RESOLUTION NO. 2006-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP AND SUBDIVISION DESIGN REVIEW FRENCH ESTATES PROJECT NO. #EG-05-902 – APN: 115-0170-034 & 115-0170-035

WHEREAS, Kent Baker (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 Subdivision Design Review; 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 proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 115-0170-034-0000 & 115-0170-035-0000; and
- WHEREAS, the proposed project is consistent with the General Plan Land Use Policy Map, Design Guidelines and Zoning Code requirements; and
- WHEREAS, the City determined that the French Estates 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 biological and noise resources; 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, 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 December 28, 2005 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 December 30, 2005 and closed January 30, 2006. 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 incorporated minor corrections and clarifications that do not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

WHEREAS, conditions of approval have been imposed on the project; and

WHEREAS, the City of Elk Grove, Development Services Planning Department, located 8401 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on March 2, 2006 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the project, subject to the conditions of approval and MMRP as illustrated in Exhibit A and Tentative Subdivision Map as illustrated in Exhibit B, based on the following findings:

CEQA

<u>Finding</u>: On the basis of the whole record, there is no substantial evidence that the project as designed and conditioned will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

<u>Evidence</u>: An Initial Study evaluating the potential environmental effects of the project was prepared for the proposed project. Potentially significant adverse effects related to noise and biological resources were identified in the Initial Study. Mitigation Measures have been imposed on the project and the Applicant has agreed to implement proposed mitigation measures that avoid the impacts or reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on December 28, 2005. It 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 December 30, 2005 and closed on January 30, 2006. The Negative Declaration was made available to the public during this review period. Written comment letters were received. As a result of the comments and additional information provided, clarifications and corrections to the initial study were made, but do not alter the analysis or conclusions of the circulated initial study. No new information was provided that would require the recirculation of the initial study.

General Plan

<u>Finding:</u> The project is consistent with the goals and policies of the Elk Grove General Plan, Design Guidelines and Zoning Code.

<u>Evidence:</u> The Elk Grove General Plan designates the site Low Density Residential. The subject project which subdivides two agricultural-residential lots to create 50 new residential parcels conforms to the low density residential designation and all applicable policies of the General Plan. The site is suitable for residential development and is consistent with surrounding parcels, which consist of low density residential uses.

Rezone

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

<u>Evidence</u>: The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The proposed project implements the General Plan's objectives for orderly and systematic development and responds to opportunities and constraints in the local community area.

Tentative Subdivision Map

<u>Finding</u>: The Findings provided in Section 66474 of the California Subdivision Map Act that require a City to deny a tentative map do not apply to this Tentative Subdivision Map.

<u>Evidence</u>: Findings (a) through (g) in Section 66474 of the Subdivision Map Act do not apply to the project.

- a. The proposed map is consistent with the Elk Grove General Plan, East Elk Grove Specific Plan and current and proposed zoning that identifies the site as appropriate for residential uses.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and East Elk Grove Specific Plan that designate the site for low density residential development.
- c. The site is physically suitable for residential development. The surrounding area is developed with and/or designated for residential uses. Access to the site will be provided or is available. Necessary services and facilities are available or can be provided.
- d. The site is appropriate for the proposed density of development, 5-units per acre. Services and facilities to serve the project will be provided or are available.

- e. The proposed Tentative Subdivision Map will not cause substantial environmental damage. The project is a low density residential use located in the urbanized area of Elk Grove and is consistent with the General Plan, East Elk Grove Specific Plan, and proposed zoning.
- f. The proposed Tentative Subdivision Map will not cause serious public health problems. The project has been reviewed by local agencies, including Fire, Water Resources, Public Works, Planning, Police, Sanitation, Parks, and Community Enhancement, for conformance to applicable policies and regulations. Comments and requirements have been addressed or incorporated as conditions of approval and ensure protection of public health, welfare, and safety.
- 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.

Subdivision Design Review

<u>Finding:</u> The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, and Citywide Design Guidelines adopted by the City.

<u>Evidence:</u> The project has been reviewed against the General Plan policies, Zoning regulations, and Citywide Design Guidelines for residential subdivisions and meets all applicable design requirements. The project is not subject to any Specific Plan or Special Planning Area. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

<u>Finding:</u> The proposed architecture, site design, and landscaping are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

<u>Evidence:</u> The proposed subdivision map and related plans provide all the design elements required by the Citywide Design Guidelines, including interconnected street system, pedestrian connectivity, and sufficient open space and landscaping. Further design review is required for the architecture of any master home plans to be built in the subdivision. The conditions of approval and subsequent design review of future residential development will ensure consistency with all standard requirements.

