

RESOLUTION NO. 2003-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP AND DEVELOPMENT PLAN REVIEW FOR ASSESSOR PARCEL NUMBER 132-0020-112, BACKER RANCH COMMERCIAL PROJECT NO. EG-01-228, SUBJECT TO THE FINDINGS AND MMRP/CONDITIONS OF APPROVAL

WHEREAS, Backer Ranch Commercial, represented by Janet Petersen (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Specific Plan Amendment, Rezone, Tentative Subdivision Map and Development Plan Review (Assessor's Parcel Number 132-0020-112); and

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

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

WHEREAS, the Elk Grove Commons Sign Program and the Elk Grove Commons Design Guidelines, are hereby incorporated by reference; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on January 23, 2003 and recommended City Council approval of the project.

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

1. Approve the Backer Ranch Commercial Tentative Subdivision Map and Development Plan Review based on the following findings and the attached Conditions of Approval/MMRP (Exhibits A and B). Exhibit A is the Tentative Subdivision Map and Exhibit B is the Conditions of Approval/MMRP.

CEQA

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

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there

is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- (a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- (b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
- (c) There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- (d) The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence:

- (a) The proposed Elk Grove General Plan has acknowledged the East Franklin Specific Plan as a key component of the Draft General Plan Land Use Map. As such, any project proposed must be consistent with the Specific Plan and thus consistent with the proposed General Plan. The Backer Ranch Commercial project has been reviewed and is consistent with the land use densities and design within the East Franklin Specific Plan and subsequently the Elk Grove General Plan.
- (b) As stated above, the Specific Plan and the latest version of the adopted Draft Land Use Policy Map are consistent with one another. Any changes to the Draft Land Use Policy Map would cause a change to the Specific Plan in order to maintain consistency. The proposed Backer Ranch Commercial project is consistent with the policies and guidelines of the East Franklin Specific Plan and conditions of approval have been recommended for the project that are consistent with the draft policies of the Elements of the General Plan.

CAQ-8 of the Draft General Plan requires the preservation and protection of large trees that would provide an aesthetic and biological resource for the City of Elk Grove. The Backer Ranch Commercial project includes the removal of

both native and non-native trees. The majority of trees on-site are being preserved and incorporated into the development. The project is required to mitigate for the loss of oak trees and other landmark trees. This mitigation would be consistent with the direction provided by the draft general plan and ensure that trees that aesthetically improve the development would be incorporated into the design or mitigated. All oak trees that are not saved will be mitigated.

- (c) The project is consistent with existing land use entitlements required for this project by the East Franklin Specific Plan and Elk Grove General Plan. The project does not include a vesting development agreement, and would not be exempt from any future policies or goals of the adopted Elk Grove General Plan. The new General Plan would designate certain properties for multi-family development within the East Franklin Specific Plan to support the Housing Element, however this project is not listed or designated for that land use category in either the General Plan or the Specific Plan.
- (d) The proposed project is requesting no amendments to the East Franklin Specific Plan and is consistent with the policies and development standards as listed in the Plan. The requested Specific Plan Amendment, Rezone, Tentative Subdivision Map and Development Plan Review are consistent with state law and local ordinances as discussed by the following findings and evidence.

Rezone

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

Evidence: The City has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the East Franklin Specific Plan, Elk Grove General Plan and Draft General Plan Land Use Map. The proposed amendment is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Tentative Subdivision Map

Finding: Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.

- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: The above Findings #a. through #g. do not apply to the proposed Tentative Subdivision Map.

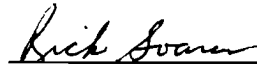
- a. The proposed map is consistent with the Elk Grove General Plan, East Franklin Specific Plan and rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan, East Franklin Specific Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of commercial development and will be consistent with the proposed General Plan Amendment.
- d. The site is appropriate for the specified density of development and the applicant's proposed amendments to commercial densities as presented in the staff report.
- e. The Mitigated Negative Declaration prepared for the Backer Ranch Commercial project determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval.
- f. The Mitigated Negative Declaration prepared for the Backer Ranch Commercial project determined that potential serious health problems were not identified for the project or will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval.
- 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.

Development Plan Review

Finding: The project complies with the development plan review standards listed in §110-80 through §110-84 of the City's Zoning Code.

Evidence: Staff recommends that this finding can be made because the project complies with the referenced development standards of the Elk Grove Zoning Code. The project is consistent with the architectural design standards within the East Franklin Specific Plan, and the project development and design guidelines ensure an aesthetically compatible commercial project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 19th day of February 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



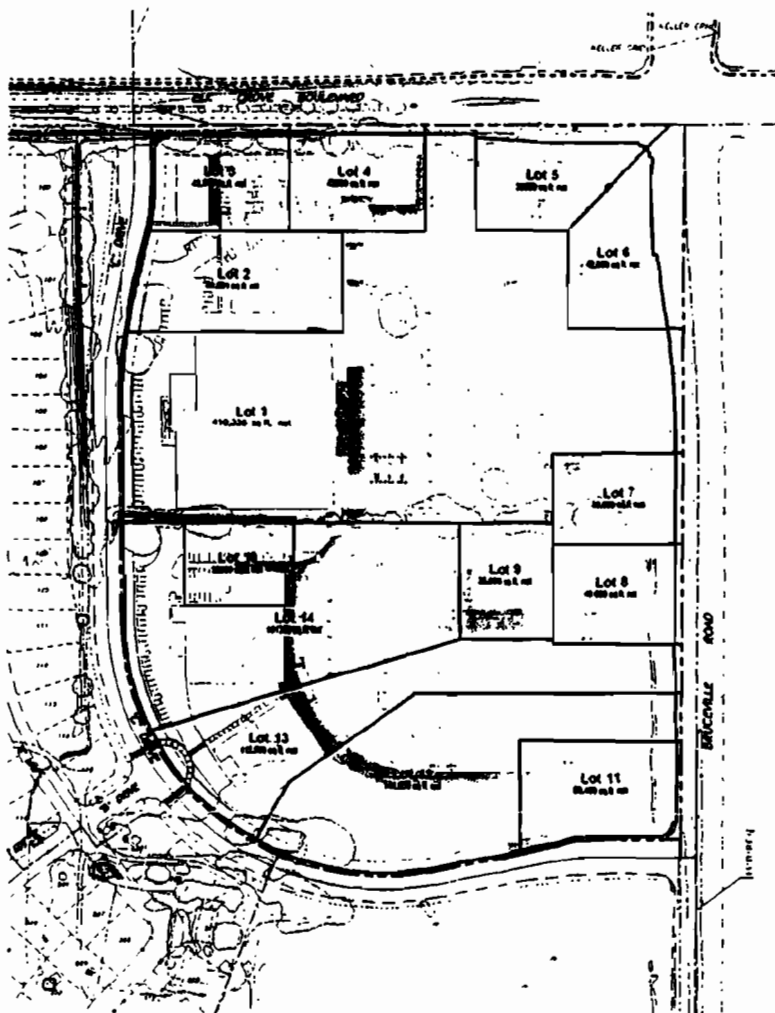
PEGGY JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

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



PROJECT INFORMATION

SITE DESCRIPTION: Portion of the Northeast 1/4 of Section 3, Township 8 North, Range 3 East, M.S.B. 11

