall be obtained pursuant to CDFG guidelines. *This condition of approval implements Mitigation Measures #MM4.8-1(b) from the Lent Ranch Marketplace Final EIR.*

MM20. 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 white-tailed kite, California horned lark, burrowing owl, Swainson's hawk, 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, including the extent of the directly affected portion of the drainage ditch. In addition, nesting surveys for Swainson's hawks shall include all areas in or within 1 mile of the construction site in order to ascertain the specific long-term mitigation replacement ratios for loss of foraging

habitat. *This condition of approval implements Mitigation Measure #MM4.8-2 (a) from the Lent Ranch Marketplace Final EIR.*

MM21. Within 30 days prior to any construction activities outside of the breeding season (September 1 through January 31), a qualified biologist shall conduct a burrow survey to determine if burrowing owls are residing on the site, in order to ensure no owls are inadvertently buried during construction. If owls are observed on the site prior to ground-disturbance activities, measures such as flagging the burrow and avoiding disturbance, passive relocation, or active relocation to move owls from the site, as determined by a qualified biologist and as approved by the CDFG, shall be implemented. In addition, a qualified biologist shall monitor initial grading to ensure that no owls are harmed during the process.

All surveys for burrowing owls shall be conducted according to CDFG protocol. This protocol requires, at a minimum, four field surveys of the entire site and areas within 500 feet of the site by walking transects close enough that the entire site is visible. The surveys should be at least three hours long, either from one hour before sunrise to two hours after or two hours before sunset to one hour after. Surveys shall not be conducted during inclement weather, when owls are typically less active and visible. *This condition of approval implements Mitigation Measure #MM4.8-2 (b) from the Lent Ranch Marketplace Final EIR.*

MM22. If the existing stand of elderberry must be removed, prior to approval of grading permits, the project applicant shall undertake consultation with the USFWS pursuant to Section 10(a) of the Federal Endangered Species Act for an incidental take permit for removing the existing elderberry stand. Under this permit, the USFWS may allow transplantation of all elderberry plants with a stem diameter of one inch or greater while monitored by a qualified biologist and using USFWS-approved timing and procedures to reduce loss of plants or beetles. Prior to transplantation, a site shall be selected in consultation with the USFWS for protection in perpetuity and based on connectivity to other suitable beetle habitat areas.

Additional elderberry plants shall be planted in the mitigation area at ratios of 2:1 to 5:1, depending on the quality of the beetle habitat being removed. For plants with stem diameters one inch or greater with no emergence holes, the ratio is 2:1. If beetles are present as evidenced by emergence holes in 50 percent or less of the shrubs one inch or more in diameter, the ratio is 3:1. If emergence holes are present in over 50 percent of the shrubs one inch or more in diameter, then the ratio of replacement shrubs is 5:1. Because the number of the shrubs to be planted is dependent on the presence or absence of beetle exit holes, the stems larger than 1 inch in diameter would need to be reexamined prior to removal. *This condition of approval implements Mitigation Measure #MM4.8-3 from the Lent Ranch Marketplace Final EIR.*

MM23. To protect the Giant garter snake, the following measures shall be taken at the appropriate point in the development process:

- a) Prior to grading or other site preparation activities, the applicant shall install temporary fabric fencing, a minimum of 3 feet in height, along the western edge of the property to prevent giant garter snakes from entering construction areas. The fencing will need to be regularly inspected and maintained. Exclusion fencing must remain in place and be maintained for the duration of the construction activities in order to prevent snakes from entering construction areas.
- b) Construction activities, particularly within the western portion of the site, should be conducted as much as is feasible within the active period of the snake (generally from May 1 to October 1). Direct impacts are lessened during this time because snakes are actively moving and avoiding danger. More danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct effects, especially during excavation.
- c) Any dewatered habitat must remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.
- d) Construction personnel shall participate in a the U.S. Fish and Wildlife Service (USFWS)-approved worker environmental awareness program. Under this program, workers shall be informed about the presence of giant garter snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of the Act. Prior to construction activities, a qualified biologist approved by the Service shall instruct all construction personnel about: (1) the life history of the giant garter snake; (2) the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the giant garter snake; and (3) the terms and conditions of the biological opinion. Proof of this instruction shall be submitted to the Sacramento U.S. Fish and Wildlife Office.
- e) Within 24-hours prior to commencement of construction activities, the site shall be inspected by a qualified biologist who is approved by the USFWS Sacramento Fish and Wildlife Office. The biologist will provide the Service with a field report form documenting the monitoring efforts within 24-hours of commencement of construction activities. The monitoring biologist needs to be available thereafter; if a snake is encountered during construction activities, the monitoring biologist shall have the authority to stop construction activities until appropriate corrective measures have been completed or it is determined that the snake will not be harmed. Giant garter snakes encountered during construction activities should be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured individuals can only be attempted by personnel or individuals with

