

RESOLUTION NO. 2005-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP AND DESIGN REVIEW FOR THE LIBERTY CENTER II PROJECT NO. EG-04-666, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, PDF Development, represented by PWC Architects (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone, Tentative Subdivision Map, and Design Review. (Assessor's Parcel Number 116-0260-017); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the City determined that the Liberty Center II Project was subject to the California Environmental Quality Act and prepared an initial study evaluating the potential environmental effects of the project; and

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

WHEREAS, the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and

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

WHEREAS, all project changes required to avoid significant effects on the environment have been incorporated into the project and/or are identified in the Mitigation Monitoring Plan; and

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

WHEREAS, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on November 5, 2004 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on November 5, 2004 and closed on December 13, 2004. The Mitigated Negative Declaration was made available to the public during this review period; and

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

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

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on February 24, 2005 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove approves the Liberty Center II Rezone, Tentative Subdivision Map, and Design Review based on the following findings and the attached conditions of approval included as Exhibit A.

Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Study was prepared for the proposed project and mitigation measures have been developed that will reduce all potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

Finding: The proposed Liberty Center II office project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The Liberty Center II office site has a land use designation of Office/Multi-family on the General Plan land use map. The proposed project has been designed and is consistent with all the goals and policies contained in the General Plan. Conditions of approval have been included to ensure consistency of the project throughout construction and operation.

Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code).

Evidence: The City has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. As described above, the proposal is consistent with all applicable goals and policies of Elk Grove General Plan, all applicable zoning code standards, and design guidelines.

Tentative Subdivision Map

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 findings listed above do not apply to the proposed Tentative Subdivision Map, as detailed below:

- a. The proposed map is consistent with the Elk Grove General Plan.
- b. The design of the project and the associated site improvements of the proposed project are consistent with the General Plan and design standards of the municipal code.
- c. The subject property is physically suitable for office development.
- d. The subject property is appropriate for the proposed density of development.
- e. The Mitigated Negative Declaration prepared for the project determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be less than significant levels with implementation of the proposed project design and conditions of approval.
- f. The project will not likely result in serious public health problems.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

Design Review

Finding: The proposed project is consistent with the objectives of the General Plan as well as complies with applicable zoning regulations and the Citywide Design Guidelines adopted by the City.

Evidence: The site plan, building elevations, and landscape plan, for the proposed Liberty Center II office building were reviewed for compliance with the development standards established in the City's Zoning Code and Design Guidelines for non-residential development. The proposed project complies with all applicable development standards and has been designed with a cohesive architectural theme and color palette. Additionally, the project is subject to conditions of approval that will ensure compliance with all applicable requirements.

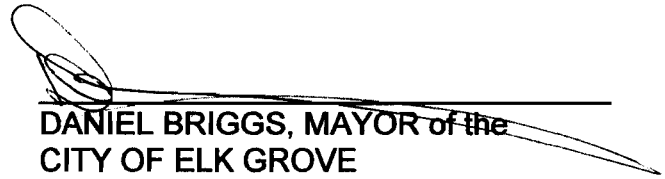
Finding: The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Evidence: The site plan, building elevations, landscape plan, and signage for the proposed office building were reviewed for compliance with the Design Guidelines for non-residential development. As designed, the project has been designed with a cohesive architectural theme, utilizing a color palette that will be compatible with the two adjacent office buildings. A 6 foot masonry wall will be installed along the eastern boundary of the site to provide separation for the existing residential area. The proposed office building will provide the important resource of jobs within the City thereby enhancing the character of the surrounding community. Additionally, the project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

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

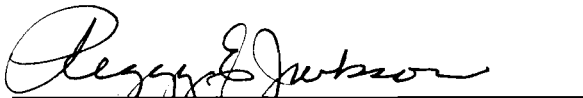
Evidence: The proposed Liberty Center II office building has been designed to the same scale and quality as the adjacent office buildings. All mechanical equipment will be screened and site lighting is proposed in compliance with safety standards. The project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 23rd day of March 2005.



DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A - CONDITIONS OF APPROVAL

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
A. 317-6176				
1.	<p>The development approved by this action is for a rezone of 5.09 acres from RD-5 to BP, tentative subdivision map to create 45 commercial condominium units, and design review of an 82,000 square foot office building, as illustrated by the following:</p> <ul style="list-style-type: none"> • Rezone Exhibit (received 6-24-2004) • Tentative Subdivision Map (received 1-24-2005) • Site Plan (received 9-28-2004) • Site Details (received 9-28-2004) • West and South Exterior Elevations, b&w, (received 9-28-2004) • East and North Exterior Elevations, b&w, (received 9-28-2004) • First Floor Plan (received 9-28-2004) • Preliminary Grading Plan (received 1-7-2005) • Preliminary Landscape Plan (received 9-28-2004) • Photometric Study (received 9-28-2004) • West & South Building Elevations, Color (received 6-24-2004) • East & North Building Elevations, Color (received 6-24-2004) • Materials / Color Board (received 6-24-2004) <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
2.	<p>This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning	
3.	<p>The applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.</p>	On-Going	Planning	

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4.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval.	Planning	
5.	The applicant shall provide for adequate trash service (collection) that will not provide for nuisance noise for the adjacent residential zone. Trash service may not begin prior to 6 AM.	On-Going	Community Enhancement and Code Compliance	
6.	The applicant shall not allow for mechanical sweeping services/parking lot cleaning prior to 6 AM that may provide for nuisance noise to the adjacent residential zone.	On-Going	Community Enhancement and Code Compliance	
7.	All driveways shall require an encroachment permit. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	Encroachment Permit	Public Works	
8.	This project requires the submission and recordation of a final map for condominium purposes in accordance with the City of Elk Grove mapping standards and the Map Act of the State of California.	On-Going	Public Works	
9.	In accordance with the Subdivision Map Act, no land lease or sale of this pad may occur until such time as the under laying tentative map approval has been effected and a final map recorded.	On-Going	Public Works	
10.	If there are any discrepancies between the approved tentative map and the conditions of approval, the conditions of approval shall supersede the approved tentative map.	On-Going	Public Works	
11.	Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
12.	Striping and signage design for this project may require the removal and/or installation of new signing and striping offsite of the project to transition the frontage improvements into the existing improvements both north and south of the project frontage. Cost shall be responsibility of the applicant.	On-Going	Public Works	

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<p>retained and all portions of off-site oak tree driplines which extend onto the site, prior to initiating project construction, in order to avoid damage to the trees and their root systems. The barrier around those oak tree driplines which are approved for encroached into by structures and/or driveways can be moved to allow construction. The new barrier locations shall be four feet outside the structure wall and/or driveway location.</p> <p>3. A piped aeration system shall be installed at all locations where impervious surfaces and/or structural development will occur within the dripline protection area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site. Installation of the aeration system be performed under the direct supervision of a certified arborist. If, in the opinion of the certified arborist, encroachment into the dripline protection area is severe, then the affected tree shall be retained on site but determined lost, and mitigation as required by the approving body.</p> <p>4. All driveways which pass through the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend on the site shall be constructed such that the entire driveway section is placed directly above existing grade. No excavation for driveway construction shall be allowed with oak tree dripline protection areas except minor excavation associated with the installation of piped aeration systems.</p> <p>5. Any pruning of an oak tree shall be supervised by a certified arborist. Branch and limb pruning shall be limited to that which has been deemed necessary by a certified arborist in order to correct a safety hazard, structural defect, crown cleaning or arborist recommended pruning in the tree. Pruning due to canopy encroachment by buildings shall be limited to the minimum amount needed to safely accommodate the structure. All pruning and deadwood removal shall be executed in accordance with American National Standards Institute (ANSI)</p>	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recording of any Final Subdivision Maps on the subject property, whichever occurs first, the plans shall be submitted to Elk Grove Planning for review and approval.</p> <p>No later than 24 hours prior to commencement of construction activities including <u>clearing and grubbing</u> the applicant shall contact Development Services – Planning to schedule a site inspection to verify</p>		

