

**RESOLUTION NO. 2006-38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING A RESCISSION OF ZONING AGREEMENT AND DESIGN REVIEW  
SHELDON CROSSING  
PROJECT NO. #EG-05-865 – APNs: 126-0250-006 and 126-0250-008**

**WHEREAS**, Larry Lipp (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rescission of Zoning Agreement and Design Review; and

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

**WHEREAS**, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described by Assessor Parcel Numbers 126-0250-006 and 126-0250-008; and

**WHEREAS**, the proposed project is consistent with the General Plan Land Use Policy Map and Zoning Code requirements; and

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

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

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

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

**WHEREAS**, the City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on November 16, 2005 and was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on November 16, 2005 and closed December 16, 2005. The Mitigated Negative Declaration was made available to the public during this review period; and

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

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

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

**WHEREAS**, the City of Elk Grove, Development Services Planning Department, located 8400 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based; and

**WHEREAS**, the Planning Commission considered the Applicant's request at a public hearing on January 5, 2006 and recommended City Council approval of the project.

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

#### *CEQA*

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

Evidence: An Initial 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 project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan identifies the site for Commercial use. The project is consistent with the goals and policies of the General Plan for commercial development with the City of Elk Grove.

## *Rescission of Zoning Agreement*

Finding: The proposed zone agreement rescission is in the public interest and will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general Welfare of the City. (§110-30 of the City of Elk Grove Zoning Code)

Evidence: The City has reviewed the proposed zone agreement rescission. The Applicant's proposal is consistent with the land use designation in the General Plan Land Use Policy Map and the requirements within the zoning code. The development has been reviewed in accordance with the non-residential design guidelines and found to be consistent. The zoning agreement provides standards and setbacks that are inconsistent with the zoning code. The design review guidelines and zoning code standards ensure that adjacent residential development will not be harmed by the commercial development.

## *Design Review (Non-Residential)*

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

Evidence: The site plan, building elevations, and landscape plan have been reviewed in accordance with the Citywide Design Guidelines for non-residential land uses, and it is concluded that the project's architecture and site planning meet all applicable design requirements. The design of the proposed buildings takes into account the scale, style, and architectural vernacular of current existing reference buildings, and meets high aesthetic and design integrity standards. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

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

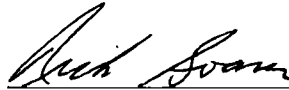
Evidence: The proposed site plan, building elevations, and landscape plans provide all design elements required by the Citywide Design Guidelines and Supplemental Design Guidelines for Old Town Sheldon, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity, application of a consistent color palette throughout the project, and creation of outdoor public spaces. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements

establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

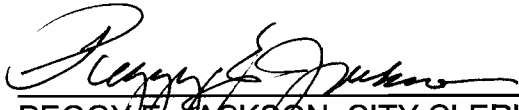
Evidence: The proposed retail center will provide all required design elements that would establish an attractive development and will be compatible with adjoining and nearby properties. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 8<sup>th</sup> day of February 2006.

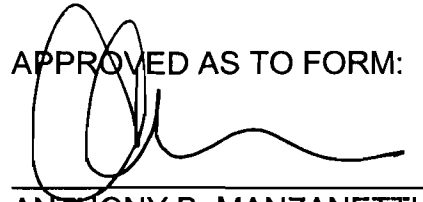


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RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<b>On-Going</b>			
<p>1. The development approved by this action is for a Design Review and Zoning Agreement Rescinding as illustrated by the following:</p> <ul style="list-style-type: none"> <li>• Preliminary Site Plan (received 11/3/05)</li> <li>• Preliminary Sections and Details (received 9/20/05)</li> <li>• Preliminary Demolition Plan (received 9/20/05)</li> <li>• Preliminary Landscape Plan (received 9/20/05)</li> <li>• Preliminary Tree Mitigation Plan (received 11/16/05)</li> <li>• Preliminary Grading and Drainage Plan (received 9/20/05)</li> <li>• Architectural Elevations (received 11/15/05)</li> <li>• Sign Program (received 11/15/05)</li> <li>• Site Amenities Program (received 11/15/05)</li> <li>• Color and Material Board (received 11/15/06)</li> </ul> <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
<p>2. The Applicant or Successors in Interest (hereby referred to as the Applicant) shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.</p>	On-Going	Planning	
<p>3. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning	
<p>4. If there are any discrepancies between the approved site plans</p>	On-Going	Public Works	