current Service recovery permits pursuant to Section 10(a) 1(A) of the Act. The biologist shall be required to report any incidental take to the Service immediately by telephone at (916) 979-2725 and by written letter addressed to the Chief, Endangered Species Division, within one working day. The project area shall be re-inspected whenever a lapse in construction activity of two weeks or greater has occurred.

- f) Prior to approval of grading permits, the project applicant shall undertake consultation with the USFWS and CDFG to determine the need for federal and state incidental take permits for giant garter snakes on the project site.

This condition of approval implements Mitigation Measures #MM4.8-4(a - f) from the Lent Ranch Marketplace Final EIR.

MM24. Valley oaks that meet the criteria contained in the City's Tree Preservation Ordinance will be avoided by construction and protected during all construction activity, if feasible. To protect oak trees, the following measures will be implemented:

- a) Before initiating any construction activity near the protected oak trees, install chain-link fencing or a similar protective barrier at least one foot outside the dripline of each tree or as far as possible from the tree trunk where the existing road is within the tree dripline. The barrier fencing will remain in place for the duration of construction activity.
- b) Any required pruning of oak trees shall be conducted before construction activity begins. Oak trees that require pruning of branches larger than two inches in diameter shall be pruned by a certified arborist. No pruning of the six-foot-diameter tree will be permitted.
- c) No signs, ropes, cables (except cables that may be installed by a certified arborist or other professional tree expert), or other items shall be attached to the oak trees.
- d) No vehicles, construction equipment, mobile home/office, supplies, materials, or facilities shall be driven, parked, stockpiled, or located within the driplines of oak trees.
- e) No grading shall be allowed within the driplines of oak trees, except where paved roadway already exists. Removal of pavement within the driplines of oak trees shall be conducted in the presence of a certified arborist to ensure that damage and stress to any oak tree is minimized.
- f) Conduct any work necessary within the dripline by hand.

- g) Paving within the driplines of oak trees shall be stringently minimized. When paving is absolutely necessary, porous material shall be used or a piped aeration system shall be installed under the supervision of a certified arborist.
- h) Landscaping beneath oak trees may include non-plant materials such as boulders, cobbles, and wood chips. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.
- i) No sprinkler system shall be installed in such a manner that it irrigates within the driplines of oak trees.

This condition of approval implements Mitigation Measures #MM4.8-6(a) from the Lent Ranch Marketplace Final EIR.

MM25. All lighting along the perimeter of the site shall be downcast luminaries and shall be shielded and oriented in a manner that will prevent spillage or glare into the surrounding area. *This condition of approval implements Mitigation Measure #MM4.8-7 from the Lent Ranch Marketplace Final EIR.*

MM26. In the event artifacts or unusual amounts of stone, bone, or shell are uncovered during excavation and grading operations, all construction activity shall cease until a qualified archeologist can be consulted to determine the extent and importance of the find and recommend appropriate mitigation. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archeologist.

