

RESOLUTION NO. 2001-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A MITIGATED NEGATIVE DECLARATION, A SUBDIVISION MAP #EG-00-053 TO ALLOW THE FRANKLIN MEADOWS (132.6 +/- ACRE) PROJECT, IN THE EAST FRANKLIN SPECIFIC PLAN AREA

WHEREAS, Dunmore Homes represented by Edward R. Gillum and Donn Reiners (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone from AG-20 and AG-80 zone to RD-5, RD-7, SC and O zones, a Tentative Subdivision Map for 283 single-family residential lots, a 14 acre park, and two lots for future commercial (9.0 acres) and residential (32.3 acres) uses and additional parcels for landscape strips and drainage corridors on 132.6+/- acres. (Assessor's Parcel Numbers 132-0020-082 and 132-0020-083); and

WHEREAS, Title I, Chapter 15, Article 2 of the City of Elk Grove Zoning Code establishes the City Council as the appropriate authority to hear and decide all Zoning Amendments, after a recommendation by the Planning Commission; and

WHEREAS, Title 22, Chapter 22.25 addresses Tentative Maps and establishes the City Council as the appropriate authority to hear and decide such matters; and

WHEREAS, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on May 17, 2001 and May 24, 2001 and recommended City Council approval of the project.

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

1. Adopt the Mitigated Negative Declaration prepared for the Franklin Meadows project and direct staff to file a Notice of Determination.
2. Approve the Franklin Meadows Tentative Subdivision Map for 283 single-family residential lots, a 14 acre park, and two lots for future commercial (9.0 acres) and residential (32.3 acres) uses and additional parcels for landscape strips, sewer interceptor lots and drainage corridors on 132.6+/- acres, 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: The proposed project is a component of a Specific Plan where environmental issues were analyzed within a program level Environmental Impact Report. An Initial Environmental Study was also prepared specifically for the proposed project and mitigation measure have been developed that 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 Subdivision Map.

- a. The proposed map is consistent with the East Franklin Specific Plan.
- b. The design of the improvements of the proposed subdivision is consistent with the existing and proposed amendments to the East Franklin Specific Plan.
- c. The site is physically suitable and consistent with the type of single family residential development approved in the East Franklin Specific Plan.
- d. The site is appropriate for the Plan 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 Franklin Meadows 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 (Exhibit A).

- f. The Mitigated Negative Declaration prepared for the Franklin Meadows 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 (Exhibit A).
- 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.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 11th day of July 2001.


MICHAEL P. LEARY, MAYOR
CITY OF ELK GROVE

ATTEST:


PEGGY JACKSON, CITY CLERK
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY MANZANETTI,
CITY ATTORNEY
CITY OF ELK GROVE

AYES: Scherman, Cooper,
Briggs, Soares

NOES: None

ABSTAIN: None

ABSENT: Leary

CONDITIONS OF APPROVAL

Franklin Meadows 132.6 +/- Acres

**Tentative Subdivision Map
EG-00-053
(APN: 132-0020-082 and 083)**

General Conditions

1. The development approved by this action is for a Rezone and Tentative Subdivision Map for 283 single-family residential lots and other parcels as described in the Planning Commission report and associated Exhibits and Attachments dated May 17, 2001.
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.
3. The Tentative Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.
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.

Conditions Required Prior to Issuance of Grading Permit

5. Comply with, record, and pay fees for the Mitigation Monitoring and Report Program (MMRP) associated with (132.6+/- acres). Until the MMRP has been recorded and the estimated MMRP fee of \$10,000 has been paid, no final subdivision map for the subject property shall be approved and no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved.
6. The project shall comply with the City's Land Grading and Erosion Control Ordinance. (Department of Water Resources)
7. Tree Mitigation Plan to be submitted to Public Works Department James Schubert in coordination with Phil Hollingshead of the CSD. (Public Works Department of Transportation)
8. The project shall complete a soil sampling and analysis program for organochlorine pesticides. If sampling identifies unacceptable results, the applicants shall report the results to the City Planning Department and shall comply with all applicable local and state regulations.
9. Prior to the approval of grading within project areas that contain oak trees, and according to the timing required within an approved Replacement Oak Tree and Heritage Tree Planting Plan, the project developer shall mitigate for potential impacts to *Oak Trees and Heritage Trees* according to the following measure:
 - a. Prepare and submit for review and approval a Replacement Oak Tree and Heritage Tree Planting Plan to mitigate for the loss of those oaks to be removed which are in fair to good health. This plan shall be prepared by a certified arborist

or a landscape architect. The plan shall conform to the requirements of the City of Elk Grove Oak Tree Ordinance, the mitigation measures included in the East Franklin Specific Plan, and may involve coordination with the Community Services District, Sacramento Tree Foundation, and or the payment of compensatory fees into the Tree Preservation Fund.