<u>Finding:</u> 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.

<u>Evidence:</u> The project does not propose any structures. Subsequent design review of master home plans for future residential development is required and will ensure consistency with all standard requirements.

Finding: The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Evidence: The proposed subdivision and layout provides adequate off-site access and on-site circulation for vehicle, bicycle, and pedestrian modes and sufficient parking for vehicles and bicycles consistent with applicable requirements. The project is subject to conditions of approval that will ensure consistency with all standard requirements and the safe integration of the project into the local transportation network.

Finding: The proposed residential subdivision is well integrated with the City's street network, creates unique neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

Evidence: Proposed streets are connected to the existing network and allow for further extensions and connections to adjoining parcels. The roads include pedestrian connectivity with landscaping along corridors and residential lots. The subdivision design and layout is compatible with the surrounding area. Subsequent design review of master home plans and architecture consistent with Design Guidelines is required.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of April 2006.

K SOARES. MAYOR of the

CITY OF ELK GROVE

ATTEST:

ÉD AS TO FORM:

ANTHONY B. MANZANETTI,

CITY ATTORNEY

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

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
A. O	The development approved by this action is for a Rezone, Tentative Subdivision Map and Subdivision Design Review: as described in the April 26, 2006 City Council report with associated Exhibits and Attachments	On-Going	Planning Division	
	and illustrated in the project plans below Tentative Subdivision Map: Received October 6, 2005 Rezone Exhibit: Received July 28, 2005			
	Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.			
2.	This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning Division	
3.	The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval	Planning Division	
1 .	The Applicant or future heirs and assigns (hereinafter referred to as the "Applicant"), shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning Division	
5.	If any previously unrecorded historic or prehistoric sites are encountered, all work shall be halted in the immediate vicinity of any finds until a professional archeologist records and evaluates the finds, and until	Ongoing	Planning Division	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
6.	appropriate mitigation, if any, is completed to the satisfaction of the City. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the discovery until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code Section 5097.98.	On-Going	Planning Division	
7.	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	
8.	The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
9.	Each lot shall have one driveway. Additional driveways may be approved by Public Works. Covenants, Conditions, and Restrictions shall be recorded over all parcels within the tentative map. The Covenants, Conditions, and Restrictions shall include the number of driveways each parcel is allowed.	On-Going	Public Works	
10.	Streets shall be closed to the public until Department of Public Works, Division of Traffic Engineering and the project engineer determine the appropriate traffic control devices to be installed and the devices are installed to the satisfaction of Public Works. Road closure devices shall be in place immediately and maintained in-place at all times upon completion of paving. Road closure may also require alternative accesses to both building and improvements construction traffic. The type of road closure devices shall be determined and approved by Public Works.	On-Going	Public Works	
11.	Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches.	On-Going	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
12.	Applicant shall not provide for a nuisance during the construction or intended use of the project.	On-Going	Community Enhancement	
13.	Applicant will not allow any 'strictly prohibited signs' (i.e. lighter-than-air or balloon devices) to be displayed for advertising or other functions within this project.	On-Going	Community Enhancement	
B. Pr 14.	ior to Approval of Improvement Plans/Grading/Site Disturbance Prior to issuance of grading permit, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with French Estates (10.0 acres). Until the MMRP has been recorded and the estimated MMRP fee of \$2,500 has been paid, no final 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.	Prior to Issuance of Grading Permit	Planning Division	
15.	Mitigation Measure 1 (Biological Resources - Swainson's Hawk Foraging Habitat) In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the Applicant shall implement one of the City of Elk Grove's approved mitigation alternatives as set forth below for 6.8 acres of lost habitat.	Prior to Issuance of Grading Permit, Site Disturbance, or Construction Activities	Planning Division/ CDFG	
	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 provide written verification to Development Services-Planning that one of following mitigation measures has been implemented:			
	Preserve 1.0 acre of similar habitat for each acre lost within a tenmile radius of the project site. This land shall be protected through a fee title or conservation easement acceptable to the CDFG			

