

RESOLUTION NO. 2007-231

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A
CONDITIONAL USE PERMIT, DESIGN REVIEW FOR A 79,375 SQUARE FEET RESIDENTIAL
CARE FACILITY AND PARTIAL ABANDONMENT OF A LIGHT AND AIR EASEMENT FROM 200
FEET TO 100 FEET, FOR THE ELK GROVE CARE FACILITY
PROJECT NO. #EG-06-1127 – APN: 116-0090-016**

WHEREAS, Shamrock Holdings, LLC (the “Applicant”) filed an application with the City of Elk Grove (“City”) for a Rezone, Conditional Use Permit, Design Review and Easement Abandonment; 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 APN 116-007-0025; and

WHEREAS, the City determined that the Elk Grove Care Facility Project was subject to the California Environmental Quality Act (CEQA) 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; and

WHEREAS, revisions have been made to the project and 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 (MMRP) 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 Attachment 2 of the Staff Report; 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 July 18, 2007 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 July 18, 2007 and closed August 15, 2007. The Mitigated Negative Declaration was made available to the public during this review period; 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, 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 September 6, 2007 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 as illustrated in Exhibit A, the MMRP illustrated in Exhibit B and the Site Plan illustrated in Exhibit C, based on the following findings:

CEQA

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated, 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.

Evidence: Pursuant to CEQA guidelines, City staff prepared an initial study evaluating the potential environmental effects of the project. The Initial Study identified potentially significant adverse effects in the areas of Biological Resources and Noise. Mitigation measures that avoid or mitigate the potentially significant effects to a point where clearly no significant effects would occur were identified in the Initial Study and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30 day review and comment period between July 18, 2007 and August 15, 2007. The City received written comment letters within the 30 day public review period and responded to those comments in the project staff report. 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.

Conditional Use Permit

Finding: The proposed use is consistent with the General Plan and all applicable provisions of the Zoning Code.

Evidence: The Elk Grove General Plan identifies the site as Estate Residential. Further, the proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The General Plan Housing Element (p. 94), states between 2000 and 2007 it is projected that Elk Grove will have approximately 2,272 additional seniors living in the City. According to the Census 2000, the City had an average of 1.88 persons per senior household. Therefore, it can be calculated that the City will need approximately 1,209 additional housing units to accommodate seniors by the year

2007. This calculates into approximately 172 housing units per year or 9.3 percent of the Regional Housing Needs Allocation (RHNA) units. According to the California Department of Social Services web site the City of Elk Grove currently has a total of 116 residential care homes and 3 residential care facilities within the city limits. The total capacity of all the residential care facilities is 866. The proposed 96 suite facility residential care facility would provide additional housing options and help meet the housing demand for seniors living in Elk Grove. 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.

Finding: The establishment, maintenance and operation of the use, building, or structure applied for will not, under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.

Evidence: The project proposes to construct a 79,375 square foot care facility. Nearby uses include The Laguna Ridge Specific Plan is located to the south of the project. Additional nearby uses include a single family home to the east, single family homes to the west and a single family home to the north. There are no conflicting uses in the immediate area of the proposed residential care facility and it is not anticipated to create any conflict. While the residential care facility will generate additional noise and light, the residences are protected from new source of noise from the proposed project, as evidenced by a noise study prepared by the applicant and reviewed city. The applicant has provided a photometric plan which complies with the Elk Grove Zoning Code Chapter 23.56 Lighting. The abandonment of the portion of the light and air easement does not have a significant impact on the adjoining properties. The proposed project is compatible with the adjacent commercial and residential land uses, and would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood.

Design Review

Finding: The proposed project is consistent with the Citywide Design Guidelines.

Evidence: The site plan, building elevations, photometric and landscape plan have been reviewed in accordance with the Citywide Design Guidelines for non-residential land uses, and the project's architecture and site planning meet all applicable design requirements. The project is subject to conditions of approval that will ensure consistency with all standard 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 proposed site plan, building and landscape plans incorporate design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity within the project, and the application of a consistent color palette throughout the project. The project is subject to conditions of approval that will ensure consistency with all standard 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 building on adjoining and nearby properties.

