

RESOLUTION NO. 2002-50

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL
FOR THE WATERMAN PLAZA PROJECT (BEL AIR), #EG-01-175**

WHEREAS, FHK Company (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone, a 3 lot Tentative Parcel Map, and a Development Plan Review for the northeast corner of Waterman Road and Elk Grove Blvd. (Assessor's Parcel Numbers 127-0150-008); and

WHEREAS, Title VI, Chapter 2, Article 1 of the City of East Elk Grove Specific Plan establishes the City Council as the appropriate authority to hear and decide on commercial development in the Town Center Commercial area; and

WHEREAS, the City Council approved Resolution No. 2002-19 on January 9, 2002 with Conditions of Approval; and

WHEREAS, the Applicant requested a change to condition 48(b) of the Conditions of Approval to reflect the same condition for the hours of large truck delivery to the site, as approved for the Safeway project (EG-01-112).

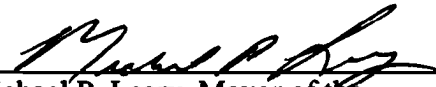
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE
HEREBY RESOLVES AS FOLLOWS:

1. Approves the change to Condition 48(b) of the Conditions of Approval, to read as follows:

"Large truck and trailer deliveries shall be limited to the hours of 8AM to 9PM. No delivery trucks shall be allowed to use Elk Grove Blvd, west of Waterman Road and east of the power line corridor. The delivery hours shall be reviewed in 90 days from the grocery store opening for business."

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 20th day of March 2002.

**AYES: Leary, Scherman, Cooper,
Briggs, Soares**
NOES: None
ABSTAIN: None
ABSENT: None


Michael P. Leary, Mayor of the
City of Elk Grove

ATTEST:


Peggy Jackson, City Clerk

APPROVED AS TO FORM:

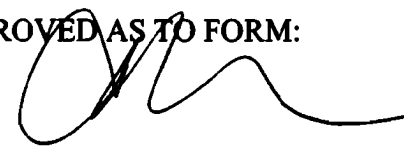

Anthony Manzanetti, City Attorney

Exhibit A: Conditions of Approval and Mitigation Measures for the Waterman Plaza, Bel Air Commercial Center.

Conditions of Approval/ Mitigation Measures		Enforcement/ Monitoring/ Timing	Verification Date and Signature of Monitor
Timing of Condition			
1.	The development approved by this action is for the following items: a) Rezone of the AR-10 parcel to LC Limited Commercial, RD-4 Single Family Residential and Open Space, according to the exhibit. b) Development Plan Review for the commercial center architecture, site plan and exterior materials and colors, as shown on the approved exhibits dated 1/9/2002. c) A parcel map to divide a parcel into three lots as shown on the Parcel Map. d) The voluntary conditions agreed to by the Developer, listed in the General Compliance section of these Conditions of Approval.	City of Elk Grove	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	City of Elk Grove	
3.	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.	City of Elk Grove	
4.	All Mitigation Measures adopted in the MMRP for the East Elk Grove Specific Plan are subject to this project along with the Mitigation Measures listed in the Mitigated Negative Declaration prepared for this project.	City of Elk Grove	
Conditions Required Prior to Grading			
5.	The applicant shall comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with Waterman Plaza (10 acres). Until the MMRP has been recorded and the estimated MMRP deposit of \$5,000.00 has been paid, no	Planning Division to monitor the project on a on-going	