ADJACENT PARCELS NO: 132-0000-112

OWNER: Bunker Family Trust et al.
2000 Cotton Avenue
Oak Grove, OH 43064

DEVELOPER: Bunker Family Trust et al.
2000 East Main Street, Suite 100
Oak Grove, OH 43064

DESIGNER: Mackay & Somp
1771 Roberts Road, Suite 1
Bloomington, OH 46802
(317) 869-0000

EXISTING USE: Agriculture - Residential

PROPOSED USE: Commercial

EXISTING ZONING: AG-30

PROPOSED ZONING: SC

SCHOOL DISTRICTS:
HUNTERDON: Oak Grove Community School District
HUNTERDON: Oak Grove Community School District
SCHOOL: Oak Grove School District

ADJACENT ZONING: Commercial

ADJACENT ZONING: Commercial

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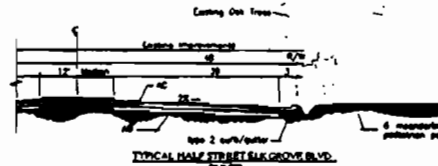
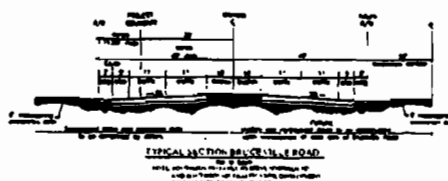
ADJACENT ZONING: Commercial

ADJACENT ZONING: Commercial

ADJACENT ZONING: Commercial



0 100 200 feet



Tentative Map ELK GROVE COMMONS

City of Elk Grove,
Scale: 1" = 100'

California
September 2002

MACKEY & SOMP
CIVIL ENGINEERS, INC.
SACRAMENTO, CALIFORNIA 95811-1000
(916) 447-0000

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The development approved by this action is for a Specific Plan Amendment, Rezone, Tentative Subdivision Map and Development Plan Review as described in the City Council report and associated Exhibits and Attachments dated February 19, 2003.	On-Going	Planning	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
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	
4.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
Prior to Grading/Improvement Plans				
5.	Comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with (30 acres). Until the MMRP has been recorded and the estimated MMRP fee of \$3,500 has been paid, no final parcel 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. (Planning)	Prior to Issuance of Grading Permit	Planning	
6.	The project shall comply with the City's Land Grading and Erosion Control Ordinance. (Department of Water	Improvement Plans	Department of Water Resources	

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<p>Resources)</p> <p>7. Prior to the approval of improvement plans or recordation of a final subdivision map, whichever occurs first, the applicant shall implement <u>one of the following options</u> to the satisfaction of the Planning to mitigate for the loss of agriculture land which will assist in maintaining the integrity of the Urban Services Boundary:</p> <ul style="list-style-type: none"> • For each acre of land being developed by this project, the applicant shall preserve 0.63 acres of agricultural land within the area bounded by the Kammerer Road on the north, the Cosumnes River on the east, the Mokelumne River/Sacramento County Line on the south, and Interstate-5 on the west, through the purchase of conservation easements or similar instruments that assure the long term protection of that land from urban encroachment; or • For each acre of land being developed by this project, the applicant shall contribute \$1025.00 per acre (through direct contribution or other financing mechanism that results in an equivalent contribution) into a fund and program to expend such fund, to be used to purchase conservation easements or similar instruments within the same geographical area defined in part (a), and to provide for the ongoing monitoring and administration of the program (the fund, and program to expend such fund, are to be approved by the Board of Supervisors); or • Should the County Board of Supervisors or the Elk Grove City Council adopt a permanent program 	<p>Prior to Grading</p>	<p>Planning</p>	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>to preserve agricultural land in the same geographical area defined in part (a), prior to implementation of one of the above measures, and such a permanent program is intended to replace this condition, the applicant shall be subject to that program instead.</p> <ul style="list-style-type: none"> • The contribution rate (\$1025.00 per acre) may be adjusted annually on or about July 1, subject to approval by the Board, based upon the annual increase in the consumer price index, or based upon a detailed analysis of land values within the affected area. 			
<p>8. <ul style="list-style-type: none">▪ 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 (30.0 acres). This land should be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG); OR▪ 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▪ Submit payment of a Swainson's hawk impact mitigation fee (\$750.00) per acre impacted to the Department of Planning and Community Development in the amount as set forth in Chapter 16.130 of the Sacramento County (Elk Grove) Code as such may be amended from time to time and to the extent that said Chapter remains in effect; OR</p> <p>Should the City of Elk Grove adopt a Swainson's hawk mitigation policy or program (which may include a</p>	Prior to Grading	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	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.			
9.	<p>AQ-1 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. 	Note on Improvement Plan and during construction activities	Planning	
10.	<p><u>AQ-2 Category 1: Reducing Nox Emissions from Off-Road Diesel Powered Equipment</u></p> <p>1. The prime contractor shall submit, to Elk Grove Planning, a comprehensive inventory of all the heavy-duty off-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project. At a minimum, 20% of the heavy-duty off-road equipment included in the inventory shall be powered by CARB certified off-road engines, as follows:</p> <ul style="list-style-type: none"> • 175hp-750 hp 1996 and newer engines • 100hp-174 hp 1997 and newer engines 	Note on Improvement Plan	Planning and SMAQMD	

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<ul style="list-style-type: none"> • 50hp – 99 hp 1998 and newer engines <p>Said off-road equipment may be owned and operated by the prime contractor and/or any subcontractor;</p> <p style="text-align: center;"><u>or</u></p> <p>2. The prime contractor shall provide a plan, for approval by ELK GROVE PLANNING in consultation with SMAQMD, demonstrating that the heavy-duty off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will provide a fleet-averaged Nox emission reduction of 10% compared to an unregulated/uncontrolled fleet. (Includes the use of emulsified fuel in noncertified engines, and other methods not requiring the use of post 1996 – 1998 engines.)</p> <p style="text-align: center;"><u>and</u></p> <p><u>Category 2: Reducing Nox Emissions from On-Road Diesel Powered Equipment</u></p> <p>1. The prime contractor shall submit, to ELK GROVE PLANNING, a comprehensive inventory of all heavy-duty on-road equipment (50 or greater horsepower) that will be used an aggregate of 40 or more hours for the construction project. At a minimum, CARB-certified low-emission engines shall power 20% of the heavy-duty on-road equipment included on the inventory. Said on-road equipment may be owned and operated by</p>			

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<p>the prime contractor and/or any subcontractor;</p> <p style="text-align: center;"><u>or</u></p> <p>2. The prime contractor shall provide a plan, for approval by ELK GROVE PLANNING in consultation with SMAQMD, demonstrating that the on-road vehicles to be used in the construction project, and operated by the prime contractor or any subcontractor, will provide a fleet-averaged Nox emission reduction of 10%..(Includes the use of alternative fuels and/or other CARB certified low-emission technologies.)</p> <p style="text-align: center;"><u>and</u></p> <p><u>Category 3: Enforcement Plan</u></p> <p>An enforcement plan shall be established to weekly evaluate project-related engine emission opacities, modeled after the California Air Resources Board Heavy-Duty Diesel Smoke Enforcement Program. An environmental coordinator certified to perform Visible Emissions Evaluations would routinely "read" off-road equipment exhaust opacity, using opacity standards identified in the California Health and Safety Standards. Engines with readily visible emissions [i.e. a. – As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the U.S. Bureau of Mines, or b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in section a.] shall be repaired immediately. The certified environmental coordinator may be a County inspector, a</p>			