Evidence: The proposed residential care facility provides all required design elements that are compatible with adjoining and nearby properties. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

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

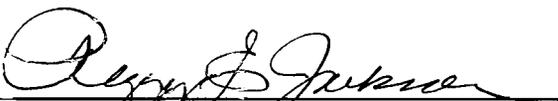
Evidence: The proposed site layout of the residential care facility has been reviewed in accordance with the City-wide Design Guidelines, including site planning for non-residential development. The proposed layout has been designed to avoid conflicts with vehicular, bicycle, or pedestrian modes of circulation.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of October 2007.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

| <u>Conditions of Approval / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
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| On-Going | | | |
| <p>1. The development approved by this action is for a Rezone, Conditional Use Permit, Design Review and Abandonment as illustrated by the following:</p> <ul style="list-style-type: none"> • Preliminary Site Plan (8-1-07) • Preliminary Landscape Plan (6-15-07) • Photometric Plans (6-15-07) • Architectural Elevations (6-15-07) • Color and Material Board (4-25-07) • Light Fixtures (4-25-07) • Sabrina Lane Transition Plan (8-16-07) <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 | |
| <p>2. The Applicant or Successors in Interest (hereby 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.</p> | On-Going | Planning | |
| <p>3. The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.</p> | On-Going | Planning | |
| <p>4. The Conditional Use Permit, if not used for the purpose for which it was granted, shall expire three years after the City Council approval date, or upon the expiration date of a valid building permit obtained after the grant of the Conditional</p> | On-Going | Planning | |

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| | Use Permit, whichever date is last to occur. | | | |
| 5. | This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures. | On-Going | Planning | |
| 6. | Any changes in the operation of the facility will require amendments to the Conditional Use Permit. | On-Going | Planning | |
| 7. | The maximum number of units shall be limited to 96. | On-Going | Planning | |
| 8. | The subject project owner(s) and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations, including landscaping, channelizations, lighting and any other appurtenances conflicting therein. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. Surface enhancements include, but are not limited to non-asphaltic paving, landscaping, lighting, curbing and all non-driveable street appurtenances. | On-Going | CSD-1 | |
| 9. | The Applicant shall provide for graffiti resistant paint or clear graffiti resistant coating of any monument signs. | On-Going | Community Enhancement | |
| 10. | The Applicant will maintain all trash and recycle containers within the masonry dumpster enclosures with solid gates. | On-Going | Community Enhancement | |
| 11. | The Applicant shall not allow 'strictly prohibited signs' ie lighter than air or balloon devices to be displayed for advertising or other functions with this project. | On-Going | Community Enhancement | |
| 12. | The Applicant shall not provide for a nuisance during the construction or intended use of the project. | On-Going | Community Enhancement | |
| 13. | Applicant shall provide shielding as required. Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding. Where the light source from an outdoor | On-Going | Community Enhancement | |

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| light fixture is visible beyond the property line shielding shall be required to reduce glare so that the light source is not visible from within any residential dwelling unit. | | | |
| Prior to Improvement Plans/Grading/Construction | | | |
| 14. Comply with, record, and pay the initial deposit for the Mitigation Monitoring and Reporting Program (MMRP) associated with Elk Grove Care Facility EG-06-1127. Until the MMRP has been recorded and the estimated MMRP deposit of \$2,000 has been paid, no final subdivision map for the subject property shall be approved and no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved. | Prior to issuance any plans or permits associated with this project the applicant shall: 1. Record the MMRP 2. Submit deposit to the City of Elk Grove | Development Services - Planning | |
| 15. No grading for the Fire Lane along the west property line will be allowed. Fire Lane shall be installed on existing grades with a Piped Aeration System installed in top six inches of existing grade. 4 inch round rigid perforated drainage pipes shall be installed in a 6 inch deep river gravel pipe chase at five feet on center along the entire length on the fire lane when lane is under native oak driplines. Pipe Aeration System's design and installation shall be reviewed and approved by City tree consultant. | Prior to Improvement Plans/ On-going | Planning/Landscape Architect | |
| 16. No trenching within the native oak tree driplines along west property line for the Care Facility building's foundations. The Care Facility Building foundations shall be trench in a fill pad with a Piped Aeration System installed under the fill pad. The Piped Aeration System shall be installed in the top six inches of existing grade. 4 inch round rigid perforated drainage | Prior to Improvement Plans | Planning/Landscape Architect | |