- b. Implement an approved Replacement Oak Tree and Heritage Tree Planting Plan according to the conditions and allowances approved by the City.
10. Native & Landmark trees within land to be conveyed to the City shall be protected and preserved according to standard City tree preservation measures. Native & landmark trees to be removed shall be compensated on an inch per inch basis consistent with the City of Elk Grove tree mitigation measures. Prior to conveyance of land provide an arborist report assessing species, size, health and location of trees contained on subject properties and comply with findings of report to the satisfaction of the EGCSD. All costs incurred in complying with the arborist recommendations will be the responsibility of project proponent. (EGCSD)
11. In order to control fugitive dust emission during the construction phase of any development within the Specific Plan area, the following measures shall be implemented:
 - a. Water exposed surfaces, graded areas, storage piles, and haul roads at least twice daily.
 - b. Minimize the amount of disturbed area, the amount of material actively worked, and the amount of material stockpiled.
 - c. Limit onsite construction vehicle speeds to 15 mph.
 - d. Sweep or wash paved streets adjacent to project construction sites at least once a day to remove accumulated dust.
 - e. Maintain at least two feet of freeboard when transporting soil or other material by truck. (EFSP MM AQ-1)
12. Construction contracts for the project shall include the following measures to be monitored by the City and SMAQMD:

Category 1: Reducing NOx emissions from off-road diesel powered equipment.

The prime contractor shall provide a plan for approval by the Elk Grove Planning Department and SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average; and

The prime contractor shall submit to the Elk Grove Planning Department and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.

The use of "Lubrizol" as a fuel for diesel-powered equipment is also recommended. This alternative fuel operates in an diesel engine. Use of this fuel in a diesel engine will reduce Nox emissions by 14% and PM₁₀ emissions by 63%.

and:

Category 2: Controlling visible emissions from off-road diesel powered equipment.

The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the Elk Grove Planning Department and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted to the Elk Grove Planning Department and SMAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The SMAQMD and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this section shall supercede other SMAQMD or state rules or regulations.

AQ-2 shall be limited in application to include only on-road and off-road mobile construction equipment employed in the construction or development of those infrastructure improvements identified in the East Franklin Financing Plan, including but not limited to roads, standard utilities (natural gas, water, electricity, etc.), drainage improvements, sewer system or related components, schools, fire stations, and parks. This requirement shall not be stayed, regardless of year, unless otherwise made legally moot by the passage of superseding local, state, or federal air quality laws, rules, or regulations, and shall apply to all developers or contractors operating on-road or off-road construction equipment for the life of the (East Franklin Specific Plan Area) project(s).

Additionally, construction-related emissions shall be reduced by application of AQ-2 intract subdivision improvements or shall be offset through the application of a twenty-five dollar assessment attached to each residence constructed in the East Franklin Specific Plan Area, due and payable by the developer upon issuance of building permit by the governing authority for the life of the (East Franklin Specific Plan Area) project(s). This \$25 amount per residence is a one time fee to be paid by the developer(s) of residential and commercial structures within the East Franklin Specific Plan Area which shall be used to subsequently assist the Sacramento Metropolitan Air Quality Management District in the acquisition of qualifying low-emission heavy duty vehicles designed to operate regularly in the East Franklin area to the extent possible, and otherwise within the Sacramento air basin. Funds resulting from this mitigation shall be placed by the developer(s) into an escrow account until such time as they are directed by the Sacramento Metropolitan Air Quality Management District to be transferred to the appropriate institution for use. These funds will likely assist the Elk Grove School District in the purchase of low-emission school buses, or assist in the purchase of low-emission refuse vehicles serving the East Franklin area. Similarly, projects for funding may be identified by the developer, the County, or the Sacramento Metropolitan Air Quality Management District, but shall only be chosen to receive East Franklin air quality mitigation fees by the Sacramento Metropolitan Air Quality Management District Air Pollution Control Officer.

13. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the Planning Department shall be

immediately notified. At that time, the Planning Department will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.97 of the State Public Resources code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, adhere to the guidelines of the Native American Heritage Commission in the treatment and disposition of the remains. (EFSP MM CR-4)