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	and the conditions of approval, the conditions of approval shall supersede the approved site plans.			
5.	The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
6.	Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches.	On-Going	Public Works	
7.	Any on site traffic calming devices and locations must be approved by Public Works prior to installation, including but not limited to speed bumps.	On-Going	Public Works	
8.	The Applicant shall obtain an encroachment permit for all driveways. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	On-Going	Public Works	
9.	The Applicant shall provide for graffiti resistant paint or clear graffiti resistant coating of any monument signs.	On-Going	Community Enhancement	
10.	The Applicant shall provide for a combination of trash and recycle containers to be located and maintained within the masonry enclosures with solid gates.	On-Going	Community Enhancement	
11.	The Applicant shall provide for adequate trash and recycle material storage and collection that will not provide for a visible nuisance.	On-Going	Community Enhancement	
12.	The Applicant shall provide for trash/recycle service that will not provide for nuisance noise for the adjacent residential zone – trash service shall not begin prior to 6 am.	On-Going	Community Enhancement	
13.	The Applicant shall not allow for deliveries or mechanical sweeping services/parking lot cleaning/trash compacting prior to 6 am that may provide for nuisance noise to the adjacent	On-Going	Community Enhancement	

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	residential zone.			
14.	The Applicant shall not allow 'strictly prohibited signs' ie lighter than air or balloon devices to be displayed.	On-Going	Community Enhancement	
15.	The Applicant shall not provide for a nuisance during the construction or intended use of the project.	On-Going	Community Enhancement	
16.	This development is required to provide fire flow from a private water system acceptable to the Fire Department or public water system capable of delivering at a minimum 50 PSI static water system pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure. Building 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.	On-Going	EGCSD-Fire Department	
17.	The name of the project needs to be revised so that it is not the same as other existing projects.	On-Going	EGCSD-Fire Department/ Planning	
18.	All water supply and sewage disposal facilities require Sacramento County Environmental Health approval.	On-Going	Sacramento County Environmental Health	
19.	If a tree is relocated, the tree(s) shall be irrigated, maintained and monitored for five years.	On-Going	Planning/Landscape Architect	
<b>Prior to Improvement Plans/Grading/Construction</b>				
20.	The Applicant shall comply with, record, and pay fees for the Mitigation Recording and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated fee of \$5,000 has been paid, no final parcel map for the subject property will be approved, and no grading, building, sewer connection, water connection, or occupancy will be approved by the City or County.	Prior to the Issuance of Grading Permit	Planning	
21.	In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the Applicant shall implement one of the City of Elk Grove's approved mitigation	Prior to any site disturbance, such as clearing or	City of Elk Grove Development Services-Planning in	

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<p>alternatives as set forth below</p> <ul style="list-style-type: none"> <li>• Preserve 1.0 acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the CDFG and the City of Elk Grove as set forth in Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as such may be amended from time to time and to the extent that said Chapter remains in effect; OR</li> <li>• Purchase of credits at a 1:1 ratio from a CDFG-approved mitigation bank for Elk Grove is an acceptable mitigation; OR</li> <li>• Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect.</li> </ul> <p><b>(MM 1)</b></p>	<p>grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</p>	<p>consultation with CDFG</p>	
<p>22.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• If construction activities commence during the non-breeding season (September-January), a survey is not required and no further studies are necessary.</li> <li>• Prior to demolition of structures or the commencement of</li> </ul>	<p>Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first.</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>construction activities or disturbance of blackberry thickets, a survey shall 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.</p> <ul style="list-style-type: none"> <li>• Applicant shall preserve on-site nesting and upland foraging habitat where feasible, or purchase nesting and upland foraging habitat at off-site preserve sites.</li> <li>• 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.</li> </ul> <p><b>(MM 2)</b></p>			
23.	<p>In order to reduce potential adverse impacts to existing trees on the project site, the Applicant shall develop and implement a tree protection plan per the following specifications:</p> <p>The plan shall include a list of native and non-native trees to be preserved on the project site, including the species, condition, and diameter at breast height of each tree, and an exhibit depicting the location of those trees.</p> <p>All oak and California black walnut trees (<i>Juglans nigra</i>) that are 6 inches dbh or larger, or Landmark trees on the project site that have been selected for preservation, all portions of adjacent off-site native trees which have driplines that extend onto the project site, and all off-site native trees which may be impacted by utility installation and/or improvements associated with this project, shall be protected as follows:</p> <ol style="list-style-type: none"> <li>1. A circle with a radius measurement from the trunk of the tree</li> </ol>	<ul style="list-style-type: none"> <li>• Prior to the issuance of any permits for grading, building or any other site improvements, or the recordation of any Final Subdivision Maps on the subject property, whichever occurs first, the tree protection plan shall be submitted to Elk Grove Planning for review and</li> </ul>	Planning	