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| <p>pipes shall be installed in a 6 inch deep river gravel pipe chase at five feet on center along the Care Facility building when the building is under native oak driplines. Pipe Aeration System's design and installation shall be reviewed and approved by City tree consultant.</p> | | | |
| <p>17. The Care Facility masonry wall along the western property line shall have the Above Ground Grade Beam with piers 12 foot on center and its design shall be reviewed and approved by the city tree consultant. Trenching for the masonry wall shall not be allowed.</p> | <p>Prior to Improvement Plans</p> | <p>Planning/Landscape Architect</p> | |
| <p>18. Pruning of the Heritage oaks along the western property line for the construction of the Care Facility building, the fire lane and for fire equipment clearances shall be reviewed by the City's tree consultant prior to any pruning. Any pruning of the Heritage Oaks shall be preformed by a Certified ISA Arborist</p> | <p>Prior to Improvement Plans/ On-going</p> | <p>Planning/Landscape Architect</p> | |
| <p>19. Tree Preservation Construction Notes, listed below, shall be placed on all improvement plans, grading plans and building permits.</p> <p style="text-align: center;"><u>Tree Preservation Construction Notes:</u></p> <p>a. 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.</p> <p>b. Chain link or City approved barrier shall be installed one (1) foot outside 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, prior to initiating</p> | <p>Prior to improvement/Building Plans</p> | <p>Planning/Landscape Architect</p> | |

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| <p>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>City Planning/Environmental staff shall field inspect and approve chain link barrier locations prior to starting any work on the site.</p> <p>c. 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.</p> <p>Installation of the aeration system be performed under the direct supervision of a ISA 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>d. 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>e. Any pruning of an oak tree shall be supervised by a</p> | | | |

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| <p>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) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines". An ISA Certified Arborist shall supervise and tree pruning.</p> <p>f. 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>g. 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>h. 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>i. 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</p> | | | |

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| <p>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>j. 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 shall be bored or drilled under the direct supervision of a certified arborist.</p> <p>k. Landscaping beneath the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend on the site 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>l. 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> | | | |

| | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
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| <p>m. Include all the above measures 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> <p>n. Prior to installation of new asphalt, weed control chemicals shall not be applied where they can leach into dripline of any protected tree(s).</p> <p>o. During construction, the frequency and amount of water for protected trees shall not differ from that received prior construction.</p> | | | |
| <p>20. Once the preliminary landscape plan and tree preservation / mitigation has been approved, the Applicant will be required to prepare a Mitigation / Tree Replacement Plan:</p> <ul style="list-style-type: none"> If healthy native oaks are to be removed and required to be mitigated prepare a Mitigation Plan / Tree Replacement Plan once mitigation inches are determined. Plan shall be prepared by a ISA Certified Arborist or landscape architect to mitigate for the loss of native trees larger than 6-inch dbh and all non-native trees larger than 19-inch dbh that are proposed for removal or that would be adversely affected by the project. The Plan shall comply with the City Code and General Plan Policies and be submitted to the City for review and approval. The current policies require that every dbh 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 | <p>Prior to approval of Improvement Plans</p> | <p>Planning/Landscape Architect</p> | |

| <p align="center"><u>Conditions of Approval / Mitigation Measure</u></p> | <p align="center"><u>Timing/ Implementation</u></p> | <p align="center"><u>Enforcement/ Monitoring</u></p> | <p align="center"><u>Verification (date and Signature)</u></p> |
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| <p>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 10- foot depth boring hole to provide for adequate drainage; 4) Planting, irrigation and maintenance schedules for monitoring period of 3 years. 5) Identify the maintenance entity and include their written agreement to provide maintenance, 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) Maintenance entity shall provide the City of Elk Grove a yearly monitoring report on the status of the replacement trees and any tree replacements. 7) The minimum spacing for replacement oak trees shall be 20 feet on center. Replacement oak trees shall not be planted within 15 feet of driplines of existing oak trees to be retained on-site or within 15 feet of any building. | | | |
| <p>21. Revise the June 15, 2007 photometric and/or landscape plans to relocate parking lot lights which are in conflict with parking lot shade tree canopies and shall coordinate with city tree consultant. The applicant shall submit revised photometric and landscape plans to the police department for review and approval.</p> | <p>Prior to approval of Improvement Plans</p> | <p>Planning/Landscape Architect/ Police</p> | |
| <p>22. The pedestrian walkway along the western property line shall be constructed on grade with 'no' grading for walkway and no trenching for night lights under oak tree driplines. Either underground bore electrical conduit lights when underneath</p> | <p>Prior to issuance of Building Permits/improvement plans</p> | <p>Planning/Landscape Architect/Police</p> | |