14. The project developer shall obtain all necessary U.S. Army Corps of Engineers permits pursuant to Section 404 of the Clean Water Act, and all necessary California Endangered Species Act permits and Streambed Alteration Agreements from the California Department of Fish and Game pursuant to the Fish and Game Code. (EFSP MM BR-2)
15. Prior to issuance of grading permits, or as specified in adopted Swainson's Hawk mitigation policies or programs in effect at the time of request, the project developer shall mitigate for potential impacts to Swainson's Hawk habitat according to any one of the following measure:
 - a. For projects within a one mile radius of an active nest site, the project proponent should preserve 1.0 acre of similar habitat for each acre lost [132.6 acres]. This land should be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG); OR
 - b. Prepare and implement a Swainson's hawk mitigation plan to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat; OR
 - c. Submit 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 Sacramento County (Elk Grove) Code as such may be amended from time to time and to the extent that said Chapter remains in effect; OR
 - d. Should the City of Elk Grove adopt a Swainson's hawk mitigation policy or program (which may include a mitigation fee payable prior to the issuance of building permits) prior to implementation of one of the measure above, the project proponent may be subject to that program instead. (Mitigation Measure BR-5 and BR-6 of the Mitigated Negative Declaration)
16. Prior to the beginning of construction activities (grading, demolition, or habitat disturbance), the project developer shall mitigate for potential impacts to habitat for *Raptors, Breeding Bats and Tricolored Blackbirds* according to the following measure:
 - a. If construction activities are expected to occur during the nesting season (February-August), a pre-construction raptor survey (including burrowing owls) shall be conducted within 30-days of the onset of construction to determine the activity status of any nests found on the project site. In the event that nesting raptors are found, a 250' no-construction zone shall be established around the nest until the young have fledged.
 - b. If construction activities commence during the non-breeding season (September-January), a survey is not required and no further studies are necessary. (Mitigation Measure BR-7 of the Mitigated Negative Declaration)

17. Prior to alteration of the existing agricultural ditches and as described below, the project developer shall mitigate for potential impacts to *Sanford's Arrowhead* according to the following measure:
- a. In order to mitigate potential impacts to Sanford's arrowhead, surveys shall be performed by a qualified botanist during the species non-dormant, flowering period (June-July) prior to alteration of the existing agricultural ditches. If no plant is found during the survey, no further mitigation would be required. If plant(s) are found the botanist shall establish distribution of the colony(s) and estimate the number of individuals in the population. Since the plant's rhizomes should be moved during the plant's dormant period (when they are not easily recognizable) the colony(s) should be marked or flagged for future reference.
 - b. Sanford's arrowhead usually grows in distinct patches along a stream corridor and has habitat potential in the various agricultural ditches on the project site. Transplant no less than one plug (1ft x 1ft x 1ft) per colony, with no fewer than three individual plants per plug, so that no less than 25% of the population is transplanted, to a protected area (not subject to disturbance or maintenance activities during the reestablishment period) which will provide adequate hydrology and substrate for the plant's survival. Success criteria should seek the survival of at least 80% of the transplanted plugs after three years.
 - c. Prior to any alteration of the agricultural ditches on the project site, submit to the Elk Grove Planning Department a copy of the pre-construction surveys for Sanford's arrowhead that were conducted, and written evidence which indicates that all Sanford's arrowhead plants that were identified in the pre-construction surveys have been properly transplanted under the direction of a qualified biologist. Include clear and legible maps which indicate the original locations and the new transplant locations of all of the Sanford's arrowhead plants.
 - d. Notify the Elk Grove Planning Department no later than 48 hours prior to the start of transplanting work, and no later than 24 hours after its completion.
 - e. After the transplanting work has been completed, submit to the Elk Grove Planning Department by September 1 of each monitoring year a report prepared by a qualified biologist which documents the status of the transplanting effort. The annual monitoring reports shall be submitted until the success criteria have been achieved (i.e., 80% survival after three years of planting). The transplanting effort shall be conducted in an iterative manner as described above until the success criteria have been met. (Mitigation Measure BR-2 of the Mitigated Negative Declaration)
18. Prior to alteration of the existing agricultural ditches and as described below, the project developer shall mitigate for potential impacts to *Rose Mallow* according to the following measure:
- a. In order to mitigate potential impacts to Rose Mallow a focused rare plant survey for this species shall be conducted prior construction. The survey is required to determine the presence or absence of this species in the plan area.
 - b. The survey shall be completed by a qualified botanist during the appropriate peak blooming period (May-July). If Rose Mallow are found in the plan area, locations of these occurrences shall be mapped and consultation with CNPS and CDFG should be initiated. A detailed mitigation/conservation plan that includes long-term strategies for the conservation of the species should be developed in consultation with CNPS and the CDFG upon confirming the presence of this species in the plan area.