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<p>A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines". An ISA Certified Arborist shall supervise and tree pruning.</p> <p>6. All oak trees on site shall be pruned, as per arborist recommendations, prior to starting any site improvements. Any pruning of an oak tree shall be supervised by a certified arborist.</p> <p>7. No signs, ropes, cables (other than those which may be recommended by a certified arborist to provide limb support) or any other item shall be attached to the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site.</p> <p>8. No vehicles, construction equipment , mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiles or, located within the dripline area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site.</p> <p>9. No grading (grade cut or fills) shall be allowed within the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak trees which extend onto the site with the exception of approved encroachment areas on the Final Development Plans. If, in the opinion of the certified arborist, permitted grading in the dripline protection area is severe, then the affected tree shall be retained on-site but determined lost, and mitigation as required by the approving body shall be imposed.</p> <p>10. No trenching shall be allowed within the dripline protection area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto site. If it is absolutely necessary to install underground utilities within the dripline of the tree, the utility line hall be bored or drilled under the direct supervision of a certified arborist.</p> <p>11. Landscaping beneath the on-site oak trees to be retained and all portions of off -site oak tree driplines which extend on the site</p>	<p>that the protective measures (i.e. perimeter fencing) have been installed in accordance with this mitigation measure.</p>		

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13.	Landscape improvement plans shall be submitted to the City for Water Conservation Requirement review. The applicant shall submit landscape plans as part of improvement plans and as part of the City's building permit application.	Prior to Approval of Improvement Plans	Public Works, Planning	
14.	<p>Mitigation Measure 1 - In order to reduce potentially significant adverse impacts to air quality from construction activities to a less than significant level, the following air pollution control measures shall be incorporated into the project specifications and administered during construction:</p> <ul style="list-style-type: none"> • All active portions of the construction site, earthen access roads, and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice a day with complete coverage, preferably in the late morning and after work is done for the day. Where feasible, reclaimed water shall be used. • All clearing, grading, earth-moving, or excavation activities shall cease during periods of winds greater than 20 miles per hour averaged over one hour. • All material transported off site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust. • The area disturbed by clearing, earth-moving, or excavation activities shall be minimized at all times. This can be accomplished by mowing instead of disking for weed control and seeding and watering inactive portions of the construction site until grass is evident. • If used, petroleum-based dust palliatives shall meet the road oil requirements of the SMAQMD rule regarding Cutback Asphalt Paving Materials. • Streets adjacent to the project site shall be swept as needed to remove silt that may accumulate from construction activities. Streets are required to be wet prior to or in conjunction with rotary sweeping. 	<p>Measures shall be on all grading plans, improvement plans</p> <p>Measures shall be implemented during project construction.</p>	Public Works, Planning	

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	<ul style="list-style-type: none"> • All internal combustion engine driven equipment shall be properly maintained and well tuned according to the manufacturer's specifications. • During the smog season (May through October) the construction period shall be lengthened to minimize the number of vehicles and equipment operating at the same time. • When available, diesel powered or electric equipment shall be used in lieu of gasoline-powered engines. • Construction activities shall minimize obstruction of through-traffic lanes adjacent to the site. 			
15.	<p>Mitigation Measure 2 - In order to reduce potentially significant adverse impacts from NOx emissions to a less than significant level, the project applicant shall provide a plan for approval by City of Elk Grove and SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction* compared to the most recent CARB fleet average at time of construction; and</p> <p>The project representative shall submit to City of Elk Grove-Development Services-Planning and SMAQMD, for review and approval, 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 any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected 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. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide City of Elk Grove-Development Services-Planning and SMAQMD with the anticipated construction timeline including start date, and name and phone number of the</p>	<p>Measures shall be on all grading plans, improvement plans</p> <p>Measures shall be implemented during project construction.</p>	Public Works, Planning	