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<p><i>representative of the prime contractor, or an independent contractor. The Environmental Coordinator shall keep a log of all readings. The SMAQMD and/or ARB may conduct periodic site inspections to determine compliance.</i></p> <p><i>A contractor can meet the emission mitigation requirement by choosing one measure from Category 1, and one measure from Category 2 listed above. Category 3, the Enforcement Plan, is required for both off-road and on-road equipment.</i></p> <p><i>AQ-2 shall be limited in application to include only on-road and off-road mobile construction equipment employed in the construction or development of those infrastructure improvements identified in the East Franklin Financing Plan, including but not limited to roads, standard utilities (natural gas, water, electricity, etc.), drainage improvements, sewer system or related components, schools, fire stations, and parks. This requirement shall not be stayed, regardless of year, unless otherwise made legally moot by the passage of superseding local, state, or federal air quality laws, rules, or regulations, and shall apply to all developers or contractors operating on-road or off-road construction equipment for the life of the (East Franklin Specific Plan Area) project(s).</i></p> <p><i>Additionally, construction-related emissions shall be reduced by application of AQ-2 intract subdivision improvements or shall be offset through the application of a twenty-five dollar assessment attached to each residence constructed in the East Franklin Specific Plan Area, due and payable by the</i></p>			

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>developer upon issuance of building permit by the governing authority for the life of the (East Franklin Specific Plan Area) project(s). This \$25 amount per residence is a one time fee to be paid by the developer(s) of residential and commercial structures within the East Franklin Specific Plan Area which shall be used to subsequently assist the Sacramento Metropolitan Air Quality Management District in the acquisition of qualifying low-emission heavy duty vehicles designed to operate regularly in the East Franklin area to the extent possible, and otherwise within the Sacramento air basin. Funds resulting from this mitigation shall be placed by the developer(s) into an escrow account until such time as they are directed by the Sacramento Metropolitan Air Quality Management District to be transferred to the appropriate institution for use. These funds will likely assist the Elk Grove School District in the purchase of low-emission school buses, or assist in the purchase of low-emission refuse vehicles serving the East Franklin area. Similarly, projects for funding may be identified by the developer, the City, or the Sacramento Metropolitan Air Quality Management District, but shall only be chosen to receive East Franklin air quality mitigation fees by the Sacramento Metropolitan Air Quality Management District Air Pollution Control Officer.</p>			
<p>11. Prior to demolition of any existing on-site structures, conduct an evaluation of potential asbestos-containing building materials as required by the Sacramento Metropolitan Air Quality Management District. If asbestos-containing materials are identified, remediation and disposal procedures shall be undertaken by qualified personnel in accordance with</p>	<p>Prior to demolition of structures</p>	<p>Planning and SMAQMD</p>	

Conditions of Approval / Mitigation Monitoring and Reporting Program

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	all applicable regulations, and in coordination with all applicable agencies. (EFSP MM HS-4)			
12.	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.	Note on Improvement Plans and prior to approval of Improvement Plan	Planning	
13.	<ul style="list-style-type: none"> ▪ If construction activities are expected to occur during the nesting season (February-August), a pre-construction raptor survey shall be conducted within 30-days of the onset of construction to determine the activity status of any nests found on the project site. In the event that nesting raptors are found, a 250' no-construction zone shall be established around the nest until the young have fledged. ▪ If construction activities commence during the non-breeding season (September-January), a survey is not required and no further studies are necessary. ▪ 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 are utilizing the site. If present, abide by the biologist's recommended measures to reduce or negate adverse impacts to these species. ▪ Applicant shall preserve on-site nesting and upland foraging habitat where feasible, or purchase nesting and upland foraging habitat at off-site preserve sites. 	Construction Note and Pre Development Survey	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

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<ul style="list-style-type: none"> ▪ Prior to the approval of any grading and/or building permits for the development of the site, applicant or project owner shall submit to the City a copy of any/all required DFG or USFWS permits and verification of any required consultation. 			
<p>14.</p> <ul style="list-style-type: none"> ▪ In order to mitigate potential impacts to Sanford's arrowhead, surveys shall be performed by a qualified botanist during the species non-dormant, flowering period (May-July) prior to alteration of the existing agricultural ditches. If no plant is found during the survey, no further mitigation would be required. If plant(s) are found, the botanist shall establish distribution of the colony(s) and estimate the number of individuals in the population. Since the plant's rhizomes should be moved during the plant's dormant period (when they are not easily recognizable) the colony(s) should be marked or flagged for future reference. ▪ Sanford's arrowhead usually grows in distinct patches along a stream corridor and has habitat potential in the various agricultural ditches on the project site. Transplant no less than one plug (1ft x 1ft x 1ft) per colony, with no fewer than three individual plants per plug, so that no less than 25% of the population is transplanted, to a protected area (not subject to disturbance or maintenance activities during the reestablishment period) which will provide adequate hydrology and substrate for the plant's survival. Success criteria should seek the survival of at least 80% of the transplanted plugs after three years. 	Complete Survey prior to Grading	Planning	
<p>15.</p> <p>The project proponent shall ensure that the project will result in no net loss of any wetland habitat found on the site. No net loss shall be achieved by the following</p>	Prior to grading and improvement plans	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>methods:</p> <p>a) Preserve and protect the existing on-site wetlands.</p> <p><u>or</u>, if any wetlands are to be disturbed:</p> <p>b) Prior to any disturbance of on-site wetlands, submit a Wetland Habitat Mitigation Plan to the Elk Grove Planning Division for review and approval. The Wetland Habitat Mitigation Plan shall provide a detailed description of the size, location and design of proposed wetland creation sites, and a detailed description of how the created wetlands will be monitored and managed to ensure the success of the mitigation effort, or</p> <p>c) Prior to any disturbance of on-site wetlands, pay into the City Wetlands Restoration Trust Fund an amount based on a rate of \$35,000 per acre (1:1 ration) for the loss of the wetlands.</p>			
<p>16. All oak trees that are 6 inches dbh or larger, or landmark trees, on the project site that have been selected for preservation, per the approved tree exhibit all portions of adjacent off-site oak trees which have driplines that extend onto the project site, and all off-site oak trees which may be impacted by improvements associated with this project, shall be protected as follows:</p> <p>1) 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 each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root zone and</p>	<p>Note on Improvement Plans</p>	<p>Planning</p>	

Conditions of Approval / Mitigation Monitoring and Reporting Program

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<p>defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area.</p> <p>2) Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work. All pruning shall be in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines."</p> <p>3) Temporary protective fencing shall be installed at least one foot outside the driplines of the protected trees prior to initiating construction in order to avoid damage to the tree canopies and root systems.</p> <p>4) No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed.</p> <p>5) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of protected trees.</p> <p>6) No grading (grade cuts or fills) shall be allowed with the driplines of protected trees.</p> <p>7) Drainage patterns on the site shall not be modified</p>			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>so that water collects or stands within, or is diverted across, the dripline of any protected tree.</p> <p>8) No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist.</p> <p>9) The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per City standard detail shall be installed under the supervision of a certified arborist.</p> <p>10) No sprinkler or irrigation system shall be installed in such a manner that it sprays water or requires trenching within the driplines of protected trees. An above-ground drip irrigation system is recommended.</p> <p>11) Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.</p> <p>12) Several trees to be preserved have grading, road construction, or house construction within the radius-dripline of the tree. These special situations will allow preservation of the tree while providing</p>			