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<p>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 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 (chain link fence or better) 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 within the driplines of protected trees.</p> <p>7. Drainage patterns on the site shall not be modified 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>approval.</p> <ul style="list-style-type: none"> <li>• No later than 24 hours prior to commencement of construction activities including clearing and grubbing the Applicant shall contact Development Services – Planning to schedule a site inspection to verify that the protective measures have been installed in accordance with this mitigation measure.</li> </ul>		

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<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. Prior to the installation of new asphalt, weed control chemicals shall not be applied where they can leach into the dripline of any protected trees.</p> <p>13. During construction, the frequency and amount of watering for protected trees shall not differ from that received prior to construction.</p> <p><b>(MM 3)</b></p>			
<p>24. In order to mitigate for the loss of existing trees on the project site, the Applicant shall develop and implement a tree replacement plan per the following specifications:</p> <p>The Mitigation Plan/Tree Replacement Planting Plan shall be prepared by a certified arborist or landscape architect. Plan shall be prepared by a ISA Certified Arborist or landscape architect to mitigate for the loss of native trees larger than 6-inch dbh and all non-native trees larger than 19-inch dbh that are proposed for removal or that would be adversely affected by the project. The Plan shall comply with the City Code and</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,</p>	<p>Planning</p>	

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<p>General Plan Policies and be submitted to the City for review and approval. The current policies require that every dbh inch lost will be mitigated by an inch planted or money placed in a tree mitigation bank. Native Oaks planted on-site may be counted towards tree mitigation. The Plan shall include the following elements:</p> <ol style="list-style-type: none"> <li>1. Species, size and location of all replacement plantings;</li> <li>2. Method of irrigation;</li> <li>3. The City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage;</li> <li>4. Planting, irrigation and maintenance schedules;</li> <li>5. Identify the maintenance entity and include their written agreement to provide care and irrigation of the trees for a 5-year establishment period, and to replace any of the replacement oak trees which do not survive that period;</li> <li>6. The minimum spacing for replacement oak trees shall be 20 feet on center;</li> <li>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;</li> <li>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;</li> <li>9. No grading (grade cuts or fills) shall be allowed within the driplines of the oak trees;</li> <li>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;</li> <li>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</li> </ol>	<p>whichever occurs first, the tree replacement plan shall be submitted to Elk Grove Planning for review and approval.</p>		

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>jacked under the supervision of a certified arborist;                      12. The construction of impervious surfaces within the driplines of oak 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;                      13. No sprinkler or irrigation system shall be installed in such a manner that requires trenching within or that sprays water into the driplines of oak trees. An above ground drip irrigation system is recommended;                      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.  <b>(MM 4)</b></p>			
<p>25. In order to reduce impacts to cultural resources to a less than significant level, the Applicant shall implement the mitigation measures as set forth below:</p> <ul style="list-style-type: none"> <li>• Conduct archaeological monitoring of the excavation of the cellar/basement using a backhoe or other equipment to determine the nature of the debris in the foundation; OR,</li> <li>• Conduct archaeological monitoring during initial grading activities for the proposed project at the location of the cellar/basement to determine the nature of the debris in the foundation. If this alternative mitigation measure is adopted it should be included as notes in the grading permit and on the grading plans for the project.  <b>(MM 5)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Prior to the issuance of any permits for grading, building or any other site improvements, on the subject property, whichever occurs first, evidence shall be submitted to the City of Elk Grove that the Applicant has contracted with a professional</li> </ul>	<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>archeologist to monitor the excavation and/or grading of the site; OR</p> <ul style="list-style-type: none"> <li>• If the Applicant wants the City to monitor the excavation and/or grading of the site, the Applicant shall provide a deposit in the amount of \$750, prior to the issuance of any permits for grading, building or any other site improvements, on the subject property, whichever occurs first.</li> <li>• Within 72 hours of excavating the cellar/basement, the Applicant shall provide Development Services – Planning a report documenting the</li> </ul>		