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<p>project manager and on-site foreman.</p> <p>* Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.</p>			
<p>16. Mitigation Measure 3 - In order to reduce potentially significant adverse impacts from visible emissions to a less than significant level, the project applicant 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 (or Ringelmann 2.0) shall be repaired immediately, and City of Elk Grove Development Services-Planning 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 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.</p>	<p>During project construction at least weekly inspections shall be completed and a monthly summary of the results shall be submitted to the City throughout the duration of the project.</p>	<p>Public Works, Planning</p>	
<p>17. Mitigation Measure 4 - In order to mitigate for the loss of Swainson's hawk foraging habitat, the applicant shall implement one of the following City of Elk Grove approved mitigation alternatives.</p> <p><u>Monitoring Action</u> Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost. This land 	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs</p>	<p>Planning</p>	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect, OR</p> <ul style="list-style-type: none"> Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect. 	first.		
18.	<p>Mitigation Measure 5 - In order to reduce potential adverse impacts to existing trees on the project site, the applicant shall develop and implement a tree protection plan per the following specifications:</p> <p>The plan shall include a list of native and non-native trees to be preserved on the project site, including the species, condition, and diameter at breast height of each tree, and an exhibit depicting the location of those trees.</p> <p>All three (3) oak trees located on the northern property boundary shall be preserved, all portions of any adjacent off-site native trees which have driplines that extend onto the project site, and all off-site native trees which may be impacted by utility installation and/or improvements associated with this project, shall be protected as follows:</p> <ol style="list-style-type: none"> A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of all oak trees to be retained and all portions off-site oak tree driplines which extend into the site, and shall not be cut back in order to change the dripline. Removing limbs which make up the driplines does not change the protected zones. Chain link or similar protective barrier shall be installed one (1) foot outside the dripline protection area of the on-site oak trees to be 	<p>All the above measures shall be included verbatim as Construction Notes on any/all Preliminary or Final Grading Plans, Improvement Plans and Building/ Development Plans which are submitted to the Department of Public Works and/or Planning Department for each project, as well as any/all revisions to Plans which are subsequently submitted.</p>	Planning	

<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ol style="list-style-type: none"> 4. Planting, irrigation and maintenance schedules; 5. Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive that period; 6. The minimum spacing for replacement oak trees shall be 20 feet on center; 7. Replacement oak trees shall not be planted within 15 feet of the driplines of existing oak trees to be retained on-site, or within 15 feet of a building foundation or swimming pool excavation; 8. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of oak trees; 9. No grading (grade cuts or fills) shall be allowed within the driplines of the oak trees; 10. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree; 11. No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist; 12. No sprinkler or irrigation system shall be installed in such a manner that requires trenching within or that sprays water into the driplines of oak trees. An above ground drip irrigation system is recommended; 13. Landscaping beneath oak trees may include non-plant materials such as bark, mulch, wood chips, boulders, etc. 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. 	<p>site and in 8-foot wide parking lot planters does <u>not</u> serve the purpose of replacing the 33" heritage oak. OR</p> <p>Prior to issuance of grading permits, the applicant shall pay the City of Elk Grove Oak Tree Mitigation Fee.</p>		