- c. If this species is not found in the plan area, no further studies are necessary.
(Mitigation Measure BR-1 of the Mitigated Negative Declaration)
- 19. Prior to grading of the project site the project developer shall mitigate for potential impacts to *Dwarf Downingia*, *Legenere*, and *Boggs Lake Hedge-Hyssop*. Habitat for these plant species is generally associated with vernal pools and can also be found along sloughs and ponds and can be mitigated according to the following measure:
 - a. Appropriate habitat within the project site will be surveyed for these species prior to construction. If any of the species are found on-site, and cannot be avoided, a transplanting program will be undertaken (if feasible) to move the plant to suitable habitat off-site or credits will be purchased by the developer at an approved mitigation bank, at the discretion of the City of Elk Grove and the CDFG.
 - b. In order to mitigate potential impacts to *Dwarf Downingia*, *Legenere*, and *Boggs Lake Hedge-Hyssop* a focused rare plant survey for this species shall be conducted prior construction. The survey is required to determine the presence or absence of this species in the plan area.
 - c. The survey shall be completed by a qualified botanist during the appropriate peak blooming period (April). If the plants are found in the plan area, locations of these occurrences shall be mapped and consultation with CNPS and CDFG should be initiated. A detailed mitigation/conservation plan that includes long-term strategies for the conservation of the species should be developed in consultation with CNPS and the CDFG upon confirming the presence of this species in the plan area.
 - d. If this species is not found in the plan area, no further studies are necessary.
(Mitigation Measure BR-8 of the Mitigated Negative Declaration)
- 20. Prior to approval of Improvement Plans or a grading permit, whichever occurs first, the project developer shall mitigate for potential impacts to *Vernal Pool Invertebrates* according to the following measure:
 - a. In order to mitigate potential impacts to protected invertebrate species (vernal pool fairy shrimp and vernal pool tadpole shrimp), a focused survey for these species shall be conducted prior to approval of subsequent site plans and/or tentative maps. The survey is required to determine the presence or absence of these species in the plan area.
 - b. Consultation with USFWS is required if protected invertebrate species are found. Typically, the USFWS requires a 250-foot setback from the edge of each avoided vernal pool (to protect threatened, listed and special concern species), or,
 - c. If vernal pools will be impacted, the applicant shall prepares a mitigation plan that may include one of the following:
 - 1. Credits may be obtained at an approved mitigation bank, or
 - 2. Completion of an onsite mitigation and monitoring plan that includes onsite creation/preservation of the pools.
 - d. Any mitigation plan shall be reviewed and approved by the USFWS and the Elk Grove Planning Department prior to habitat disturbance or plan implementation.
(Mitigation Measure BR-9 of the Mitigated Negative Declaration)
- 21. Prior to the start of construction activities, (including clearing and grubbing), the project developer shall mitigate for potential impacts to *Giant Garter Snake* according to the following measure:

- a. The project site shall be surveyed for giant garter snakes by a qualified biologist within 24 hours prior to the start of construction activities (including clearing and grubbing). Survey of the area shall be repeated if a lapse in construction activity of two weeks or greater occurs. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Giant garter snakes encountered during construction should be allowed to move away on their own. Capture and relocation of trapped or injured individuals shall only be attempted by personnel or individuals with current USFWS recovery permits. Any incidental take shall be reported to the USFWS at (916) 979-2725, the California Department of Fish and Game (CDFG) at (916) 358-2921 and the City Environmental Coordinator at (916) 361-8384 within one working day. Any giant garter snake sightings shall be reported within 24 hours to the CDFG at (916) 358-2921 and the City of Elk Grove.
- b. Include the above measure verbatim as a Construction Note on any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Elk Grove Planning Department for this project, and any/all revisions to those Plans which are subsequently submitted.
- c. Submit a written survey to the Elk Grove Planning Department from the qualified biologist, which indicates compliance with the above measure.
- d. Prior to the approval of Improvement Plans or building permits, submit a written report prepared by the qualified biologist to the Elk Grove Planning Department, which indicates the findings of the required survey. Include the name, address and phone number of the qualified biologist.
- e. Notify the Elk Grove Planning Department no later than 48 hours prior to the start of each phase of construction work (including clearing and grubbing), and no later than 24 hours after its completion.
- f. Notify the Elk Grove Planning Department Environmental Coordinator no later than 48 hours prior to any/all final inspections(s) by the Public Works / Engineering Department. (Mitigation Measure BR-3 and BR-4 of the Mitigated Negative Declaration)
- g. Avoid construction activities within 200 feet from the banks of garter snake aquatic habitat where possible. Confine movement of heavy equipment to existing roadways to minimize habitat disturbance.
- h. If construction activity within the habitat occurs it should be conducted between May 1 and October 1. Between October 2 and April 30 contact the Services' Sacramento Fish and Wildlife Office to determine if additional measures are necessary to minimize and avoid take.
- i. Confine clearing to the minimal area necessary to facilitate construction activities. Flag and designate avoided giant garter snake habitat within or adjacent to the project area as Environmentally Sensitive Areas. This area should be avoided by all construction personnel.
- j. The project site shall be surveyed for giant garter snakes by a qualified biologist within 24 hours prior to the start of construction activities (including clearing and grubbing). Survey of the area shall be repeated if a lapse in construction activity of two weeks or greater occurs. If a giant garter snake is encountered during construction, activities shall cease until appropriate corrective measures have been completed or it has been determined that the snake will not be harmed. Report any sightings and any incidental take to the Service immediately by telephone at (916) 414-6600.
- k. Any dewatered habitat should remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.