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	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. The Applicant shall be responsible for funding the operation and maintenance and/or monitoring of the protected land; OR,			
	 Purchase mitigation credits at a 1:1 ratio (1 credit=1 acre of mitigation) at a DFG approved mitigation bank, acceptable to the City. Prior to issuance of grading permits, the Applicant shall provide Development Services - Planning proof of purchase of the credits; OR 			
	 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. 			
16	In order to reduce impacts to raptors and burrowing owls to a less than significant level, the Applicant shall conduct a pre-construction survey on the site as follows. Within thirty days prior to commencement of any tree removal, clearing, grading or construction a field survey shall be conducted by a qualified biologist to determine if active nests of raptors or burrowing owls exist on the site. These surveys shall include all areas in or within 250 feet of the construction zone. In the event that nesting birds are found, a temporary 150-foot no-construction zone shall be established around the nest. Staff and the Applicant will subsequently consult with the California Department of Fish and Game (CDFG), and follow the recommendations of the Department in order to determine the measures necessary to mitigate or avoid impacts to the species. Any	Prior to Issuance of Grading Permit, Site Disturbance, or Construction Activities	Planning Division/ CDFG	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	required permits or approvals shall be obtained from CDFG prior to disturbance of the site. Mitigation measures may include flagging the nest to avoid disturbance, passive relocation, active relocation to move birds from the site, or other measures required by the biologist or CDFG.			
	Monitoring Actions			
	Prior to the commencement of any tree removal, clearing, grading or construction, the Applicant shall submit to Development Services – Planning for approval, a copy of the survey results including evidence of consultation with CDFG and their recommendations, if applicable.			
17.	Mitigation Measure 3 – (Noise)	Prior to	Planning	
	In order to minimize indoor and outdoor noise levels, the Applicant shall incorporate and implement into the project design the following measures	Approval of Improvement Plans and Issuance of	Division	
	1. Sound walls shall be constructed to a height of 8 feet relative to backyard elevation at the locations shown in Figure 1 of the Environmental Noise Assessment prepared for the project. Suitable materials for these barriers include masonry block, precast concrete panels, earthen berm, or other massive materials (surface density of 4 lbs/s.f.) or any combination. The sound wall design shall be consistent with the Elk Grove General Plan, the City Design Guidelines, and the sound walls for the Elk Grove Meadows Subdivision,	Building Permits		
	2. Air conditioners shall be included for all residential units in this development to allow the occupants to close doors and windows as desired to achieve additional acoustical isolation.			
	Monitoring Action			