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| | any native oak tree driplines or relocate the lights outside of the native oak tree driplines. If the lights are relocated the applicant shall submit revise photometric and landscape plans to the police department for review and approval. | | | |
| 23. | Applicant shall coordinate with SMUD in regards to street trees located along Elk Grove Boulevard and to the satisfaction to the city landscape architect. | Prior to issuance of Building Permits/improvement plans | Planning/Landscape Architect | |
| 24. | The landscaping for the project shall incorporate the City's Zoning Code, Design Guidelines and Water Conserving Landscape Requirements. Landscape improvement plans shall be submitted to the Planning Department and the Public Works Department for review and approval. | Prior to Improvement Plans | Planning/Landscape Architect | |
| 25. | The Applicant shall provide a minimum of two (2) bicycle parking spaces be located on a paved surface, in proximity to a building entrance and in a visibly secure location adjacent to the building and shall not obstruct walkways. | Prior to Improvement Plans | Planning | |
| 26. | <p>The following construction notes, listed below, shall be placed on all improvement plans, grading plans and building permits.</p> <p>a. The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.</p> <p>b. All construction must stop if any human remains are uncovered, and the County Coroner must be notified</p> | Prior to issuance of Building Permits/improvement plans | Planning | |

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| | according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed. | | | |
| 27. | Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction. | Prior to improvement Plans | CSD-1 | |
| 28. | Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system. | Prior to improvement Plans | CSD-1 | |
| 29. | In order to obtain sewer service, construction of CSD-1 sewer infrastructure both on-site and off-site will be required. | Prior to improvement Plans | CSD-1 | |
| 30. | Sewer easements will 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-1 will provide maintenance only in public right-of-ways and in easements dedicated to CSD-1. | Prior to improvement Plans | CSD-1 | |
| 31. | CSD-1 requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the District on a case by case basis. Prior to improvement plans, the applicant shall prepare a utility plan that will demonstrate that this condition is met. | Prior to improvement Plans | CSD-1 | |
| 32. | All structures along private drives shall have a minimum 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that CSD-1 can properly maintain the sewer line. | Prior to improvement Plans | CSD-1 | |

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| 33. | The Applicant shall dedicate maintenance easements in all public and private streets over all water lines to the satisfactions of Sacramento County Water Agency. | Prior to improvement Plans | Sacramento County Water Agency | |
| 34. | The Applicant shall 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. | Construction | Sacramento County Water Agency | |
| 35. | Applicant shall prepare and submit a drainage study and plan that includes but is not limited to: a pre- and post-project drainage analysis of the project and project impacts; and the proposed connections to the City Storm Drainage System with adequate supporting calculations. 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 Drainage 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. 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 determined by the City to be accurate, and adequate. | Prior to Improvement Plan approval and Prior to issuance of Grading Permits | Public Works | |
| 36. | 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 | Prior to Improvement Plan approval and Prior to issuance of Grading Permits | Public Works | |

| | <u>Conditions of Approval / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
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| | conditional easements on the drainage courses to be conveyed to the City. | | | |
| 37. | All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standard. | Prior to issuance of Building Permits/improvement plans | Public Works | |
| Prior to Issuance of Building Permit | | | | |
| 38. | Prior to the Building Permit, the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), 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 regarding this CFD, see www.elkgrovecity.org/services/finance-district/cfd-information.htm | Prior to the issuance of Building Permits | Finance Department | |
| 39. | 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 and/or 2007 Development Related Fee Booklet at: www.elkgrovecity.org/services/fee-information/fee-information.htm Applicants are also advised to review the Planned Fee | Prior to the issuance of Building Permits | Finance Department | |