- I. After completion of construction activities, remove any temporary fill and construction debris and, wherever feasible, restore disturbed areas to pre-project conditions. Restoration work may include such activities as replanting species removed from banks or replanting emergent vegetation in the active channel.
22. Prior to any clearing, grubbing or grading activities, and the following timelines, the project developer shall mitigate for potential impacts to *Burrowing Owls* according to the following measure:
 - a. The project site shall be surveyed to assess the presence of burrowing owls during both the wintering and nesting seasons, unless the species is detected on the first survey. The winter survey shall be conducted between December 1 and January 31 (when the wintering owls are most likely to be present). The nesting survey shall be conducted between April 15 and July 31, prior to any clearing, grubbing or grading activities on the project site. If possible, the nesting survey should be conducted between April 15 and July 15 (the peak of the breeding season).
 - b. If no owls are found during the pre-breeding survey, no further mitigation would be required. If owls are present, a 250-foot wide "no entry" buffer zone shall be established and adequately marked around all active burrowing owl nest sites.
 - c. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game (CDFG) verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
 - d. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 300-foot foraging radius around the burrow) per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the CDFG.
 - e. Alternative mitigation consistent with the CDFG's "Staff Report on Burrowing Owl Mitigation" (1995), such as purchase of credits at a mitigation bank acceptable to the CDFG may also be used.
 - f. Include the above measures verbatim as a Construction Note and incorporate it as necessary into any/all Preliminary Grading Plans, Improvement Plans and Building/Development Plans which are submitted to Elk Grove Planning Department for this project, and any/all revisions to those Plans which are subsequently submitted.
 - g. Prior to the approval of Improvement Plans or building permits, submit a written report prepared by the qualified biologist to the Elk Grove Planning Department, which indicates the findings of the two required surveys. Include the name, address and phone number of the qualified biologist.
 - h. Notify the Elk Grove Planning Department no later than 48 hours prior to the start of each phase of construction work (including clearing and grubbing), and no later than 24 hours after its completion.
 - i. Notify the Elk Grove Planning Department Environmental Coordinator no later than 48 hours prior to any/all final inspections(s) by the Public Works / Engineering Department. (Mitigation Measure BR-7 of the Mitigated Negative Declaration)
23. Prior to approval of Improvement Plans, the project must demonstrate the following items to the satisfaction of the Department of Water Resources:

- a. Provide non-potable water for use during grading and construction, which could be from an agricultural well;
- b. Destroy all abandoned wells on the project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned wells on the improvement plans for the project;
- c. Provide a non-potable water distribution system to the satisfaction of the Sacramento County Water Agency. (Department of Water Resources)

Conditions Required Prior to Recordation of the Subdivision Map

- 24. Prior to recordation of the final map, the East Franklin Specific Plan (EFSP) Public Facilities Financing Plan (PFFP) shall be implemented and the Franklin Meadows development shall be subject to the payment of fees identified within the East Franklin Specific Plan Financing Plan. Public facilities identified within this plan will include roadways, parks, libraries, fire facilities, landscape corridors, reclaimed water and supplemental drainage facilities.
- 25. Prior to the recordation of any final subdivision map, the applicant shall be required to pay an East Franklin Specific Plan Preparation Reimbursement Fee, as adopted by the City of Elk Grove, for the purpose of reimbursing property owners within the specific plan through the East Franklin Property Owners Association for the costs the property owners in the specific plan incurred to prepare the Specific Plan.
- 26. The Sacramento County Water Agency (SCWA) will not issue water connection permits until adequate water supplies have been secured. In addition, the final map shall not be recorded until the SCWA has secured fee title to the Poppy Ridge WTP. (Department of Water Resources)
- 27. The property owner shall pay development impact fees in accordance with any Public Facilities Financing Plan Fee Program as may be adopted by the City Council, including any authorized adjustments and updates thereto. (Public Works – Infrastructure Finance)
- 28. Separate water service shall be provided to each parcel. (Department of Water Resources)
- 29. Annex to the Storm Water Utility pursuant to the City of Elk Grove Improvement Standards and the Sacramento County Water Agency ordinance. (Department of Water Resources)
- 30. This project is required to connect to the existing Sacramento County Water Agency system at a minimum of two locations. (Department of Water Resources)
- 31. Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.
- 32. Rough grade the park site pursuant to plans approved by the District. Rough grading can be permitted by the District prior to final agreements for park improvements with the CSD. (EGCSD)
- 33. Dedicate easements for water mains to the satisfaction of the Elk Grove Public Works Department. (Department of Water Resources)
- 34. Dedicate on the map a 12.5- foot public utility easement for underground facilities and appurtenances adjacent to all public ways. (SMUD)
- 35. Dedicate on the map any "Landscape Lot" adjacent to all public roads as a public utility easement for underground facilities and appurtenances. (SMUD)