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	Prior to approval of Grading or Improvement Plans, the Applicant shall submit a noise barrier design and location to Elk Grove Planning for review and approval.			
	Prior to issuance of Building Permits , the Applicant shall include as project notes on residential building plans the requirement for air conditioning units for all residential units.			
18.	The 36-foot wide landscape corridor along Elk Grove-Florin Road shall be designed and landscaped as per the City's Zoning Code and Design Guidelines.	Prior to Approval of Improvement Plans and Prior to Final or Occupancy	Landscaping/ Planning	
19.	The landscape corridor along Elk Grove-Florin Road and subdivision's model homes shall incorporate the City's Water Conserving Landscape Requirements. Landscape Improvement Plans shall be prepared using the City's Preliminary Landscape Improvement Plan Guidelines for Medians, Corridors and Parks or as updated and shall be submitted to the Planning Department and the Public Works Department for review and approval.	Prior to Approval of Improvement Plans	Landscaping/ Planning	
20.	If the project is to be phased, the Applicant shall submit a phasing plan for Public Works review and approval, prior to the 1st improvement plan submittal.	Prior to 1st Improvement Plans Submittal	Public Works	
21.	The Applicant shall install two sets of speed cushions each on Winterfest Way and Summer Sun Way. The locations of the speed cushions will be determined at Improvement Plan approval.	Prior to Improvement Plans Approval	Public Works	
22.	The Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be executed through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. These measures shall be consistent with the City's	Prior to Improvement Plan Approval and Prior to Issuance of	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	Improvement Standards and Land Grading and Erosion Control Ordinance. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board for approval and to the City for review. During construction, the Applicant shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The project Applicant shall implement Best Management Practices (BMPs) in accordance with the SWPPP and the City of Elk Grove Improvement Standards.	Grading Permits		
	In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) will be filed prior to construction start to obtain coverage under the California State Water Resources General Construction Activity Storm Water Permit. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Applicant shall comply with the terms of the general construction permit, the City of Elk Grove Municipal Code, and the NPDES Waste Discharge Requirements for the City of Elk Grove Storm Sewer Discharges.			
	Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, the Applicant shall use water from agricultural wells for grading and construction.	Prior to Approval of Improvement Plans	Department of Water Resources	
2	Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to any on and off-site sewer construction.	Prior to Approval of Improvement Plans	CSD-1	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
25.	Each lot and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.	Prior to Approval of Improvement Plans	CSD-1	
26.	Sewer service laterals will not be permitted to connect to the 15" diameter trunk sewer line in Elk Grove-Florin Road. In order to obtain sewer service, construction of off-site CSD-1 collector sewer will be required to the satisfaction of CSD-1. Design of all CSD-1 sewer facilities shall be coordinated with and approved by CSD-1.	Prior to Approval of Improvement Plans	CSD-1	
27.	Sewer easements may be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. CSD will provide maintenance only in public right-of-ways and in minimum 20-foot wide easements dedicated to CSD-1.	Prior to Approval of Improvement Plans	CSD-1	
28.	In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required	Prior to Approval of Improvement Plans	CSD-1	
C. P (29.	rior To Final Map	Drior to Einel	Public Works	
27.	The Applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation and arterial	Prior to Final Map approval and Prior to issuance of Grading Permits	FUDIIC WORKS	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
30.	and collector streets may be required to have lanes above the 100-year frequency flood elevation pursuant to the Floodplain Management Plan. The Applicant shall dedicate and improve Elk Grove-Florin Road, east half section of 48' from the approved centerline. Sidewalks shall be separated from back of curb except at intersection and driveways. Improvements will be based on a 108' equivalent thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. A 36' landscape corridor from the back of curb is required.	Prior to Approval of Final Map	Public Works	
31.	The Applicant shall rename the two internal streets, consistent with the streets north of Four Season Drive, as Winterfest Way and Summer Sun Way.	Prior to Approval of Final Map	Public Works	
32.	The Applicant shall dedicate and improve Winterfest Way and Summer Sun Way based on 40' residential street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Approval of Final Map	Public Works	
33.	The Applicant shall dedicate a 36' landscape corridor on Elk Grove-Florin Road in fee to the City of Elk Grove for the purposes of landscaping and pedestrian use.	Prior to Approval of Final Map	Public Works	
34.	The Applicant shall design all improvements 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 Final Map	Public Works	
35.	The Applicant shall dedicate a 12.5 foot public utility easement for underground and appurtenances adjacent to all public streets.	Prior to Approval of Final Map	Public Works	
36.	Improvement plans must be approved by Public Works prior to City Council approval of Final Map.	Prior to Approval of Final Map	Public Works	
37.	No new driveways will be taken from Four Season Drive. The Applicant shall dedicate access rights (direct vehicular ingress and egress to Four Season Drive) to the City of Elk Grove.	Prior to Approval of Final Map	Public Works	
38.	Applicant shall prepare and submit a comprehensive drainage study and	Prior to	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Sianature)
	plan that includes but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; and the proposed method of flow conveyance with adequate supporting calculations. The study shall include any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff including quality, quantity, volume, and duration. The project shall not cause a net loss of storage, nor an increase in velocity, of drainage water within the 100-year floodplain. The study shall incorporate the City of Elk Grove Storm Water Capital Improvement Plan; be consistent with the ultimate upstream development in the General Plan, and any specific, area, or master plans; and shall conform to the City of Elk Grove Improvement Standards. It shall demonstrate that the proposed methods of flow conveyance mitigate the potential project impacts. The study shall further demonstrate that the lots on the proposed Final Map shall be outside the 100-year frequency floodplain after improvements are constructed in accordance with the policies in the City Floodplain Management Plan. Study must be completed and stamped by a Professional Engineer, and	Approval of Final Map		