| | <u>Conditions of Approval / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
|-----|--|---------------------------------------|--------------------------------|--|
| | Updates portion of the web page, and are encouraged to sign up for email updates on both the 2006 and/or 2007 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. | | | |
| 40. | Prior to issuance of building permits require water intensive commercial and industrial building permit applicants to conduct a water use efficiency review and submit the findings in required environmental documentation for the project. | Prior to issuance of Building Permits | Sacramento County Water Agency | |
| 41. | Prior to issuance of building permits require efficient cooling systems, recirculation pumps for fountains and ponds and water recycling systems for vehicle washing as a condition of service. | Prior to issuance of Building Permits | Sacramento County Water Agency | |
| 42. | The cover entrances should be tall enough to accommodate buses and shall be a minimum of 12 feet high. | Prior to issuance of Building Permits | Etran/Planning | |
| 43. | The applicant shall dedicate an access easement, from Elk Grove Boulevard, to allow Etrons buses to board passengers with the Elk Grove Care Facility's parking lot. The easement shall be dedicated to the satisfaction of Etran. | Prior to issuance of Building Permits | Etran | |
| 44. | The proposed monument sign shall be modified to allow a minimum of 12 inches of open space at the bottom. A decrease of open space may be permitted to the satisfaction of the police department. The applicant shall submit revised monument sign plan to the police and planning department for review and approval. | Prior to Sign Permit | Planning/Police | |
| 45. | The applicant shall abandon a portion of the light and air easement along Elk Grove Blvd to the satisfaction of Public | Prior to Building Permit | Public Works | |

| | <u>Conditions of Approval / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
|-----|--|-----------------------------------|------------------------------------|--|
| | Works. | | | |
| 46. | The applicant shall dedicate a pedestrian easement and Public Utility Easement within the landscape corridor adjacent to the project's Elk Grove Blvd frontage to the satisfaction of Public Works. | Prior to Building Permit | Public Works | |
| 47. | The applicant shall construct a landscape corridor as shown on the June 15, 2007 landscape plan adjacent to Elk Grove Blvd frontage to the satisfaction of Public Works. The existing 6 foot sidewalk adjacent to Elk Grove Blvd shall be demolished and a new 6 foot sidewalk shall be constructed within the landscape corridor as shown on the June 15, 2007 landscape plan. | Prior to Building Permit | Public Works | |
| 48. | The applicant shall design and construct a transition from the newly constructed Sabrina Lane to existing Sabrina Lane at the project's northern boundary to the satisfaction of Public Works. | Prior to Building Permit | Public Works | |
| 49. | <p>The applicant shall design and construct an emergency access on Elk Grove Blvd, at the location shown on the site plan, to the satisfaction of Public Works. The access shall be a minimum of 20 feet wide with the following design:</p> <ul style="list-style-type: none"> • provide a 6-inch curb having a 1:1 slope between the gutter flowline and the top of curb • install decorative pavement/concrete from the back of curb for a minimum depth of 5 feet • from the decorative pavement/concrete for a minimum depth of 10 feet turf block with 1-foot wide concrete strips on each side of the turf block | Prior to Building Permit | Public Works | |
| 50. | The applicant shall dedicate a 12.5 foot public utility easement for underground and appurtenances adjacent to all public and private streets. | Prior to Building Permit | Public Works | |
| 51. | All drainage courses and appurtenant access roads to be conveyed to the City shall be dedicated and conveyed in | Prior to Building Permits | Public Works | |

| <u>Conditions of Approval / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
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| fee title 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. | | | |
| 52. 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 | |
| 53. The project area shall annex into Zone 2 of the Storm Water Drainage Utility Fee Area to fund the additional project related costs to maintain publicly-owned water drainage facilities, manage flood control, and execute the stormwater quality program. The annexation process can take several weeks. The project applicant shall pay their fair share of the costs to annex into Zone 2. For rate information on this District, see www.elkgrovecity.org/utilities/rate-info.htm . | Prior to Building Permit | Public Works | |
| 54. At all street intersections adjacent to the project, public or private, the applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details. | Prior to Building Permit | Public Works | |
| Prior to Occupancy/Final Inspection | | | |
| 55. Upon completion of the installation of the landscaping for the project, 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 | Prior to Occupancy/Final Inspection | Planning/Landscape Architect | |