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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>17. for reasonable development of the site consistent with the East Franklin Specific Plan. Specific measures proposed such as aeration systems, grade-beam foundations, and grading criteria for each situation will be based on recommendations by the project arborist.</p> <p>Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, a Tree Replacement Planting Plan shall be prepared by a 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. The current policies require that every inch lost will be mitigated by an inch planted or money placed in a tree mitigation bank. The Plan shall include the following elements:</p> <ul style="list-style-type: none"> 1) Species, size and location of all replacement plantings; 2) Method of irrigation; 3) The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage; 4) Planting, irrigation and maintenance schedules; 5) Identify the maintenance entity and include their 	Prior to Improvement Plans	Planning	

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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>written agreement to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive that period;</p> <p>6) The minimum spacing for replacement oak trees shall be 20 feet on center;</p> <p>7) Replacement oak trees shall not be planted within 15 feet of the driplines of existing oak trees to be retained on-site, or within 15 feet of a building foundation or swimming pool excavation;</p> <p>8) No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of oak trees;</p> <p>9) No grading (grade cuts or fills) shall be allowed within the driplines of the oak trees;</p> <p>10) Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any oak tree;</p> <p>11) No trenching shall be allowed within the dripline of oak trees. If it is absolutely necessary to install underground utilities within the dripline of an oak tree, the utility line shall be bored or jacked under the supervision of a certified arborist;</p> <p>12) The construction of impervious surfaces within the driplines of oak trees shall be stringently minimized. When it is absolutely necessary, a piped aeration</p>			

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>system per City standard detail shall be installed under the supervision of a certified arborist;</p> <p>13) No sprinkler or irrigation system shall be installed in such a manner that sprays water or requires trenching within the driplines of oak trees. An above ground drip irrigation system is recommended;</p> <p>14) Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species that shall be planted within the driplines of oak trees are those that are tolerant of the natural, semi-arid environs of the trees. Limited drip irrigation approximately twice per summer is recommended for the understory plants.</p>			
<p>18. 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. 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</p>	<p>Note on Improvement Plans</p>	<p>Planning</p>	

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	guidelines of the Native American Heritage Commission in the treatment and disposition of the remains. (EFSP MM CR-4)			
19.	<p>Prior to approval of Improvement Plans, the project must demonstrate the following items to the satisfaction of the Department of Water Resources:</p> <ul style="list-style-type: none"> a. Provide non-potable water for use during grading and construction, which could be an agricultural well; b. Destroy all abandoned wells on the project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned wells on the improvement plans for the project. (Department of Water Resources) 	Note on Improvement Plans	Public Works	
	Construction Activities/Improvement Plans			
20.	Water supply will be provided by the Sacramento County Water Agency. (Department of Water Resources)	Shown on Improvement Plans	Public Works	
21.	Provide public water service to each building. (Department of Water Resources)	Shown on Improvement Plans	Public Works	
22.	Provide a non-potable water distribution to the satisfaction of the Sacramento County Water Agency. When available, the applicant shall use non-potable water during grading and construction. (Department of Water Resources)	Shown on Improvement Plans	Public Works	
23.	Provide a looped water distribution system. (Department of Water Resources)	Shown on Improvement Plans	Public Works	
24.	This project is required to connect to the existing Sacramento County Water Agency system at a minimum of two locations. (Department of Water Resources)	Shown on Improvement Plans	Public Works	

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25.	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 SCWA. (Department of Water Resources)	Prior to approval of Improvement Plans	Public Works	
26.	All landscape corridor walls shall be of masonry construction. Wall design and materials shall be consistent with the EFSP Landscape Design Guidelines and subject to CSD approval. Graffiti resistant materials shall used.	Landscape Plans	EGCSD Parks and Recreation	
27.	When improvements to the corridors and medians have been completed in accordance with plans, specifications and the inspection procedures approved by the Elk Grove Community Services District; an easement shall be conveyed to the District for ongoing maintenance, operation, repair and replacement. Applicant 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.	Landscape Plans	EGCSD Parks and Recreation	
28.	Landscape Corridors shall be constructed and installed in accordance with plans and specifications approved by the Elk Grove Community Services District and shall be consistent with the Elk Grove Community Services District "General Guidelines for Landscape Corridor Design" and other CSD projects in close vicinity w the area. Corridors will be inspected by District employees and include meandering or bifurcated sidewalks, subject to EGCSD approval. Any	Landscape Plans and during construction	EGCSD Parks and Recreation	

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	proposed deviation from CSD's specifications would need to be submitted to the CSD and be approved in writing.			
29.	All fences shall be masonry or tubular steel	Landscape Plans	EGCSD Parks and Recreation	
30.	The landscape corridor along C Drive should be a minimum of 25' wide with a separated/linear sidewalk.	Landscape Plans	EGCSD Parks and Recreation	
31.	Design plans and specifications for corridors should be submitted to EGCSD for approval.	Landscape Plans	EGCSD Parks and Recreation	
32.	Connection to the public sewer shall be required to the satisfaction of CSD-1.	Shown on Improvement Plans and during construction.	CSD-1	
33.	Each parcel must have a separate connection to the public sewer system. Private easements for sewer service may be required. Sacramento County Improvement Standards apply to on-site sewer construction.	Shown on Improvement Plans and during construction.	CSD-1	
34.	In order to obtain sewer service, construction of public collector sewer will be required to the satisfaction of CSD-1. The public collector sewer system for Backer Ranch Commercial will not be accepted for maintenance and building occupancy will not be granted until the downstream sewer system is operational, including, but not limited to, the Poppy Ridge Pump Station and Force Main. County Improvement Standards apply to any on-site sewer construction.	Shown on Improvement Plans and during construction.	CSD-1	
35.	CSD-1 shall require participation in an interim lift station located on Poppy Ridge Road.	Shown on Improvement Plans and during construction.	CSD-1	
36.	On-site source and treatment control measures are required for this project in accordance with the latest	Shown on Improvement Plans	Department of Water Resources	

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version of the <i>Guidance Manual of On-site Storm Water Quality Control Measures</i> . In all cases, source control measures on the improvement plans will include provision of a permanent storm drain message "No Dumping - Flows to Creek" or other approved message at each inlet. Other on-site source and treatment control measure(s) should also be used in accordance with specific commercial activities referenced in the Guidance Manual. The final design of the proposed on-site source and treatment controls will be approved by the City of Elk Grove Department of Water Resources.	and during construction.		
37. The center line of "C" Drive at Elk Grove Blvd. shall match the center line of the Ralph's Supermarket driveway to the north of Backer Commercial. The back of curb to back of curb width of "C" Drive shall be 62"	Improvement Plans	Public Works	
38. The floor elevation must be a minimum of 1 foot above the 100-year water level for the area.	Improvement Plans	Public Works	
39. At improvement plan submittal provide calculation for the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards.	Improvement Plans	Public Works	
Prior to Final map			
40. Dedicate a landscape maintenance easement and enter into a maintenance agreement between the property owner and Elk Grove Community Services District for 36 foot Landscape Corridors with reductions at bus turnouts and intersections adjacent to the right of ways for Elk Grove Blvd. and Bruceville Rd., and 25 feet on C Drive. The property owners will improve landscape corridors at the time of project development. The maintenance agreement shall address rights and obligations pertaining to any/all	Prior to Final Map	EGCSD Parks and Recreation	