36. Any finished sections of drainage channel shall be landscaped according to the figures and standards of the East Franklin Specific Plan and to the satisfaction of the City of Elk Grove. However, only the cost of hydro-seeding will be reimbursed by Zone 11A. (Department of Water Resources)
37. STD#190 (I,E,F)- Provide drainage easements 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. Improvement Standards and Fees referred to previously, shall be such as applicable at the time of improvement plan submittal, rather than map approval. (Department of Water Resources)
38. STD#194 (Offsite)- Offsite drainage improvements and easements shall be provided pursuant to the Sacramento County Floodplain Management Ordinance, and the Sacramento County Improvement. (Department of Water Resources)
39. Grant the City of Elk Grove right-of-way for Franklin Boulevard based on the East Franklin Specific Plan to the satisfaction of the Department of Transportation of the Public Works Agency. (Public Works Department of Transportation)
40. Grant the City of Elk Grove right-of-way for Poppy Ridge Road based on the East Franklin Specific Plan to the satisfaction of the Department of Transportation of the Public Works Agency. (Public Works Department of Transportation)
41. Dedicate additional right-of-way on Franklin Boulevard and Poppy Ridge Road for intersection widening per Standard Drawings 4-6 of the City of Elk Grove Improvement Standards to the satisfaction of the Department of Transportation of the Public Works Agency. Note: This intersection will include a traffic signal and bus turnout. (Public Works Department of Transportation)
42. The landscape corridor along Franklin Boulevard must be designed to the satisfaction of the Department of Transportation's Tree Coordinator and to the satisfaction of the EGCSO. Note: The trees on the east side of Franklin Boulevard shall be avoided to the extent feasible. The trees on the east side of the existing roadway shall be placed in the median and new trees placed on the east side of the proposed roadway. (Public Works Department of Transportation)
43. Visibility easements should be included where needed per the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency. Note: A visibility study will be required at 'K' Street and 'O' Court. (Public Works Department of Transportation)
44. Stop signs should be included where needed to the satisfaction of the Department of Transportation of the Public Works Agency. Note: Stop signs will be required at the following locations:
 - a. '16' Street and '6' Street
 - b. '16' Street and 'L' Street
 - c. On 'A' Street at '6' Street
 - d. On 'J' Street at '16' Street
 - e. On 'B' Street at '16' Street (Public Works Department of Transportation)
45. Match the '2' Street centerline with the proposed street centerline to the south. (Public Works Department of Transportation)

46. Match the '16' Street centerline with the proposed street centerlines to the east. (Public Works Department of Transportation)
47. Match the 'A' Street centerline with the proposed street centerline to the west. (Public Works Department of Transportation)
48. Install Type 2 curb along '16' Street and '6' Street adjacent to the landscape corridors per drawing 4-25 of the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency. (Public Works Department of Transportation)
49. Install Type 2 curb and six-foot sidewalk along 'L' Street, '16' Street, and '6' Street adjacent to the Community Park and/or School Site per drawing 4-25 of the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency. (Public Works Department of Transportation)
50. Dedicate right-of-way for the indicated streets, and install public street improvements pursuant to the East Franklin Specific Plan, the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation of the Public Works Agency. (Public Works Department of Transportation)
51. In order to obtain sewer service, construction of public trunk and collector sewer will be required to the satisfaction of CSD-1. An Interim sewer pump station will also be necessary to provide sewer service prior to the construction of the South Interceptor. Design of the public trunk sewer and the interim lift station shall be coordinated with and approved by CSD-1. Sacramento County Improvement Standards apply to on-site sewer construction. (CSD-1)
52. Provisions for public sewer easements may be required. If required, the sewer easement shall be dedicated to CSD-1, be a minimum of 20 feet in width and ensure continuous access for maintenance. (CSD-1)
53. Dedicate parkland and/or pay fees as required by the Ordinances of the City of Elk Grove Code. (EGCSD)
54. The medians along Poppy Ridge Road shall be improved to Department of Transportation and EGCSD standards for landscaping. (EGCSD).
55. Construct all necessary street frontage improvements abutting the dedicated park site including, but not limited to, vertical curb, gutter, street frontage and sidewalks. (EGCSD)
56. Provide and pay any related fees including connection fees for stubs in to the park site for water, drainage, sewer, electrical, and gas per the EGCSD. (EGCSD)
57. Locations of all utility service points on all land to be maintained by the EGCSD shall be approved by the District. (EGCSD)
58. Provide adequate drainage facilities to the boundary of the park site pursuant to plans approved by the District. (EGCSD)
59. Land dedicated to the EGCSD for Park purposes shall be zoned "O", will be free & clear of any past or future taxes or assessments; any liens or encumbrances, and any easements not disclosed on the tentative map. Any structures, walls, fences, wells or storage tanks must be removed per District's specifications and in accordance with all applicable laws and regulations prior to the acceptance by the EGCSD of any grant deed or easement. (EGCSD)
60. Prior to the approval of improvement plans or recordation of a final subdivision map, whichever occurs first, the project developer shall implement one of the following options to the satisfaction of the Planning Director to mitigate for the loss of agriculture land:

- a. Preserve 83.54 acres of agricultural land within specified boundaries, or
 - b. Contribute \$950.00 per acre into a fund to be used to purchase conservation easements (132.6 acres X \$950.00 = \$125,970.00), or
 - c. Comply with a program implemented by the City of Elk Grove to address such mitigation for loss of Agricultural Resources.
61. Provide disclosure statements to all prospective buyers of property within 500 feet of any active farming/dairy operation, that they could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the County Right-to-Farm Ordinance. (EFSP MM SG-2)
 62. The Lot C, D, and L (Sewer Interceptor Line Parcel) shall be reserved for the Sacramento Regional County Sanitation District, and will be required to provide for future interceptor sewer construction. The area of land will be 90 feet wide and located north and adjacent to Poppy Ridge Road. (SRCSD)
 63. Provide and dedicate to the EGCSD all of the onsite trail, open space and landscape easements necessary for maintenance and provision of recreational opportunities. (EGCSD)
 64. The boundaries of Lot "C" and lot "O" must be limited to the area of the Sewer Interceptor Line adjacent to Lot "B" (future residential) and improved consistent with the cross section shown on the map and identified as "Channel/Landscape Corridor Concept Along I Street (Poppy Ridge)". (EGCSD)
 65. Improve the area identified on the tentative subdivision map as lot "K" (drainage channel), Lot "L", Lot "D" and "C" adjacent to lot B (sewer interceptor line) consistent with the cross section shown on the map and identified as "Channel/Landscape Corridor Concept Along I Street (Poppy Ridge)". Within the 90-ft. sewer interceptor areas the developer must improve a 40-ft. wide irrigated landscape area with a meandering (14-ft) trail system and associated landscaping. The irrigation plan for 90-ft. area (i.e., pipe sizes) shall accommodate ultimate landscaping of the entire corridor. Lots "M", "N" and "O", 15-ft. landscape corridors adjacent to the sewer interceptor lots and Poppy Ridge & Franklin Blvd. shall be improved, (excluding Lot "A") with more intensive landscaping (trees, shrubs, and groundcover or turf) in accordance with the "General Guidelines for Landscape Corridor Design". A graffiti resistant masonry wall will be required along Lot "D" and the northerly end of Franklin Blvd. adjacent to future residential site, Lot "B". An 8-ft. irrigated landscape area built to the specifications of the CSD will be provided on the north side of Lot "K", adjacent to the residential property lines.

Conditions Required Prior to Issuance of Building Permits

66. Prior to issuance of building permits, the project proponent shall provide evidence that the fire flow from the public water system is capable of delivering a minimum 1,000 gpm at 20 psi. 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. (EGCSD – Fire Department)
67. Prior to the issuance of any building permits for the project, the project proponent shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18. (Department of Water Resources)
68. Prior to the issuance of any building permits for the project, the project shall conform to the specific provisions of the Elk Grove Landscape Water Conservation Ordinance

(Chapter 14.1 of the Elk Grove Code) to the satisfaction of the City Landscape/Oak Tree Coordinator. (Department of Water Resources)

69. The Elk Grove Unified School District has funded and built, and is in the process of funding and building certain oversized infrastructure that will be of direct benefit to the Developer's Project. Prior to the issuance of the first building permit for residential construction or any building permit for commercial construction within the boundaries of the Developer's Project, Developer shall provide written correspondence from the School District's Assistant Superintendent of Facilities establishing that Developer has adequately provided for the reimbursement of infrastructure costs incurred by the School District on behalf of Developer's Project. (EGUSD)
70. The project developer / applicant shall implement the following measures as applicable.
 - a. Install EPA Phase II certified wood-burning devices in residential units in place of standard wood-burning devices.
 - b. Install natural gas fireplaces in residential units in place of standard fireplaces.
 - c. Install electrical outlets in front and backyards of homes for use with electric powered yard equipment.
 - d. Install natural gas burning barbecues in residences.
 - e. Install energy efficient heating and appliances.
 - f. Construct homes and other buildings with additional insulation factors to reduce energy use. (EFSP MM AQ-6)
71. For residential units that are not shielded by barriers and are proposed to be located within the 60dB L_{dn} noise contours, a detailed analysis of interior noise levels at second floor facades shall be submitted with floor plans, building plans and façade construction details. Appropriate acoustical insulation, building materials and or construction techniques shall be incorporated into the building plans for these units to meet the thresholds for acceptable noise levels and compliance with the General Plan Noise Element. Lots affected include 23 through 43 next to the Lot K Drainage Channel. (EFSP NO-2)
72. For residential units proposed adjacent to Lot E, Community Park, a detailed analysis of interior noise levels shall be submitted with floor plans, building plans and façade construction details. Appropriate acoustical insulation, building materials and or construction techniques shall be incorporated into the building plans for these units to reduce the potential for nuisance noise and to meet the thresholds for acceptable noise levels and compliance with the General Plan Noise Element. (EFSP NO-2) These lots include lots 1 through 6 and 44 through 51 along 16 Street, Lots 1, 172, 154, 153, 125, 124, 83, 52, 53, 54, 55, and 51

Conditions Required Prior to Issuance of Occupancy Permits

73. New lot designations must be created for the landscaped corridor and the sewer Interceptor Line adjacent to lot "A" (future Commercial). The Elk Grove Community Services District will not maintain these areas. (EGCSD)
74. Masonry walls shall be constructed in accordance with the EFSP. Standard masonry walls shall be constructed along '6' Street, '16' Street, and '2' Street and the northerly end of Franklin Boulevard adjacent to lot "B". Where the wall approaches openings for roadways, the wall shall be wrapped around the corners of the end lots to the intersections of the first internal streets to provide sufficient shielding. However, the wall

height must taper down at the corners to allow for clear sight distance for motorists approaching the intersections.