39.	determined by the City to be comprehensive, accurate, and adequate. All drainage courses and appurtenant access roads to be conveyed to the City shall be dedicated and conveyed in fee title by the Applicant as separate parcels. Underground pipelines and open channels shall be located in the public right-of-way or parcels to be conveyed to the City. Parcels to be conveyed shall be a minimum of 25 feet wide. The Applicant shall provide minimum 20 foot wide maintenance service roads along the entire water course(s) to be conveyed. No conditional easements shall be placed on these drainage parcels.	Prior to Approval of Final Map	Public Works	
40.	Prior to the final map, the project area shall annex into a Mello-Roos Community Facilities District (CFD) to fund a portion of the additional	Prior to Final Map	Finance	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
costs for police service related to serving the new development. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see www.elkarovecity.ora/services/finance-district/cfd-information.htm			
41. Prior to the final map, the project area shall annex into Street Maintenance Assessment District No. 1 to fund a portion of the additional costs for long-term roadway maintenance related to serving the new development. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments. For further information on this District, see www.elkgrovecity.org/services/cfd/ad-information.htm	Prior to Final Map	Finance	
Prior to the final map, the project area shall form or annex into a Mello-Roos CFD, assessment district, other financing district, or will provide some other funding mechanism, which is acceptable to the Finance Director of the City to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, recreation center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information, see www.elkarovecity.ora/services/finance-district/cfd-information.htm	Prior to Final Map	Finance	
43. Applicant to provide for vegetation to cover and control graffiti along	Prior to	Community	
masonry walls – appropriate climbing vegetation to be detailed within	Approval of	Enhancement	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	landscape design maps.	Landscaping		
44.	Dedicate a 12.5-foot public utility easement for underground facilities and appurtenances adjacent to all public street rights-of-ways.	Plan Prior to Approval of Final Map	SMUD	
4 5.	Dedicate the Landscape Corridors as a public utility easement for underground facilities and appurtenances.	Prior to Approval of Final Map	SMUD	
46.	Water supply will be provided by the Sacramento County Water Agency	Prior to Approval of Final Map	Department of Water Resources	
47.	Provide separate public water service to each parcel and dedicate maintenance easements in all public and private streets over all water lines to the satisfaction of Sacramento County Water Agency prior to Final Map approval.	Prior to Approval of Final Map	Department of Water Resources	
48.	The Applicant shall dedicate land or pay in-lieu fees, or both, for park purposes, as required by and in accordance with the standards set forth in Chapter 22.40, Title 22 of the City of Elk Grove Code	Prior to Approval of Final Map	EGCSD	
D. Pr	ior To Building Permits	!	'	
49.	The Final Map shall be completed, approved and recorded prior to 1st building permit.	Prior to issuance of 1st Building Permit	Public Works	
50.	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.	Prior to issuance of 1st Building Permit	Public Works	
51.	The Applicant shall install landscaping on Elk Grove-Florin Road prior to the issuance of the first building permit within the subdivision. If weather prevents the installation at the time of first building permit, up to 25% of the building permits may be issued at staff discretion upon demonstration	Prior to issuance of 1st Building Permit	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
52.	of a fully executed landscape contract for the work. All improvements shall be constructed by the Applicant in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to issuance of 1st Building Permit	Public Works	
53.	 The Applicant shall install Stop Signs at the following locations: On Summer Sun Way at Four Season Drive On Winterfest Way at Four Season Drive 	Prior to issuance of 1st Building Permit	Public Works	
54.	The Applicant shall complete grading and construct all on-site and off- site drainage improvements in accordance with the approved Improvement Plans.	Prior to issuance of Building Permits.	Public Works	
55.	The Applicant must comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove Flood Plain Management Ordinance. The lowest finished floor elevation for a habitable building will be a minimum of 1 (one) – foot above the 100-year frequency water level, certified by a registered Civil Engineer or licensed Land Surveyor, and submitted to the City. Amendments and/or revisions of FEMA flood insurance rate maps will be required for all development located in the federal or local flood zone. All FEMA map revisions (both CLOMR and LOMR) must be approved by the City and fully processed through FEMA. Completed revisions shall be placed on file with the City.	Prior to issuance of Building Permits.	Public Works	
56.	The Applicant or its successor in interest shall pay drainage Capital Improvement Plan fees in effect at the time of building permit application. The Applicant may pay a reduced fee due to the construction of Capital Improvement Plan drainage structures in lieu of full payment of fees when so stated in a separate credit or reimbursement agreement.	Prior to the issuance of each Building Permit	Public Works	
57.	Prior to issuance of any building permits for the project, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.	Prior to Approval of Building Permits	Department of Water Resources	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitorina	Verification (date and Signature)
58.	Prior to issuance of any building permits for the project, the project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to Approval of Building Permits	Department of Water Resources	o.ao.o,
E. Pr	ior To Occupancy	ı		ı
59.	The Applicant shall submit Flood Elevation Certification for each structure or appropriate documents as determined by Public Works.	Prior to Occupancy	Public Works	
60.	Any improvements, public or private, damaged in construction shall be replaced by the Applicant in-kind or with new improvement.	Prior to Occupancy	Public Works	
61.	Upon completion of the installation of the landscaping for corridor and model homes, as approved by the City, the project landscape architect/designer shall certify that the installed landscape complies with all City Water Conserving Landscape Requirements. Certification shall be accomplished by completion of a Certificate of Conformance on a form provided the City. Failure to submit a complete and accurate Certificate of Conformance to the Planning Department will delay final approval/occupancy of the project.	Prior to Final Inspection or Occupancy	Landscaping/ Planning	
62.	Prior to final inspection or occupancy of any structure on the site a Certificate of Conformance shall be provided to the City's landscape architect for approval.	Prior to Final Inspection or Occupancy	Landscaping/ Planning	