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joint activities and interests of these parties.			
41. 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 rezoning the property, recording any final maps, approving improvement plans, or issuing any building permits; the owners of all real property within the boundaries of a project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by 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 indexes use 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.	Prior to Final Map	EGCSD Parks and Recreation	
42. Native & Landmark trees within land to be conveyed to EGCSD shall be protected and preserved according to standard county tree preservation measures. Native & landmark trees to be removed shall be compensated on an inch per inch basis consistent with county tree mitigation measures. Prior to conveyance of land provide an arborist report assessing species, size, health and location of trees contained on subject properties and comply with findings of report to the satisfaction of the EGCSD. All costs incurred in complying with the arborist recommendations will be the responsibility of project	Prior to Final Map	EGCSD Parks and Recreation	

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	proponent.			
43.	A 20-foot public sewer easements shall be dedicated to CSD-1 on the final map where required.	Prior to Final Map	CSD-1	
44.	Grant the City of Elk Grove right-of-way on Elk Grove Blvd, 96' r-o-w, Bruceville Road, 96' r-o-w and "C" Drive, based upon a modified configuration of 48' collector, in accordance with the City of Elk Grove Improvement Standards, the East Franklin Specific Plan and to the satisfaction of the Department of Public Works.	Prior to Final Map	Public Works	
45.	Grant the City of Elk Grove right-of-way at the intersection of Elk Grove Blvd and Bruceville Road based upon an expanded intersection in accordance with the City of Elk Grove Improvement Standards, the East Franklin Specific Plan and to the satisfaction of the Department of Public Works.	Prior to Final Map	Public Works	
46.	Prior to final map, install or bond for public street improvements on Elk Grove Blvd, 96' r-o-w, Bruceville Road, 96' r-o-w and "C" Drive, based upon a modified configuration of 48' collector, in accordance with the City of Elk Grove Improvement Standards, the East Franklin Specific Plan and to the satisfaction of the Department of Public Works.	Prior to Final Map	Public Works	
47.	Prior to final map, install or bond for public street improvements at the intersections of Elk Grove Blvd and Bruceville Road, Elk Grove Blvd and "C" Drive, and Bruceville Road and "C" Drive based upon an expanded intersection and install/modify traffic signals at C Drive and Elk Grove Blvd., C Drive and Bruceville Road and Elk Grove Blvd. and Bruceville in accordance with the City of Elk Grove Improvement Standards, the East Franklin Specific Plan and to the satisfaction of the Department of Public Works.	Prior to Final Map	Public Works	
48.	Annex to the Storm Water Utility pursuant to the City of	Prior to Final Map	Public Works	

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	Elk Grove Improvement Standards and the Sacramento County Water Agency ordinance. (Department of Water Resources)			
49.	Dedicate maintenance easements over all water lines to the satisfaction of Sacramento County Water Agency prior to Final Map approval. (Department of Water Resources)	Prior to Final Map	Public Works	
50.	Dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to public streets.	Prior to Final Map	Public Works	
<u>Prior to Issuance of Building Permits</u>				
51.	The Elk Grove Unified School District has funded and built, and is in the process of funding and building certain oversized infrastructure that will be of direct benefit to the Developer's Project. Prior to the issuance of the first building permit for residential construction or any building permit for commercial construction within the boundaries of the Developer's Project, Developer shall provide written correspondence from the School District's Assistant Superintendent of Facilities establishing that Developer has adequately provided for the reimbursement of infrastructure costs incurred by the School District on behalf of Developer's Project. (EGUSD)	Prior to Building Permit	Planning	
52.	Reflectors, spotlights, floodlights, and other sources of illumination may be used to illuminate buildings, landscaping, parking and loading areas on site if they are equipped with lenses or other devices which concentrate the illumination upon the buildings, landscaping, parking and loading areas. No unshielded lights, reflectors, or spotlights shall be so located that they shine toward or are directly visible from adjacent properties or roadways.	Prior to Issuance of Building Permits	Planning	

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<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Prior to Commercial Occupancy			
53.	Prior to commercial occupancy of Backer Ranch Commercial Project, off-site traffic related improvements will be provided per traffic study completed by city traffic consultant. These improvements are expected along Elk Grove Boulevard, Bruceville Road and the Elk Grove Boulevard/Bruceville Road intersection. Improvements may consist of ultimate right-of-way improvements. Which may be eligible for reimbursement.	Prior to Commercial Occupancy	Public Works	
54.	Prior to building final occupancy provide drainage easements and install facilities pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Prior to Commercial Occupancy	Department of Water Resources	
55.	Prior to building final occupancy, offsite drainage improvements (the north shed, Shed A, channel will need to be completed all the way from the projects pipe outfall to the railroad tracks, per the EFSP DMP) and easements shall be provided pursuant to the City of Elk Grove Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards. Any proposed phasing of the off-site improvements shall be consistent with the approval of the City of Elk Grove and the Sacramento County Water Agency.	Prior to Commercial Occupancy	Department of Water Resources	
	Design Guidelines			
56.	<p>The development of the site will be done in accordance with the approved site plans, landscape plans, elevations, design guidelines and other exhibits prepared for the Elk Grove Commons/Backer Ranch Commercial project.</p> <p>If modifications are made to building massing, elevations or materials, the Planning Director shall determine if the building(s) are</p>			

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<p>in substantial compliance with previous approvals. If this determination can not be made, a subsequent Development Plan Review will be completed and require approval by the Planning Commission.</p> <p>The project developer shall provide revised lighting standards and locate bicycle parking facilities to the satisfaction of the Planning Director.</p> <p>The total building square footage of the Elk Grove Commons/Backer Ranch Commercial project shall not exceed 278,000 square feet. This shall be consistent with the building limit lines exhibit.</p> <p>The Pad G building has not been designed as part of this approval. This building shall be consistent with the design guidelines for the center and the massing, elevations and materials of the other approved pad buildings. The Planning Director shall determine if the Pad G building is in substantial compliance with Elk Grove Commons development. If this determination can not be made, a subsequent Development Plan Review will be completed and require approval by the Planning Commission.</p>			
<p>57. The City Council has determined that it is in the best interest of public health, safety and welfare that the excess burden caused by certain businesses require payment to the City for extraordinary public safety services.</p> <p>The owner of the property shall be required to provide on-site uniformed private security services upon written request of the Chief of Police, based upon actual project generated demands for police services.</p> <p>Should such services be requested by the Elk Grove Chief of Police and, subsequently, additional staff generated demands for public safety services occur, the owner of the property shall be responsible for reimbursing the City for the cost of said public safety services. This obligation shall be a covenant that runs with the land.</p>			