75. Lots 23 through 43 shall be provided with non-combustible fences along the drainage channel. (EGCSD – Fire Department)
76. The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the EGCSDFD and the water purveyor having jurisdiction. (EGCSD – Fire Department)
77. If the park site abuts residential lots, or any public or private facility lots, developer shall install at least a 6 ft. fence along the park area where it abuts these lots; location of fence is to be decided upon by the developer and the District. The fence is to be installed to the specifications of the CSD when the District is ready to develop the park or when the construction on the adjoining lots commences, whichever comes first. (EGCSD)
78. The corridors shown on the tentative subdivision map as being 15 feet shall be improved as: (i) a 25 foot Landscape Corridors adjacent to the right-of ways (back of curb) for "2" Street, '6' Street, and '16' Street, including a 4 foot sidewalk, (ii) a 36 foot Landscape Corridor adjacent to the right-of way for Franklin Boulevard, including a six foot sidewalk, and when completed, dedicate the improved properties to the Elk Grove Community Services District. (EGCSD)
79. Landscape Corridors and sewer interceptor lots shall be constructed and installed in accordance with the East Franklin Specific Plan and specifications approved by the Elk Grove Community Services District and shall be consistent with the EGCSD's "General Guidelines for Landscape Corridor Design." The corridor improvements will include, among other things, graffiti resistant, masonry walls, meandering or bifurcated sidewalks, and radio controlled irrigation systems. District employees must inspect all construction work as it is being performed. (EGCSD)
80. Provide and install a 12 foot wide concrete trail system from Lot 'L' across the drainage channel, Lot 'K' to 16th Street. The trail will be built to the specifications of the EGCSD, (i.e. signs, striping for the trail, flared out ends of the drainage channel, etc.) (EGCSD)
81. When improvements to the corridors have been completed in accordance with plans, specifications and the inspection procedures approved by the Elk Grove Community Services District; the improved properties shall be conveyed to the District for ongoing maintenance, operation, repair and replacement. Developer shall be responsible to pay the direct cost associated with the performance of this work until such time as the District incorporates the cost of doing this work into the assessment district budget and the resulting assessments are confirmed by compliance with the balloting procedures dedicated by Proposition 218. The obligation of the applicant may be met by entering into a subsidy agreement with the District. (EGCSD)
82. Signage for the trails will be funded and provided by the developers in accordance with EGCSD specifications (i.e. Sign Manual).
83. Prior to the Elk Grove Community Services District assuming any responsibility for the maintenance, repair, replacement or operation of any parks, landscaped corridors or medians, recreational trail systems, project entrances or open spaces identified within the project, developer/owner shall approve in accordance with the balloting procedures set forth in Proposition 218 a formula and maximum annual assessment required at full build-out, adjusted for inflation, and assessed annually in accordance with said formula in an amount which is estimated to fund all of the District's costs incurred in performing the above referenced obligations as well as the project's fair share

of the costs associated with improvements and facilities located elsewhere in the District which have been determined to be of a District wide benefit. (EGCSD)

84. Where the trail system crosses a roadway, provide a striped pedestrian crossing. (EGCSD)
85. Wrought iron or tubular steel fencing shall be installed along the boundaries of any lot adjacent to open space, drainage channels or creeks. (EGCSD)

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. Compliance with all adopted City of Elk Grove codes and regulations, including but not limited to the Elk Grove Municipal Code & Zoning Ordinance, Uniform Building Code and Uniform Fire Code and Sacramento County Environmental Health Department Standards.
- b. Unless otherwise noted, all improvements and fees shall be at the expense of the developer, including any fee required by Ordinance No. 1 of the Sacramento County Water Agency Code.
- c. The Sheriff's Department highly recommends that homes be designed with the front of the garage aligned with or setback 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)
- d. Homes should be placed so that they face open areas with the street as a buffer between the home and the open area. They should not be built in such a way that they back up against these areas. These homes are more susceptible to home burglaries. (Sheriff's Department)
- e. 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)
- f. Skylight side panels that are placed next to entrance doors should not be on the same side as the lock mechanism of the door. (Sheriff's Department)
- g. 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)
- h. No more than 40 building permits shall be issued when single point access is provided. (EGCSD - Fire Department)