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.

Elk Grove Community Services District Fire Department (EGCSDFD)

- a. Dead-end streets in excess of 150 feet require emergency vehicle turn-around. (EGCSDFD)
- b. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code. (EGCSDFD)
- c. If homes exceeding 3,600 square feet (including garages and covered porches) will be built in this subdivision, additional fire flow analysis of the water system must be conducted. Singe-family dwellings 3,601 square feet to 4,800 square feet require 1,750 gpm. Homes 4,801 square feet to 6,200 square feet require 2,000 gpm. (EGCSDFD)
- d. An approved automatic fire sprinkler system shall be installed within all new R-3 occupancies when the total floor area (area under roof including garages and attached solid roof canopies) exceeds 5,999 square feet and/or the total livable area (area not including garages and attached solid roof canopies) exceeds 4,999 square feet. (EGCSDFD)
- e. As of February 1, 2003, all contractors for single-family homes and duplexes (R-3 Occupancies) shall provide an option for residential fire sprinklers. Prior to the prospective buyer signing a sales contract, the contractor or their agent shall obtain from the Fire Department an informational packet containing education materials approved by the fire department, including a form explaining the option for residential sprinklers. The contractor or their agent shall provide the approved informational packet to any and all prospective buyers and require the execution of signed receipt for the educational material from the prospective buyer. The contractor shall install residential fire sprinklers upon the request and execution of a purchase agreement by the homebuyer. Fire sprinkler systems for single-family homes and duplexes shall be designed and installed to not less than the minimum requirements contained in NFPA 13D, 1996 edition. (EGCSDFD)
- f. All civil engineering plans are required to be submitted in an electronic format. When plans are ready for final signature, it is required that the engineering firm submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will <u>not</u> be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below (EGCSDFD):

DXF (Drawing Interchange file) any DXF version is accepted DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted

- g. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans. (EGCSDFD)
- h. No more than 40 building permits shall be issued when a single point of access exists for a subdivision. Since there is no process in place for confirming the sequence in which multiple units are built, the above information should be considered and the Elk Grove CSD Fire Department should be consulted on this matter. (EGCSDFD)

- i. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in residential, single-family home areas. 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. (EGCSDFD)
- j. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of access roadways shall not exceed 10% for asphalt and 5% for concrete. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage. (EGCSDFD)
- k. EGCSDFD approved traffic pre-emption devices of a type approved by the Elk Grove Fire Department shall be installed on all traffic signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the Elk Grove Fire Department. (EGCSDFD)
- The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction. (EGCSDFD)
- m. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other <u>traffic calming devices</u> is subject to standards outlined by the Elk Grove Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation. (EGCSDFD)
- n. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. The following requirements apply (EGCSDFD):
 - i. Provide non-combustible fences along all developed areas adjacent to wetlands, creeks or open spaces.
 - ii. Provide access to all wetland corridors at the end of cul-de-sacs via rolled curbs and gates with pipe bollards. Bike lanes adjacent to creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside diameters.
 - iii. Any bridges over creeks or wetland areas shall be capable of supporting 65,000 GVW.
 - iv. Provide a least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetlands area.