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	<p>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.</p>	<p>basis.</p>	
<p>6.</p>	<p>In order to control fugitive dust emission during the construction phase of any development within the Specific Plan area, the following measures shall be implemented:</p> <ul style="list-style-type: none"> a) Water exposed surfaces, graded areas, storage piles, and haul roads at least twice daily. b) Minimize the amount of disturbed area, the amount of material actively worked, and the amount of material stockpiled. c) Limit onsite construction vehicle speeds to 15 mph. d) Sweep or wash paved streets adjacent to project construction sites at least once a day to remove accumulated dust. e) Maintain at least two feet of freeboard when transporting soil or other material by truck. (EEGSP MM AQ-1) 	<p>Building Division to monitor on a on-going basis through construction.</p>	
<p>7.</p>	<p>Construction contracts for the project shall include Best Management Practices during site preparation and construction to include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a) The project applicant and/or prime contractor shall comply with SMAQMD Rule 403 that requires taking reasonable precautions to prevent the emissions of fugitive dust, such as "using water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the construction of roadways, or the clearing of land" where possible and applying "asphalt, oil, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dust." b) Clean earth-moving construction equipment with water once per day. c) Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less. 	<p>Building Division to monitor on a on-going basis through construction.</p>	

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	<ul style="list-style-type: none"> d) Use low-emission on-site stationary equipment whenever possible. e) Encourage construction employees to carpool to the work site. f) Minimize idling time to 10 minutes. g) Maintain construction equipment through regular and proper maintenance. h) All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance. i) During initial grading, earthmoving, or site preparation a 100-foot paved (or palliative-treated) apron shall be constructed, extending onto the construction site from the adjacent paved road(s) where vehicles and equipment egress. 		
8.	<p>Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during <u>any</u> development activities, work shall be suspended and the Planning Department shall be immediately notified. At that time, the Planning Department will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources.</p> <p>In addition, pursuant to Section 5097.97 of the State Public Resources code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, adhere to the guidelines of the Native American Heritage Commission in the treatment and disposition of the remains.</p>	Planning Division and Building Division to monitor on a on-going basis through construction.	
9.	<p>The project developer shall mitigate for potential impacts to Swainson's Hawk habitat according to any one of the following measures:</p> <ul style="list-style-type: none"> a) For projects within a one-mile radius of an active nest site, the project proponent should preserve 1.0 acre of similar habitat for each acre lost (10 acres). This land should be protected through a fee title or conservation easement acceptable to 	California Department of Fish and Game Planning Division	

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	<p>the California Department of Fish and Game (CDFG); OR</p> <p>b) Prepare and implement a Swainson's hawk mitigation plan to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat; OR</p> <p>c) Submit payment of a Swainson's hawk impact mitigation fee of \$750.00 per acre impacted, plus \$382.00 for administration, to the Department of Planning and Community Development as set forth in Chapter 16.130 of the Sacramento County (Elk Grove) Code, and as such may be amended from time to time and to the extent that said Chapter remains in effect; OR</p> <p>d) Should the City of Elk Grove adopt a Swainson's hawk mitigation policy or program (which may include a mitigation fee payable prior to the issuance of building permits) prior to implementation of one of the measure above, the project proponent may be subject to that program instead. (Mitigation Measure BR-1 of the Mitigated Negative Declaration)</p>		
10	<p>Consult with the California Department of Fish and Game (CDFG) prior to approval of Improvement Plans or Building Permits, whichever occurs first, to ensure that no individual take of Swainson's hawk occurs. The CDFG may require pre-development surveys to determine the presence or absence of the hawk. If such surveys detect the hawk, the CDFG may impose restrictions on proximate development during the nesting season to ensure that take does not occur.</p>	<p>California Department of Fish and Game</p> <p>Planning Division</p>	
11	<p>Prior to the commencement of any grading or clearing that would occur during the nesting/breeding season (February 1 through September 1), a field survey shall be conducted by a qualified biologist to determine if active nests of Swainson's hawk occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. If such surveys detect the hawk, the CDFG may impose restrictions on proximate development during the nesting season to ensure that take does not occur.</p>	<p>California Department of Fish and Game and Planning Division, no earlier than 45 days and no later than 20 days.</p>	
12	<p>Prior to the beginning of construction activities (grading, demolition, or habitat disturbance), the project developer shall mitigate for potential impacts to habitat for <i>Raptors, Burrowing Owls, and Tricolored Blackbirds</i> according to the following measure:</p> <p>a) If construction activities are expected to occur during the nesting season (February-August), a pre-construction raptor survey (including burrowing owls) shall be</p>	<p>Planning and Building Divisions conducted within 30-days of the onset of construction.</p>	