| | <u>Conditions of Approval / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
|-----|--|-------------------------------------|------------------------------------|--|
| | Conformance on a form provided by the City. Failure to submit a complete and accurate Certificate of Conformance to the Planning Department will delay final approval/occupancy of the project. | | | |
| 56. | 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 Occupancy/Final Inspection | Planning/Landscape Architect | |
| 57. | Prior to occupancy, the applicant shall install a Sabrina Lane Estates subdivision identification sign in accordance with the concept design approved by the neighbors to the satisfaction of the Planning Department. | Prior to Occupancy/Final Inspection | | |

General Compliance Items for Building Permit

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.

1. All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
2. 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.
3. A permit release letter from the Elk Grove Community Services District Fire Department shall be required prior to the Building Department issuing any construction permits.
4. If buildings are constructed, this development is required to provide a fire flow from public water system capable of delivering as a minimum 3,000 gpm at 20psi. 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.
5. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-arounds.
6. 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 roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage.
7. 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.
8. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other traffic calming devices 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.
9. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento Regional Fire/EMS Communications Center.
10. Developing this property will require the payment of sewer impact fees. Applicant should contact the fee quote desk at 876-6100 for sewer impact fee information. If you have any questions regarding these comments please call A.C. David at 876-6296 or myself at 876-6094.
11. PG&E owns and operates gas transmission facilities which are located along the southerly portion of the proposed project boundaries within Elk Grove Boulevard. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities. PG&E will need to maintain a minimum 30 foot corridor around PG&E's gas transmission line, free and clear from any obstructions to ensure access with heavy equipment and sufficient working room around the gas line.

12. Please note that PG&E standby personnel is required when potholing gas transmission facilities to confirm depths and/or when construction activities are taking place within 5 feet of the gas line. Please contact Sharon Stephens with PG&E at (916) 386-5247 to schedule PG&E standby to monitor potholing and construction activities.
13. Any work being proposed near PG&E's gas transmission facility, such as grading, proposed fences, etc. will need to be reviewed by PG&E's Senior Gas Engineer to ensure consistent uses around PG&E high pressure gas facility and the safety of the public, as well as provide wheel loading calculations to determine maximum wheel loads over the pipe line. Please work with me to obtain the necessary information if any work will be required around the pipe line.
14. Gas service may be available to this project if desired. The developer should contact PG&E's Service Planning Department at 1-800-743-5000 as soon as possible to coordinate construction so as not to delay the project.
15. If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan. (Public Works)
16. The applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
17. If an access control gate is added at any time in the future the City of Elk Grove Public Works Department shall approve the geometrics of the entry design. (Public Works)
18. Any traffic calming devices and locations must be approved by Public Works prior to installation, including but not limited to speed bumps. (Public Works)
19. Any improvements, public or private, damaged in construction shall be replaced, by the applicant, in-kind or with new improvement. (Public Works)
20. Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees, by the applicant. 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. (Public Works)
21. Improvement related conditions can be satisfied by completing an approved design, executing an improvement agreement, and providing suitable financial security (e.g. bonds, letter of credit, etc), all to the satisfaction of the City, prior to the implementation timing required by the condition. (Public Works)
22. The applicant shall design and install the street lights in accordance with the City of Elk Grove new street light standard and to the satisfaction of Public Works. (Public Works)
23. The applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works. (Public Works)
24. The internal circulation and access shall be subject to the review and approval of Public Works. (Public Works)
25. All driveways shall be designed and constructed, by the applicant, to the satisfaction of Public Works and to the appropriate section of 4-10 Driveways in the City of Elk Grove Improvement Standards. (Public Works)
26. Improvement plan must be approved by Public Works prior to 1st Building Permit.
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 pursuant to the Floodplain Management Plan. (Public Works)

28. The applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. (Public Works)
29. The applicant shall submit and obtain a sign permit and building permit for the proposed signs. The signs will be subject to City's sign ordinance. (Planning)

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-231**

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 October 10, 2007 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Leary, Scherman, Hume, Davis

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



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