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		results of the monitoring actions.		
26.	The Applicant shall submit a photometric plan for review and approval by the Police Department prior to approval of Improvement Plans.	Prior to approval of Improvement Plans	Planning/Police Department	
27.	The landscaping for the project shall incorporate the City's Zoning Code and Water Conserving Landscape Requirements. Landscape improvement plans shall be submitted to the Planning Department and the Public Works Department for review and approval.	Prior to approval of Improvement Plans	Planning/Landscape Architect	
28.	The Applicant shall provide Business Owner's Association bylaws including but not limited to common area ownership, maintenance, and joint access, for review and approval by Public Works.	Prior to Improvement Plans	Public Works	
29.	The Applicant shall dedicate Grant Line Road, east half section of 48' from the approved centerline. Sidewalks shall be separated from back of curb except at intersection and driveways. Improvement will be based on 108' equivalent thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to approval of Improvement Plans	Public Works	
30.	The Applicant shall dedicate Aleilani Lane, west half section of 30' from the approved centerline. Improvement will be based on 60' Class C Street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Extra width of the road will be required for the drainage ditch after the appropriate drainage study is completed and the final drainage ditch width is determined.	Prior to approval of Improvement Plans	Public Works	
31.	The Applicant shall dedicate Wilton Road, east half section of 42' from the approved centerline. Improvement will be based on 84' arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to approval of Improvement Plans	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
32.	The Applicant shall dedicate the intersection of Grant Line Road and Wilton Road, based upon an expanded intersection including but not limited to the transition from the bus turnout on parcel 126-0250-007 and the ultimate required turn lane, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to approval of Improvement Plans	Public Works	
33.	The Applicant shall design all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Prior to approval of Improvement Plans	Public Works	
34.	The Applicant shall dedicate a 36' landscape corridor on Grant Line Road to the City of Elk Grove as a landscape and pedestrian easement.	Prior to approval of Improvement Plans	Public Works	
35.	The Applicant shall dedicate a 25' landscape corridor on Wilton Road to the City of Elk Grove as a landscape and pedestrian easement.	Prior to approval of Improvement Plans	Public Works	
36.	The Applicant shall dedicate a 12.5 foot public utility easement for underground and appurtenances adjacent to all public streets.	Prior to approval of Improvement Plans	Public Works	
37.	The Applicant shall dedicate all private aisles as an easement to allow access for services such as utility and emergency vehicles.	Prior to approval of Improvement Plans	Public Works	
38.	The Applicant shall provide a reciprocal access easement agreement between parcel 126-0250-007 and the parcels of this development. The location of the access point(s) must be to Public Works satisfaction and will be approved when these parcels are developed.	1 <sup>st</sup> Improvement Plan Submittal	Public Works	
39.	Driveways on Wilton Road and Aleilani Lane shall be 35 feet wide.	1 <sup>st</sup> Improvement Plan Submittal	Public Works	
40.	The Applicant shall design all driveways and intersections to conform to the visibility easement requirement in the City of Elk Grove Improvement Standard.	1 <sup>st</sup> Improvement Plan Submittal	Public Works	
41.	The Applicant shall design and construct all driveways to the	1 <sup>st</sup> Improvement	Public Works	