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	<p>conducted within 30-days of the onset of construction to determine the activity status of any nests found on the project site. In the event that nesting raptors are found, a 250' no-construction zone shall be established around the nest until the young have fledged.</p> <p>b) If construction activities commence during the non-breeding season (September-January), a survey is not required and no further studies are necessary.</p> <p>c) Prior to demolition of structures or the commencement of construction activities or disturbance of blackberry thickets, a survey should be conducted by a qualified biologist to determine whether or not raptors or tricolored blackbirds are utilizing the site. If present, abide by the biologist's recommended measures to reduce or negate adverse impacts to these species.</p> <p>d) Applicant shall preserve on-site nesting and upland foraging habitat where feasible, and purchase nesting and upland foraging habitat at off-site preserve sites. (Mitigation Measure BR-2 of the Mitigated Negative Declaration)</p>		
13	<p>Prior to approval of Improvement Plans, the project must demonstrate the following items to the satisfaction of the Department of Water Resources:</p> <p>a) Provide non-potable water for use during grading and construction, which could be an existing agricultural well; and a non-potable water distribution system to the satisfaction of the Sacramento County Water Agency.</p> <p>b) After final grading, destroy all wells on the project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned wells on the improvement plans for the project;</p>	Department of Water Resources	
Conditions Required Prior to Recordation of the Parcel Map			
14	<p>The East Elk Grove Specific Plan (EEGSP) Public Facilities Financing Plan (EEGFP) shall be implemented and the Waterman Plaza development shall be subject to the payment of fees identified within the East Elk Grove Specific Plan Financing Plan as determined by Infrastructure Finance Section of the Public Works Agency, Sacramento County. (Infrastructure Finance)</p>	City Engineer	

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15	The Waterman Plaza development shall pay future City of Elk Grove Fees (adopted prior to the recordation of the parcel map) for City Hall, City facilities, police equipment and facilities, and other similar public infrastructure.	City Engineer	
16	The commercial center shall have a minimum 20-foot wide fire lane that completely surrounds this project on all sides, meets proper turning radius and design standards.	CSD Fire	
17	Install looped water mains around the commercial project of minimum size 10-inch. In addition, install a 24-inch transmission water main on Waterman Road per the adopted Sacramento County Water Agency East Elk Grove Water Master Plan.	CSD Fire	
18	Separate water service shall be provided to each parcel and water easements shall be dedicated to the satisfaction of the Sacramento County Water Agency.	Department of Water Resources	
19	Dedicate on the Final Map a 12.5- foot public utility easement for underground facilities and appurtenances adjacent to all public ways.	SMUD	
20	Offsite drainage easements and improvements in the public right of way shall be provided pursuant to the Sacramento County Floodplain Management Ordinance, and the Sacramento County Improvement Standards.	Department of Water Resources	
21	Grant the City of Elk Grove right-of-way on Elk Grove Boulevard based on a modified 60' street section and install public street improvements, including center medians, pursuant to the East Elk Grove Specific Plan, <i>the East Elk Grove Specific Plan Environmental Impact Report</i> and to the satisfaction of the Department of Transportation.	Department of Transportation	
22	Grant the City of Elk Grove right-of-way on Waterman Road based on an 84' modified street section and install public street improvements, including center medians, pursuant to the East Elk Grove Specific Plan, <i>the East Elk Grove Specific Plan Environmental Impact Report</i> , and to the satisfaction of the Department of Transportation. <i>Note: The Waterman Road centerline will be redesigned through the Elk Grove Boulevard intersection incorporating the existing improvements along Waterman Road.</i>	Department of Transportation	