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	<p>include nonplant materials such as river gravel, woodchips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semiarid environs of the trees. Limited drip irrigation approximately monthly during late spring, summer and early fall is recommended for understory plants.</p> <p>12. No in the ground sprinkler or irrigation system shall be installed in such a manner that irrigates the ground within the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site. An "above ground drip irrigation system", drip lines placed on natural grade and all emitters shall be placed on grade, will be permitted under oak tree driplines. No trenching for irrigation lines will be permitted under dripline protection areas.</p>			
19.	<p>In order to mitigate for the loss of the existing 33" Valley oak tree on the project site, the applicant shall implement one of the following measures:</p> <p>A) Develop and implement an off-site tree replacement plan per the following specifications: The Tree Replacement Planting Plan shall be prepared by a certified arborist or landscape architect. The Plan shall comply with the City Code and General Plan policies and shall be submitted to the City for review. Current policies require that every inch lost will be mitigated by an inch planted or money placed in a tree mitigation bank. Please note that plantings required due to mitigation cannot be applied to fulfilling the landscaping requirements of the City's Design Guidelines. The Plan shall include the following elements:</p> <ol style="list-style-type: none"> 1. Species, size and location of all replacement plantings; 2. Method of irrigation; 3. The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage; 	<p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, the plan shall be submitted to Elk Grove Planning for review and approval. NOTE: Planting very large growing trees on-</p>	<p>Planning</p>	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
20.	All improvements shall be dedicated and designed in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Prior to Approval of Improvement Plans	Public Works	
21.	All existing and new overhead utilities shall be placed underground as a part of the improvements for this project.	Improvement Plans	Public Works	
22.	The dimension of the compact parking spaces shall be 9' by 16'.	Improvement Plans	Public Works	
23.	All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standard.	Improvement Plans	Public Works	
24.	All driveways throat depth shall be at least 50 feet, clear of parking spaces, measured from the back of sidewalk.	Improvement Plans	Public Works	
25.	All driveways must be designed and constructed to the satisfaction of Public Works and to the appropriate section of 4-10 Driveways in the City of Elk Grove Improvement Standards.	Improvement Plans	Public Works	
26.	The width of the parking stalls for all parking spots that are at a 90° angle to another parking spot shall be increased 2' to an ultimate width of 11'.	Improvement Plans	Public Works	
27.	The internal circulation and access shall be subject to the review and approval of Public Works.	Prior to Approval of Improvement Plans	Public Works	
28.	Provide calculation and layout showing drainage areas and the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards. Show the manner in which overland flows are to be conveyed for a point of discharge.	Improvement Plans	Public Works	
29.	Drainage improvement plans shall be designed and constructed in accordance with the City of Elk Grove. Drainage Floodplain Management Ordinance, and all easements shall be dedicated and provided on the Final Subdivision Map, or dedicated by grant deed prior to the issuance of building permits. Drainage facilities shall be installed prior to the issuance of building permits pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Improvement Plans	Public Works	
30.	Comply with all NPDES Permit and City's Stormwater Ordinance requirement before, during, and after construction as require by the	Grading Permit and/or deemed	Public Works	

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Permit and the Ordinance and in accordance with the latest version of the Guidance Manual of On-site Stormwater Quality Control Measure. That includes but not limited to the use of appropriate Best Management Practices (BMPs) measures.	needed by Public Works		
31.	Natural drainage from the property to the east flows through this project site. Project drainage shall accept and convey drainage from this offsite property including the 100-year overland flows. The proposed property line wall shall be design with openings to provide for the release of this drainage through the project site.	Grading/ Improvement plans	Public Works	
32.	Design and construct the stormwater treatment facilities prior to the drainage entering the public drainage system to the satisfaction of the City's Public Works and provide an agreement for the maintenance of such treatment facility.	Improvement Plans	Public Works	
33.	All finished floor elevations must be a minimum of 1 foot above the 100-yr water surface elevation in the area, calculated with a method acceptable to the City of Elk Grove, Public Works, Drainage. Provide hydraulic calculations as to the manner the 100-year water surface elevation was calculated.	Improvement Plans	Public Works	
34.	File a notice of Intent, obtain a WDID number from the State Board and prepare a SWPPP. SWPPP improvements shall be in place prior to moving equipment, material and personnel on-site for grading activities.	Prior to Issuance of Grading Permit	Public Works	
35.	The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances.	Improvement Plans/ Grading Plans	Public Works	
36.	Dedicate East Stockton Blvd., west half section 30' from the approved centerline. Improvement will be based on a 60' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	On the Final Map	Public Works	
37.	Improvement plans must be approved by Public Works prior to City Council approval of Final Map.	Prior to Approval of Final Map	Public Works	