	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	satisfaction of Public Works and to the appropriate section of 4-10 Driveways in the City of Elk Grove Improvement Standards.	Plan Submittal		
42.	The Applicant shall design the width of the parking stalls for all parking spots that are at a 90° angle or greater to another parking spot shall be increased 2' to an ultimate width of 11'.	1 <sup>st</sup> Improvement Plan Submittal	Public Works	
43.	The internal circulation and access shall be subject to the review and approval of Public Works.	1 <sup>st</sup> Improvement Plan Submittal	Public Works	
44.	The Applicant shall provide pavement markings along the carwash drive aisle to allow two-way access to the parking spaces being created with this project.	1 <sup>st</sup> Improvement Plan Submittal	Public Works	
45.	Applicant shall prepare and submit a comprehensive drainage study and plan that includes but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; and the proposed method of flow conveyance with adequate supporting calculations. The study shall include any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff including quality, quantity, volume, and duration. The project shall not cause a net loss of storage, nor an increase in velocity, of drainage water within the 100-year floodplain. The study shall incorporate the City of Elk Grove Storm Water Capital Improvement Plan; be consistent with the ultimate upstream development in the General Plan, and any specific, area, or master plans; and shall conform to the City of Elk Grove Improvement Standards. It shall demonstrate that the proposed methods of flow conveyance mitigate the potential project impacts. The study shall further demonstrate that the lots on the proposed Final Map shall be outside the 100-year frequency floodplain after improvements are constructed in accordance with the policies in the City Floodplain Management Plan. Study must be completed and stamped by	Prior to approval of Improvement Plans	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	a Professional Engineer, and determined by the City to be comprehensive, accurate, and adequate.			
46.	The Applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation and arterial and collector streets may be required to have lanes above the 100-year frequency flood elevation pursuant to the Floodplain Management Plan.	Prior to Improvement Plans approval and Prior to issuance of Grading Permits	Public Works	
47.	The Applicant shall obtain applicable California Department of Fish and Game, U.S. Army Corps of Engineers, and other required state and federal permits. The conditions of such permits must be reviewed and considered acceptable by the City. The City will not accept any conservation or other conditional easements on the drainage courses to be conveyed to the City.	Prior to Improvement Plan approval and Prior to issuance of Grading Permits	Public Works	
48.	The Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be executed through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board for approval and to the City for review. During construction, the Applicant shall implement actions and procedures established to reduce the pollutant	Prior to Improvement Plan approval and Prior to issuance of Grading Permits	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	<p>loadings in storm drain systems. The project Applicant shall implement Best Management Practices (BMPs) in accordance with the SWPPP and the City of Elk Grove Improvement Standards.</p> <p>In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) will be filed prior to construction start to obtain coverage under the California State Water Resources General Construction Activity Storm Water Permit. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Applicant shall comply with the terms of the general construction permit, the City of Elk Grove Municipal Code, and the NPDES Waste Discharge Requirements for the City of Elk Grove Storm Sewer Discharges.</p>			
49.	The Applicant shall install 2 sets of speed cushions on the drive aisle just south of Pad B, and between Shop 2/Shop 3. The location of the speed cushions must be approved by Public Works prior to installation. Design and location shall be in accordance with the City's standard details.	Prior to approval of Improvement Plans	Public Works	
50.	The Applicant shall test all water wells for arsenic at the time of construction.	Construction	Department of Water Resources	
51.	The Applicant shall participate in future groundwater management and well protection programs adopted by the Sacramento County Water Agency that are applied uniformly throughout Zone 40.	Construction	Department of Water Resources	
52.	The Applicant shall maintain the minimum separation between water wells and septic system seepage pits recommended by the California Department of Water Resources Well Standards, Bulletins 74-81 and 74-90 (currently 150 feet).	Construction	Department of Water Resources	