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23	The centerline of the proposed driveway on Waterman Road must meet the existing centerline of Thoroughbred Way per the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation.	Department of Transportation	
24	The size, number, and location of driveways shall be in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation. Note: Driveway widths of 45 feet, excluding a center median up to 10feet wide, should be provided on Elk Grove Boulevard and Waterman Road.	Department of Transportation	
25	Dedicate additional right-of-way to the City of Elk Grove on Elk Grove Boulevard and Waterman Road for intersection widening pursuant to the East Elk Grove Specific Plan Traffic Analysis and to the satisfaction of the Department of Transportation. <i>Note: The recommended lane configuration at this intersection is described as follows:</i> <ul style="list-style-type: none"> • East bound — one left, one through, one right • North bound — two left, two through, one right • West bound — one left, one through, one through/right • South bound — one left, two through, one right 	Department of Transportation	
26	Sacramento County Improvement Standards apply to on-site sewer construction. Provisions for public sewer easements are required. The sewer easements shall be dedicated to CSD-I, be a minimum of twenty (20) feet in width and ensure continuous access for maintenance.	SRCSD	
27	Dedicate parkland and/or pay fees as required by the Ordinances of the City of Elk Grove Code.	EGCSD	
28	All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District. Prior to recording any final map, the owners of all real property within the boundaries of the project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by the District consenting to: (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services, (iii) the budget, formulas and cost of living	EGCSD	

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	indexes used to establish the amount of the annual assessments; and (iv) the levying of the annual assessment to fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems, lakes, creeks, and other recreational and aesthetic amenities.		
Conditions Required Prior to Issuance of Building Permits			
29	The builder shall construct, in substantial compliance with the approved plans, including but not limited to the building design, exterior materials, colors, landscaping, trash enclosures and lighting fixtures.	Planning Division/ Building Division	
30	All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.	Planning Division	
31	Applicant shall include all conditions of approval that are required at Certificate of Occupancy in the notes of all building plans.	Planning Division	
32	All roof mounted mechanical equipment shall be screened from view from all streets and public spaces. The screen material shall be constructed of metal and painted to match the color of the building.	Building Division	
33	The Western Area Power Administration shall review and approve any plan to install landscape improvements within their easement.	WAPA	
34	All required roadways, water mains, fire hydrants and fire flow shall be provided prior to the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage.	EGCSD – Fire Department	
35	A permit release letter from the Elk Grove Community Services District Fire Department	EGCSD – Fire	

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	shall be required prior to the Building Department issuing any construction permits.	Department	
36	All sewer impact fees levied by CSD-1 shall be paid in accordance with SD-1 Sewer Rate Ordinance SDI 0039 and Regional Connection Fee Ordinance SRCSD-0082. Facilities Impact Fees are subject to revision March 1 st of each year.	SRCSD-1	
37	The project, the project proponent shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.	Department of Water Resources	
38	The project shall conform to the specific provisions of the Elk Grove Landscape Water Conservation Ordinance (Chapter 14.1 of the Elk Grove Code) to the satisfaction of the City Landscape/Oak Tree Coordinator.	Department of Water Resources	
Conditions Required Prior to Certificate of Occupancy			
39	The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the EGCSDFD and the water purveyor having jurisdiction.	EGCSD – Fire Department	
40	On-site source control measures are required for this project in accordance with the latest version of the Guidance Manual of On-site Storm Water Quality Control Measures. On-site treatment may be required if determined feasible by the Department of Water Resources. The final design for the on-site source and on-site treatment controls will be approved by the City of Elk Grove Department of Water Resources.	Department of Water Resources	
41	This development is required to provide a fire flow from public water system capable of delivering as a minimum 3,000 gpm at 20 psi. 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.	EGCSD – Fire Department	