General Compliance Items for Building Permit

1. Prior to issuance of building permits, 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. (Water Supply)
2. Provide separate water service to each parcel.
3. Two points of water connection shall be in place prior to construction of any homes.
4. Prior to issuance of building permits, the project shall conform to the specific provisions of the Sacramento County Landscape Water Conservation Ordinance (Chapter 14.10 of the Sacramento County Code) to the satisfaction of the County Landscape/Oak Tree Coordinator. (Water Supply)
5. Secure approval of a civil engineered site improvement plan for all proposed on-site and off-site improvements.
6. 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.
7. The development is required to provide fire flow from public water system capable of delivering a minimum of 3,000 gpm at 20 psi in commercial areas and a minimum of 1,000 gpm at 20 psi in residential areas. Hydrants shall be spaced a maximum of 300 feet apart in the commercial areas and a maximum of 500 feet apart in residential 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. (EGCSD – Fire Department)
8. A permit release letter from the Elk Grove Community Services District Fire Department (EGCSDFD) shall be required prior to the Elk Grove Building Department issuing any construction permits.
9. All civil engineering plans are required to be submitted in an electronic format. When plan is ready for final signature, it is required that the engineering firm will 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 not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:

 DFX (Drawing Interchange file) release 2002 or previous
 DWG (Applies to AUOCAD drawing file) release 2002 or previous
10. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
11. 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 the units are built, the above information should be considered and the Elk Grove CSD Fire Department should be consulted on this matter.
12. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
13. Commercial developments in excess of 10,000 square feet require looped fire mains of a minimum of ten- (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot

intervals. This on-site fire main shall be connected to the municipal water main at not less than two (2) points.

14. 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.
15. 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 15 % for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches AC over six (6) inches AB with good drainage.
16. Traffic pre-emption devices of a typed 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.
17. Required fire alarm systems (other than single family dwellings) shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
18. Permits and/or fees are required for the following plan reviews: site plan, architectural plan, fire sprinkler plan, fire alarm plan, and special extinguishing plans.
19. 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.
20. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells, and/or traffic calming devices are subject to standards outlined by the Elk Grove Fire Department.
21. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. The following requirements apply:
 - A. Provide non-combustible fences along all developed areas adjacent to wetlands, creeks, or open spaces.
 - B. 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.
 - C. Any bridges over creeks or wetland areas shall be capable of supporting 65,000 GVW.
 - D. Provide at least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetlands area.

RESOLUTION NO. 2003-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE UPHOLDING THE APPEAL AND APPROVING A TENTATIVE PARCEL MAP FOR PROJECT NUMBER EG-02-307, ASSESSOR PARCEL NUMBER 134-0510-025, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Jackson/El Dorado General Partnership (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Tentative Parcel Map to divide one lot of 5.06 acres into three (3) parcels of 0.64 acres, 1.03 acres, and 3.39 acres in size. (Assessor's Parcel Number 134-0510-025); 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 categorically exempt as a Class 15 Exemption under CEQA §15315; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on November 14, 2002 and approved the project; and

WHEREAS, an appeal of the Planning Commission's November 14, 2002 decision was filed on November 22, 2002 requesting modifications to conditions 5 and 6; and

WHEREAS, Article III, Section 115-38 of the Elk Grove Zoning Code states that the City Council shall review the entire proceeding held before the Planning Commission, de novo, and may make any order it deems just and equitable, including the grant of any permit.

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

A. Approve the Jackson/El Dorado Tentative Parcel Map (Exhibit A), subject to the findings and the attached conditions of approval (Exhibit B).

1. Finding: There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.

Evidence: The project is consistent with proposed General Plan land use designation of Heavy Industry and existing zoning of M-2.

2. Finding: The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements which have been reviewed by

the General Plan Advisory Committee as of the date on which the project is approved.

Evidence: The proposed General Plan Land Use Map shows that this parcel is currently, and will remain, a Heavy Industrial land use. Furthermore, the project has been conditioned to comply with all applicable General Plan policies.

3. Finding: There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.

Evidence: The proposed General Plan Land Use Map shows that this parcel is currently, and will remain, a Heavy Industrial land use. Furthermore, the project has been conditioned to comply with all proposed General Plan Elements.

4. Finding: The proposed use or action complies with all other applicable requirements of state law and local ordinance.

Evidence: The proposed project meets all Elk Grove City Zoning standards, as well as all standards for Parcel Maps under the Subdivision Map Act and all other applicable state laws. Title 22 Chapter 22.30 of the Elk Grove Municipal Code requires that as a condition of approval of a tentative subdivision map or a tentative parcel map “the subdivider shall dedicate or make an irrevocable offer of dedication of real property within the subdivision that is needed for streets, alleys, including access rights and abutters’ rights...and other public easements.” Title 22 Chapter 22.110.035(b) states that if the circulation element of the general plan shows any “highway, expressway, thoroughfare, arterial or similarly named road located so that any portion lies within or adjacent to a proposed project, such roadway shall be incorporated into the project in conformance with the design standards in the general plan...”. In addition, General Plan policy CI-9 requires that projects approved be consistent with the General Plan Circulation Element and dedicate all required right-of-way to construct roadway improvements necessary to implement the Circulation Element. With Condition of Approval #5, the project is consistent with Title 22 of the Municipal Code and General Plan policy CI-9.

5. Finding: Policy CI-9 of the General Plan states that the City shall implement the Roadway Master Plan as shown in the Circulation Element.

Evidence: Condition Number 5 will ensure that proposed development is consistent with the General Plan, which requires the dedication of right-of-way and the installation of roadway improvements consistent with the Roadway Master Plan as part of the review and approval of development projects.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Evidence: The above Findings #a. through #g. do not apply to the proposed Tentative Parcel Map.

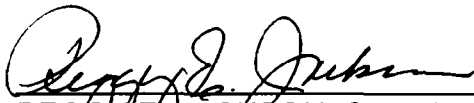
- a. The proposed map is consistent with the limits as specified in the Elk Grove General Plan.
- b. The design or improvements of the proposed parcel map are consistent with the Elk Grove Community Plan and Elk Grove General Plan.
- c. The site is physically suitable for industrial development and would conform to the development standards in the zoning code and previous conditions placed on the project.
- d. The site is physically suitable for industrial development.
- e. The design of the project or parcel map will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. The design of the parcel map or type of improvements will not cause serious public health problems.
- g. Project is required to dedicate necessary right-of-way therefore, no conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 19th day of February 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

6. Finding: Required dedication of the Grant Line Interchange rights-of-way is roughly proportional to the increased vehicular traffic attributable to the proposed use.
Evidence: The nexus for the right-of-way requirement is based on calculations developed by the Public Works Department for this project. The engineering staff of the Public Works Department has determined the following:
- a. Based on the Grant Line Interchange Project Report the required right-of-way is estimated to cost \$15.78/ft². Therefore, the dedicated right-of-way is estimated to cost \$72,000.
 - b. The Grant Line Interchange is estimated to cost \$11,280,000 for construction. The expected increase in trips carried by the interchange is 35,700 trips per day; therefore, the estimated cost per trip is \$316 (\$11,280,000 /35,700 trips).
 - c. Based on the allowable use for the site the total for new trips is anticipated to range from 350 to 2,150 per day.
 - d. Engineering Staff made the assumption that 75% of the trips for this site would arrive via the new interchange.
 - e. Based on the four (4) points above the cost to the infrastructure improvement that is attributable to the potential use of this site ranges from \$83,000 to \$509,600. ($\$316 \times 0.75 \times 350 = \$83,000$ and $\$316 \times 0.75 \times 2,150 = \$509,600$). The required dedication is estimated to be \$72,000, which is roughly proportional to the impact that the project will generate at the lowest range.
7. Finding: Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:

That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

- a. That the design or improvements of the proposed subdivision is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

Exhibit B: Conditions of Approval/General Comments

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1. The development approved by this action is for a Tentative Parcel Map as described in the Planning Commission report and associated Exhibits.	On-Going	Planning Division	
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 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	All Responsible Agencies	
4. Number, size and location of driveways are subject to approval by the Public Works Department.	Final Map	Department of Public Works	
5. Grant the City of Elk Grove right-of-way on Stockton Boulevard and Grant Line Road based on the "Green Alternative Configuration" for the proposed Grant Line Road/Highway 99 interchange, <u>as shown in Figure 1 and the legal description as shown in Exhibit 1 (attached)</u> , in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works.	Final Map	Department of Public Works	
6. Prior to Occupancy, contribute the cost to repair damaged sidewalk on East Stockton Road in accordance with the City of Elk Grove Improvement Standards.	Prior to Occupancy	Department of Public Works	
7. Dedicate a 12.5-foot public utility easement for overhead and underground facilities adjacent to Grant Line Road.	Final Map	SMUD	

Exhibit B: Conditions of Approval / Advisory Comments

8.	Dedicate a 12.5 public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways.	Final Map	SMUD	
9.	The owner/developer must disclose to future/potential owners the existing 69kV electrical facilities.	Note On Final Map	SMUD	
10.	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 approval of final map; the owners of all real property within the boundaries of a project shall execute and deliver to the EGCS D a written petition in an acceptable form approved by 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 indexes use 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.	Prior to Recordation of Final Map	EGCSD Parks & Recreation	
11.	Connection to the public sewer system shall be required to the satisfaction of CSD-1.	Prior to Issuance of Building Permit	CSD-1	
12.	Each parcel must have a separate connection to the public sewer system. Sacramento County Improvement Standards apply to on-site sewer construction.	Prior to Issuance of Building Permit	CSD-1	
13.	Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division.	Prior to Recordation of Final Map	Water Resources	

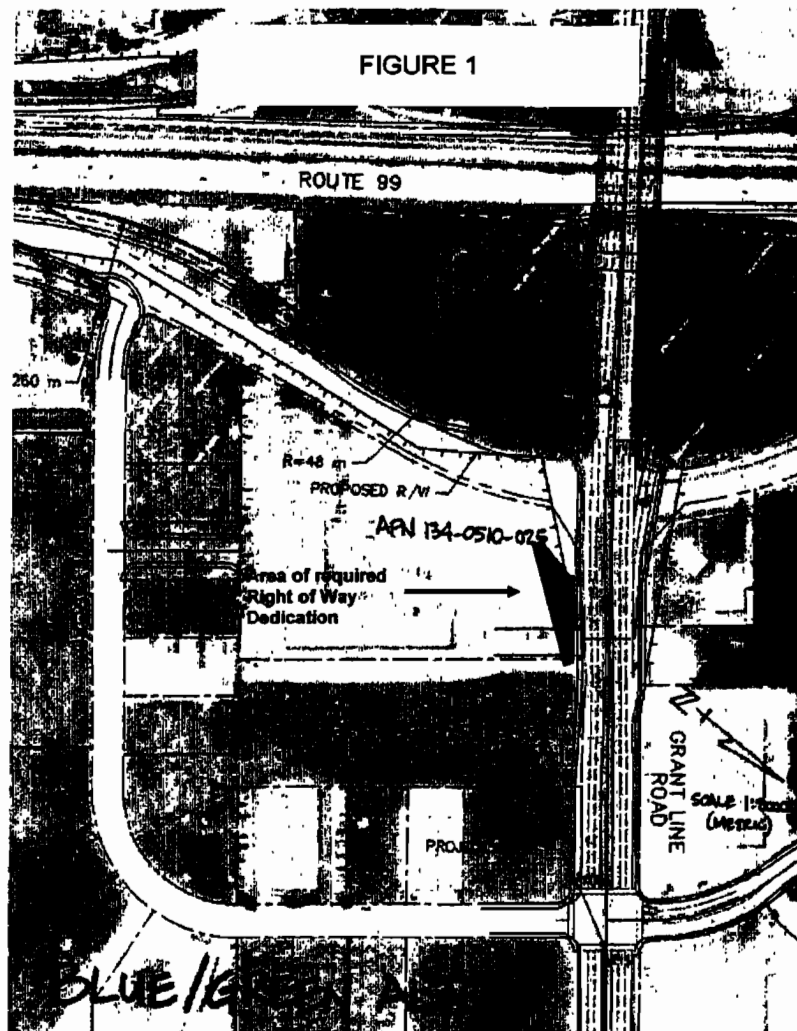
Exhibit B: Conditions of Approval / Advisory Comments

	Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction.			
14.	Public water service shall be provided to each parcel.	Prior to Issuance of Building Permit	Water Resources	

Exhibit B: Conditions of Approval/General Comments

Advisory Comments

- a. 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.
- b. Prior to the 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 to the satisfaction of the City's Landscape/Oak Tree Coordinator.
- c. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information. (CSD-1)
- d. Secure approval from the Public Works Department of a civil-engineered site improvement plan for all on-site and off-site improvements associated with this project.
- e. 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. (Water Resources)
- f. Prior to the issuance of any building 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. (Water Resources)
- g. All commercial projects exceeding 10,000 square feet shall be provided with two points of access a minimum of 500 feet apart. In addition, such projects shall be provided with a minimum 10-inch fire main loop with two points of connection to public water. (EGCSD Fire Department)
- h. All buildings exceeding 3,599 square feet shall be provided with an automatic fire sprinkler system. (EGCSD Fire Department)
- i. Two (2) sets of plans and specifications shall be submitted to the Elk Grove Community Services District Fire Department for review and approval prior to installation. Plans including, but not limited to, the following should be submitted to the fire department: civil engineering plans, architectural plans (including electrical, mechanical, plumbing), fire sprinkler plans and fire alarm plans. (EGCSD Fire Department)
- j. A dedicated fire control room shall be provided for all commercial buildings. The exterior access door shall be clearly marked "Fire Control Room" with three (3) inch tall letters that contrast with their background. A key to the room shall be located within an approved Fire Department high security Knox box located adjacent to the access door on the exterior of the building. The minimum dimensions of the room are five (5) feet by seven (7) feet. (EGCSD Fire Department)
- k. Fire Department access shall be required on the property for emergency vehicles. This access road shall be a minimum 20' wide and capable of supporting 65,000 GVW. (EGCSD Fire Department)
- l. An approved turnaround or hammerhead turnabout shall be provided prior to building occupancy. (EGCSD Fire Department)