	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p><b>Conditions of Approval / Mitigation Measure</b></p> <p>53. The Applicant shall destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, the Applicant shall use water from agricultural wells for grading and construction.</p>	<p>Construction</p>	<p>Department of Water Resources</p>	
<p><b>Prior to Issuance of Building Permit</b></p>			
<p>54. Prior to the final map, the project area shall form or annex into a Mello-Roos CFD, assessment, district, other financing district, or will provide some other funding mechanism, which is acceptable to the Finance Department of the City to fund the project's fair share of landscape maintenance costs which may include, but not be limited to, roadway corridors, interchanges, medians, drainage corridors, trails, open space, and parks, and maintenance costs of other community facilities.</p>	<p>Prior to the issuance of Building Permits</p>	<p>Finance Department</p>	
<p>55. The Applicant shall comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove Flood Plain Management Ordinance. The lowest finished floor elevation for a habitable building will be a minimum of 1 (one) – foot above the 100-year frequency water level, certified by a registered Civil Engineer or licensed Land Surveyor, and submitted to the City. Amendments and/or revisions of FEMA flood insurance rate maps will be required for all development located in the federal or local flood zone. All FEMA map revisions (both CLOMR and LOMR) must be approved by the City and fully processed through FEMA. Completed revisions shall be placed on file with the City.</p>	<p>Prior to issuance of Building Permits</p>	<p>Public Works</p>	
<p>56. The Applicant or its successor in interest shall pay drainage Capital Improvement Plan fees in effect at the time of building permit application. The Applicant may pay a reduced fee due to the construction of Capital Improvement Plan drainage</p>	<p>Prior to the issuance of Building Permit</p>	<p>Public Works</p>	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	structures in lieu of full payment of fees when so stated in a separate credit or reimbursement agreement.			
57.	The Applicant shall complete all on-site and off-site grading and construct drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. Receive acceptance by the City Council of public improvements.	Prior to issuance of Building Permits.	Public Works	
58.	The Applicant shall improve Grant Line Road, east half section of 48' from the approved centerline. Sidewalks shall be separated from back of curb except at intersection and driveways. Improvement will be based on 108' equivalent thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. A cash payment in-lieu of construction may be provided upon concurrence and approval of Public Works or with another financial mechanism as approved by Public Works.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
59.	The Applicant shall improve the intersection of Grant Line Road and Wilton Road, based upon an expanded intersection including but not limited to the transition from the bus turnout on parcel 126-0250-007, median landscaping and the ultimate required turn lane, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. A cash payment in-lieu of construction may be provided upon concurrence and approval of Public Works or with another financial mechanism as approved by Public Works.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
60.	The Applicant shall improve Aleilani Lane, west half section of 30' from the approved centerline. Improvement will be based on 60' Class C street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Additional 3-foot of graded native material shall separate the shoulder from the roadside drainage ditch. Extra width of the road will be required for the drainage ditch after the	Prior to 1 <sup>st</sup> Building Permit	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	appropriate drainage study is completed and the final drainage ditch width is determined. The ditch shall be rock lined to minimize vegetation growth and mosquito proliferation. Alternative methods of lining will be evaluated but must be approved by the City Engineer.			
61.	The Applicant shall improve Wilton Road, east half section of 42' from the approved centerline. Improvement will be based on 84' arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. A cash payment in-lieu of construction may be provided upon concurrence and approval of Public Works or with another financial mechanism as approved by Public Works.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
62.	The Applicant shall improve a 25' landscape corridor on Wilton Road which shall be constructed to the satisfaction of Public Works. A cash payment in-lieu of construction may be provided upon concurrence and approval of Public Works or with another financial mechanism as approved by Public Works.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
63.	The Applicant shall improve a 36' landscape corridor on Grant Line Road shall be constructed to the satisfaction of Public Works. A cash payment in-lieu of construction may be provided upon concurrence and approval of Public Works.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
64.	All improvements shall be constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
65.	Improvement plan must be approved by Public Works prior to 1 <sup>st</sup> Building Permit.	Prior to 1 <sup>st</sup> Building Permit	Public Works	
66.	The Applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details at all street intersections, public or private, within one block of the proposed project.	Building Permit	Public Works	
67.	The Applicant shall pay a fair share Zone 40 development fee based on the surface water element of the Zone 40 conjunctive	Prior to issuance of Building permit	Department of Water Resources	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	use water systems as determined by the Sacramento County Water Agency (SCWA) prior to issuance of a building permit.			
<b>Prior to Occupancy/Final Inspection</b>				
68.	The driveway on Grant Line Road shall be a right in/right out.	Prior to Occupancy	Public Works	
69.	The Applicant shall replace in-kind or with new improvement any improvements, public or private, damaged in construction.	Prior to Occupancy	Public Works	
70.	Upon completion of the installation of the landscaping approved by the City, the project landscape architect/designer shall certify that the installed landscape complies with all City Water Conserving Landscape Requirements. Certification shall be accomplished by completion of a Certificate of Conformance on a form provided by the City. Failure to submit a complete and accurate Certificate of Conformance to the Planning Department will delay final approval/occupancy of the project.	Prior to Occupancy/Final Inspection	Planning	
71.	Prior to final inspection or occupancy of any structure on the site a Certificate of Conformance shall be provided to the City's landscape architect for approval.	Prior to Occupancy/Final Inspection	Planning	

**EXHIBIT A**

**Conditions of Approval**

**General Compliance Items for Building Permit**

The following items are noted for the Applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

1. All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
2. Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.
3. A permit release letter from the Elk Grove Community Services District Fire Department shall be required prior to the Building Department issuing any construction permits.
4. If buildings are constructed, this development is required to provide a fire flow from public water system capable of delivering as a minimum 3,000 gpm at 20psi. Hydrants shall be spaced a maximum of 300 feet apart. Buildings of certain types of construction, size, and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum.
5. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-arounds.
6. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage.
7. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.
8. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other traffic calming devices is subject to standards outlined by the Elk Grove Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation.
9. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento Regional Fire/EMS Communications Center.



**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-38**

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

*I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the February 8, 2006 by the following vote:*

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

**NOES 0:       COUNCILMEMBERS:**

**ABSTAIN 0: COUNCILMEMBERS:**

**ABSENT 1: COUNCILMEMBERS:        Cooper**



A handwritten signature in cursive script, appearing to read 'Peggy E. Jackson', written over a horizontal line.

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