<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
38.	Provide Business Owner's Association bylaws including but not limited to common area ownership, maintenance, and joint access, for review and approval by Public Works.	Prior to Approval of Final Map	Public Works	
39.	The following note shall be placed on the final map: Condominium Note: <i>This subdivision is a condominium project as defined in section 1350 of the Civil Code of the State of California containing a maximum of 45 dwelling units and is filed pursuant to the Subdivision Map Act.</i>	On Final Map	Public Works	
40.	Install public street improvements on East Stockton Blvd., west half section 30' from the approved centerline. Improvement will be based on a 60' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of Building Permit	Public Works	
41.	At all street intersections, public or private, within one block of the proposed project, the applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	At Building Permit	Public Works	
42.	All improvements shall be constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of Building Permit	Public Works	
43.	If the proposed site plan varies from the existing approved on-site improvement drawings, a separate set of improvement drawings, or revisions to the existing drawings, must be submitted and approved.	At Building Permit	Public Works	
44.	Impact fees for CSD-1 shall be paid prior to the filing and recording of the Final Map or issuance of the Building Permits, whichever occurs first.	Prior to Issuance of Building Permits or Approval of Final Map, whichever occurs first	CSD-1, Planning	
45.	Fire/rescue services shall be provided to the property as follows: <ul style="list-style-type: none"> All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system. Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans, and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.	Prior to Issuance of Building Permit	Elk Grove CSD Fire Department	

<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<ul style="list-style-type: none"> • A permit release letter from the Elk Grove Community Services District Fire Department shall be required prior to the issuance of building permits. • This development is required to provide fire flow from a public water system capable of delivering a minimum of 3,000 gpm at 20 psi residual pressure. Hydrants shall be spaced a maximum of 300 feet apart. Buildings of certain types of construction, size, and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum. • All required roadways, water mains, fire hydrants, and fire flow shall be provided prior to the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage. • 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. • Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento Regional Fire/EMS Communications Center. • Commercial development in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals. This is on-site fire main shall be connected to the municipal water main at not less than two (2) points. 			
46. The driveway on East Stockton Blvd. shall be a right in/right out.	Prior to Certificate of Occupancy	Public Works	
47. Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Certificate of Occupancy	Public Works	

Exhibit A - Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
48.	The applicant shall provide for graffiti-resistant paint or clear graffiti-resistant coating of any monument sign(s), bike lockers, and the masonry sound walls within the site.	Prior to Certificate of Occupancy	Community Enhancement and Code Compliance	
49.	<p>Sewer service shall be provided to the property as follows:</p> <ul style="list-style-type: none"> a. Connection to public sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to any on- and off-site sewer construction. b. Each building shall have a separate connection to the CSD-1 sewer system. c. Private sewer service laterals will not be permitted to connect directly to the 39-inch diameter trunk sewer line. d. CSD-1 will provide maintenance only in public right-of-ways and in 20-foot wide easements dedicated to CSD-1 for the purpose of continuous access and maintenance. Currently, CSD-1 policy prohibits gates that prevent access to sewer easements unless CSD-1 standards for accessibility through gates are met. 	Prior to Certificate of Occupancy	CSD-1	
50.	Public water service shall be provided to each building. Water supply will be provided by the Sacramento County Water Agency via Elk Grove Water Service.	Prior to Certificate of Occupancy	Development Services - Planning	
51.	The six foot high masonry wall shall be constructed of dual sided split face block in tan.	Prior to Certificate of Occupancy	Development Services – Planning	

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-83**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 23rd day of March, 2005 the following vote:

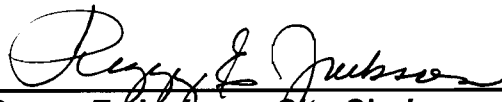
AYES: 4 COUNCILMEMBERS: Briggs, Leary, Scherman, Soares

NOES: 0 COUNCILMEMBERS:

ABSTAIN: 0 COUNCILMEMBERS:

ABSENT: 1 COUNCILMEMBERS: Cooper





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