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42	All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.	EGCSD – Fire Department	
43	Install a traffic control signal for the intersection of Elk Grove Blvd and Waterman Road to the satisfaction of the Public Works Agency, Department of Transportation.	Department of Transportation	
44	The 25 foot wide landscape corridors and parkways along Elk Grove Blvd and Waterman Road shall be constructed and installed in accordance with the East Elk Grove Specific Plan, shall be consistent with the EGCSD's "General Guidelines for Landscape Corridor Design", and be approved by the Elk Grove Community Services District. The corridor improvements may include, among other things, graffiti resistant masonry walls, meandering or bifurcated sidewalks, and radio controlled irrigation systems. District employees must inspect all construction work as it is being performed. <i>Note: Hardscape area within the landscape corridor at the corner of Elk Grove Blvd and Waterman Road will be the responsibility of the project proponent.</i>	EGCSD	
45	Developer shall improve the open space zone to the satisfaction of EGCSD The improvements shall be consistent with the EGCSD's "General Guidelines for Landscape Corridor Design", and approved by WAPA.	EGCSD	1 1/20/15
46	When improvements to the corridors, parkways and power line corridor have been completed in accordance with plans, specifications and the inspection procedures approved by the Elk Grove Community Services District; the improved properties shall be conveyed by easement to the EGCSD for ongoing maintenance, operation, repair and replacement. Developer shall be responsible to pay the direct cost associated with the performance of this work until such time as the District incorporates the cost of doing this work into the assessment district budget and the resulting assessments are confirmed by compliance with the balloting procedures dedicated by Proposition 218. The obligation of the applicant may be met by entering into a subsidy agreement with the District.)	EGCSD	1
47	Prior to the Elk Grove Community Services District assuming any responsibility for the maintenance, repair, replacement or operation of any parks, landscaped corridors or medians, recreational trail systems, project entrances or open spaces identified within the project, developer/owner shall approve in accordance with the balloting procedures set forth in Proposition 218 a formula and maximum annual assessment	EGCSD	

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	<p>required at full build-out, adjusted for inflation, and assessed annually in accordance with said formula in an amount which is estimated to fund all of the District's costs incurred in performing the above referenced obligations as well as the project's fair share of the costs associated with improvements and facilities located elsewhere in the District which have been determined to be of a District wide benefit.</p>		
<p>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.</p>			
<p>48</p>	<p>a) Compliance with all adopted City of Elk Grove codes and regulations, including but not limited to the Elk Grove Municipal Code & Zoning Ordinance, Uniform Building Code and Uniform Fire Code and Sacramento County Environmental Health Department Standards.</p> <p>b) The Developer made verbal commitments to the Planning Commission in order to gain project approval that are not Code requirements, they agreed to do the following:</p> <ul style="list-style-type: none"> ◆ Large truck and trailer deliveries shall be limited to the hours of 8AM to 9PM. No delivery trucks shall be allowed to use Elk Grove Blvd, west of Waterman Road and east of the power line corridor. The delivery hours shall be reviewed in 90 days from the grocery store opening for business. ◆ The Developer agreed to not allow fast food drive thru food users, off-site liquor sales, other than sold from the market, within the project area. ◆ The project would place additional seating benches and bicycle racks within the project for the convenience of the pedestrian, to the satisfaction of the Planning Division ◆ Accessory water and electrical outlets shall be installed in the landscaped areas, adjacent to the pedestrian facilities, to accommodate outside events held at the site. <p>c) Unless otherwise noted, all improvements and fees shall be at the expense of the developer, including any fee required by Ordinance No. 1 of the Sacramento County Water Agency Code.</p>		

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	<ul style="list-style-type: none"> d) Developing this property may require the payment of additional sewer impact fees. e) 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. f) The installation of addresses, landscaping, and masonry sound walls are subject to standards outlined by the Elk Grove Community Service District. g) The project shall comply with the City's Land Grading and Erosion Control Ordinance. (Department of Water Resources) h) Provide drainage easements and install facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards, including any fee required by the Sacramento County Water Agency Code. (Department of Water Resources) i) The Sacramento County Water Agency (SCWA) will not issue water connection permits or sign improvement plans until adequate water supplies have been identified and secured to the satisfaction of the SCWA. 		
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