County Sanitation District -1 (CSD-1)

- o. Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping. (CSD-1)
- p. Developing this property will require payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording the Final Map or issuance of Building Permits, whichever is first. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information. (CSD-1)

Sacramento Metropolitan Air Quality Management District (SMAQMD)

q. All projects are subject to Sacramento Metropolitan Air Quality Management District (SMAQMD) rules and regulations in effect at the time of construction. A complete listing of current rules is available at www.airauality.org or by calling (916) 874-4800. Specific rules that may relate to construction activities include, but are not limited to: Rule 201: General Permit Requirements; Rule 403: Fugitive Dust; Rule 443: Architectural Coatings; Rule 902: Asbestos. (SMAQMD)

Elk Grove Finance Department

- r. The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. For further information on development related fees, see the 2006 Development Related Fee Booklet at: www.elkgrovecity.org/services/fee-information/fee-information.htm (Finance)
- s. Applicants are also advised to review the Planned Fee Updates portion of the web page, and are encouraged to sign up for email updates on both the 2006 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages). By signing up for email updates, you will receive an email notifying you every time these web pages change, which will assist you in planning costs associated with your project. (Finance)

Elk Grove Public Works Department

t. The Applicant shall obtain applicable California Department of Fish and Game, U.S. Army Corps of Engineers, and other required state and federal permits. The conditions of such permits must be reviewed and considered acceptable by the City. The City will not accept any conservation or other conditional easements on the drainage courses to be conveyed to the City. (Public Works)

Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the City of Elk Grove Code, a Mitigation Monitoring and Reporting Program, City Control Number EG-05-902, has been established for the project entitled "FRENCH ESTATES REZONE AND TENTATIVE SUBDIVISION MAP".

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

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

It shall be the responsibility of the project Applicant to reimburse the City for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program, including any necessary enforcement actions. The initial estimate of City monitoring costs for this project is \$ 2,500, which must be paid to the City of Elk Grove Planning Department. If actual City monitoring costs are less than the initial estimate, the difference will be refunded to the Applicant; and if the actual City monitoring costs exceed the initial estimate, a revised estimate and/or supplemental bill(s) will be submitted to the Applicant.

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

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

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

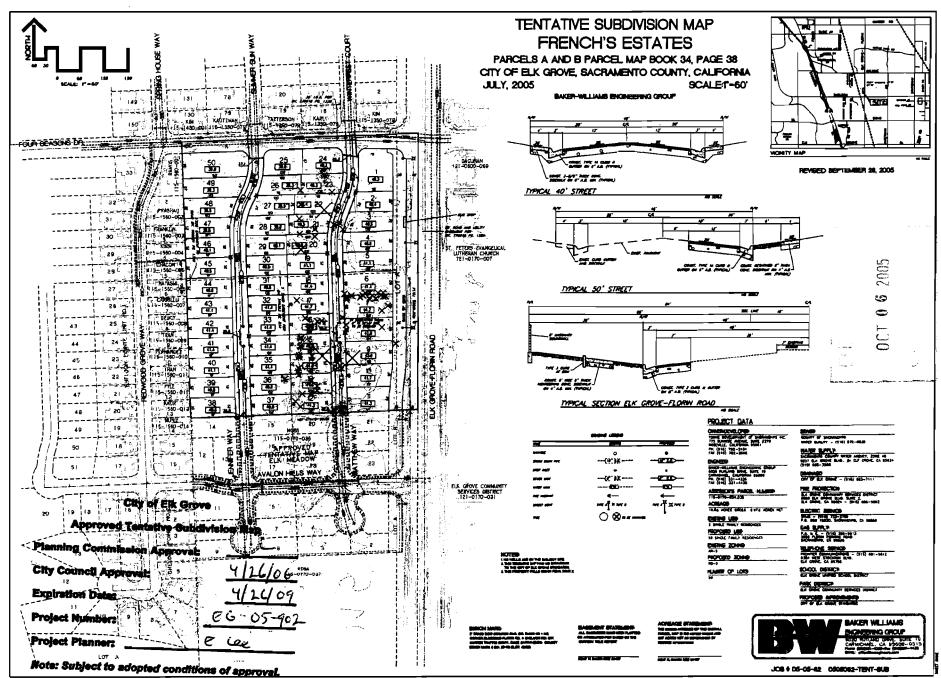
Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the

adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

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

Canditions	of Approval	/ AAltiaation	Monitorina	and Reporting	. Dragram
COHOHOUS	O ADDIOVAL A	MINGOIDE	MICHIELLANDER	CIEILI KHERKHIING	1 PICMAILATTI

Exhibit B



Salara Salara

EG-05-902

Project File Copy

CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-104

STATE OF CALIFORNIA)	
COUNTY OF SACRAMENTO)	SS
CITY OF ELK GROVE	j	

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 April 26, 2006 by the following vote:

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

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Peggy/E Jackson, City Clerk City of Elk Grove, California