If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of the California Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendent. The descendent will then recommend to the landowner appropriate disposition of the remains and any grave goods. *This condition of approval implements Mitigation Measure #MM4.10-1(a and b) from the Lent Ranch Marketplace Final EIR.*

MM27. Taller growing trees and/or shrubs shall be planted along the borders of the project site where the project will interface with planned development in the Southpointe project and existing agricultural uses. The use of this material will screen the project from these uses and minimize the potential for light and glare impacts. *This condition of approval implements Mitigation Measure #MM4.11-(a) from the Lent Ranch Marketplace Final EIR.*

MM28. All parking lot pole lights and streetlights shall be fully hooded and back shielded to reduce the light "spillage" and glare. To the extent feasible, lighting shall not exceed an illumination of a one foot-candle standard. *This condition of approval implements Mitigation Measure #MM4.11-(b) from the Lent Ranch Marketplace Final EIR.*

MM29. Non-glare glass shall be used in all commercial buildings to minimize and reduce impacts from glare. Office buildings, shall be oriented so that the reflection of sunlight is minimized. *This condition of approval implements Mitigation Measure #MM4.11-(c) from the Lent Ranch Marketplace Final EIR.*

General Information:

The following items are not specific conditions of approval of this project, but are presented to highlight applicable City, state, federal, or other laws or regulations applicable to the proposed project:

1. While not known to occur on-site, if contaminated soil and/or ground water is encountered during the removal of on-site debris or during excavation and/or grading both on and offsite, the construction contractors shall stop work and immediately inform the City. Environmental hazardous materials professional shall be contracted to conduct an on-site assessment. If the materials are determined to pose a risk to the public or construction workers, the construction contractor shall prepare and submit a remediation plan to the appropriate agency and comply with all federal, state, and local laws. Soil remediation methods could include excavation and on-site treatment, excavation and off-site treatment or disposal, and/or treatment without excavation. Remediation alternatives for cleanup of contaminated groundwater could include in-situ treatment, extraction and on-site treatment, or extraction and off-site treatment and/or disposal. Construction plans shall be modified or postponed to ensure construction will not inhibit remediation activities and will not expose the public or construction workers to hazardous conditions. *This implements Mitigation Measures #MM4.5-5 from the Lent Ranch Marketplace Final EIR.*
2. Pursuant to the Migratory Bird Treaty Act and the California Fish and Game Code, if active songbird nests or active owl burrows are found within the survey area, clearing and construction within a minimum of 250 feet for owls and 100 feet for songbirds, or as determined by a qualified biologist to ensure disturbance to the nest will be minimized shall be postponed or halted. Construction will not resume within the buffer until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The perimeter of the protected area shall be indicated by bright orange temporary fencing. No construction activities or personnel shall enter the protected area, except with approval of the biologist. *This condition of approval implements Mitigation Measure #MM4.8-2 (c) from the Lent Ranch Marketplace Final EIR*

3. All on-site fluorescent light ballasts and electrical transformers shall be assumed to contain PCBs and shall be removed prior to removal activities and disposed of by a licensed and certified PCB removal contractor, in accordance with local, state, and federal regulations.

All on-site fluorescent light tubes, high intensity discharge (HID) lamps, and HVAC thermostats shall be assumed to contain heavy metals and shall be removed prior to demolition activities and disposed of by a licensed and certified removal contractor, in accordance with local, state, and federal regulations.

This implements Mitigation Measures #MM4.5-3 and MM4.5-4 from the Lent Ranch Marketplace Final EIR.

4. For any oak trees with a diameter of six inches or more measured at 4.5 feet above grade that are removed due to project construction, a tree mitigation plan shall be submitted to the City of Elk Grove in accordance with City requirements. Pursuant to City Tree Ordinance, the number of oak trees to be replanted will be determined based on the number of inches of oak trees to be removed. Mitigation areas, if needed, shall be within the project area limits. The plan shall include the following components:

- a) number, location and species of the replacement trees to be planted,
- b) methods of irrigation for planted trees,
- c) planting and maintenance schedule, and
- d) plan for care of planted trees for a three-year establishment period and replacement of any planted trees that do not survive.

This implements Mitigation Measures #MM4.8-6(b) from the Lent Ranch Marketplace Final EIR.