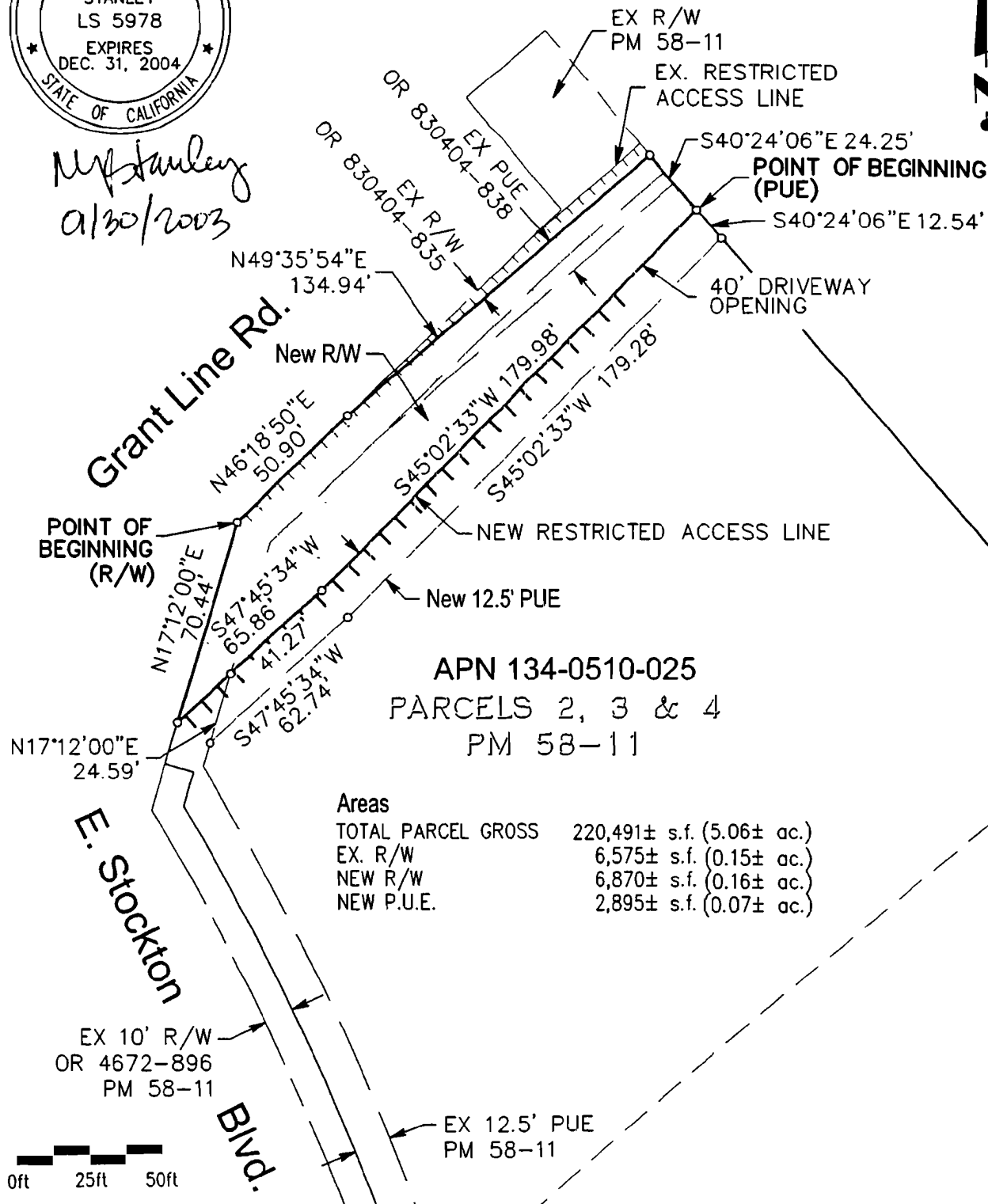




Mr. Stanley
01/30/2003

SEC. 18
T. 6 N., R. 6 E., M.D.B. & M.
City of Elk Grove
Sacramento County, California

Exhibit 1



DATE: 01/30/2003

SCALE: 1"=50'

134-0510-025.DWG

SHEET 1 OF 1

Right of Way, Access Restriction
and Public Utilities Easement Exhibit
APN 134-0510-025
Jackson El Dorado

City of Elk Grove

Prepared by:
Mark Thomas & Company, Inc.

Right of Way and Access Rights Descriptions

APN 134-0510-025

Portions of Parcel 2 as shown on the Parcel Map filed in Book 58 of Parcel Maps, Page 11, Sacramento County Records, located in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, City of Elk Grove, Sacramento County, California, described as follows:

Right of Way

Beginning at the southwesterly terminus of the course labeled *N. 45°53'39" E. 151.08'* on the northwesterly boundary of said Parcel 2 as shown on said map; thence along said northwesterly boundary North 46°18'50" East 50.90 feet to the southwesterly corner of the property described in the Right of Way Deed to the County of Sacramento recorded April 4, 1983 in Book 830404, Page 835, Official Records of Sacramento County; thence along the southeasterly boundary of said County of Sacramento Right of Way North 49°35'54" East 134.94 feet to the northeasterly boundary of said Parcel 2; thence along said northeasterly boundary South 40°24'06" East 24.25 feet; thence South 45°02'33" West 179.98 feet; thence South 47°45'34" West 65.86 feet to the westerly boundary of said Parcel 2; thence along said westerly boundary North 17°12'00" East 70.44 feet to the **Point of Beginning**, containing 6,870 square feet (0.16 acres), more or less.

End of Description

Access Rights

Grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to Grant Line Road and East Stockton Boulevard over and across the southeasterly two lines of the above described property, **excepting therefrom** the northeasterly 40.00 feet thereof adjacent to the northeasterly boundary of said Parcel 2.

End of Description

This real property description has been prepared at Mark Thomas & Co., Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.


Michael J. Stanley



January 30, 2003

12.5' Public Utilities Easement

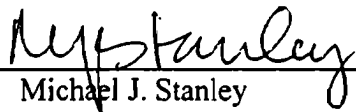
APN 134-0510-025

That portion of Parcel 2 as shown on the Parcel Map filed in Book 58 of Parcel Maps, Page 11, Sacramento County Records, located in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, City of Elk Grove, Sacramento County, California, described as follows:

Commencing at the southwesterly terminus of the course labeled *N. 45°53'39" E. 151.08'* on the northwesterly boundary of said Parcel 2 as shown on said map; thence along said northwesterly boundary North 46°18'50" East 50.90 feet to the southwesterly corner of the property described in the Right of Way Deed to the County of Sacramento recorded April 4, 1983 in Book 830404, Page 835, Official Records of Sacramento County; thence along the southeasterly boundary of said County of Sacramento Right of Way North 49°35'54" East 134.94 feet to the northeasterly boundary of said Parcel 2; thence along said northeasterly boundary South 40°24'06" East 24.25 feet to the **Point of Beginning**; thence along the northeasterly boundary of said Parcel 2 South 40°24'06" East 12.54 feet; thence South 45°02'33" West 179.28 feet; thence South 47°45'34" West 62.74 feet to the westerly boundary of the 12.5 feet wide Public Utilities Easement shown on said Parcel Map; thence along said westerly line North 17°12'00" East 24.59 feet; thence North 47°45'34" East 41.27 feet; thence North 45°02'33" East 179.98 feet to the **Point of Beginning**, containing 2,895 square feet (0.07 acres), more or less.

End of Description

This real property description has been prepared at Mark Thomas & Co., Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.


Michael J. Stanley



January 30, 2003