

RESOLUTION NO. 2006-56

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A TENTATIVE PARCEL MAP, DESIGN REVIEW AND
EXCEPTION
JACC INVESTMENTS
PROJECT NO. #EG-05-826 – APN: 122-0210-015-0000**

WHEREAS, Mike Williams (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone, Tentative Parcel Map, Design Review and Exception; and

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

WHEREAS, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 122-0210-015-0000; 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 JACC Investments Project was subject to the California Environmental Quality Act and prepared an initial study evaluating the potential environmental effects of the project; and

WHEREAS, the Initial Study identified potentially significant adverse effects in the areas of biological and agricultural 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 8, 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 14, 2005 and closed December 14, 2005. The Mitigated Negative Declaration was made available to the public during this review period; and

WHEREAS, the City received no written comment letters within the 30 day public review period; 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 19, 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 Tentative Parcel Map 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 subject project creates three (3) new residential parcels from of one undeveloped lot in a residential area of the city. The Elk Grove General Plan designates the site Rural Residential Use. The site is suitable for residential development and is consistent with surrounding parcels which consist of rural residential/agricultural uses.

Tentative Parcel Map

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

Evidence:

- a. The proposed map is consistent with the Elk Grove General Plan and rezone.

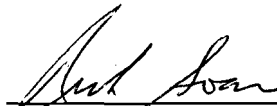
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of rural residential development.
- d. The site is appropriate for the specified density of development.
- e. The proposed Tentative Parcel Map is consistent with the General Plan and zoning and therefore would not cause substantial environmental damage. 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.
- f. The design of the subdivision map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems.
- 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.

Exception (Public Water)

Finding: The granting of the exception will not be detrimental to the health, safety, comfort or general welfare of persons residing or working in the subdivision and that the requirements to provide domestic water supply would create a hardship.

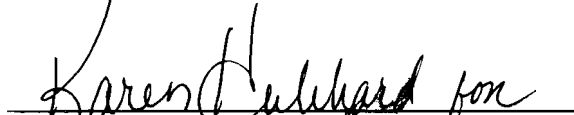
Evidence: There is no evidence in the record or evidence provided to indicate that the health of surrounding neighbors will be compromised. Public water is not available to the site and is not anticipated in the near future. Granting this particular type of exception is consistent with other similar projects approved in rural portions of the city. The majority of the Rural Residential area in the eastern portion of the City is provided by private wells.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of February 2006.



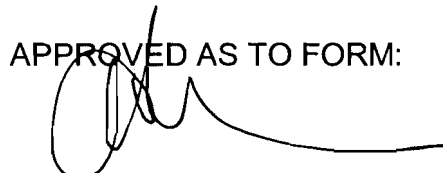
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
A. On-Going			
<p>1. The development approved by this action is for a Rezone from AR-5 to AR-2, a Tentative Parcel Map for three (3) single-family residential lots, and an Exception from the requirement for public water, as described in the City Council report, associated Exhibits and Attachments dated February 22, 2006 for project file EG-05-826 (JACC Investments), and illustrated in the project plans below:</p> <ul style="list-style-type: none"> • Rezone Exhibit (printed 02/18/05) • Tentative Parcel Map (received 10/13/05) <p>Any 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 Division	
<p>2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning Division	
<p>3. The Rezone, Tentative Parcel Map, and Exception approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.</p>	Three years, commencing with the date of City Council approval.	Planning Division	
<p>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</p>	On-Going	Planning Division	

Exhibit A: 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>
	environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.			
5.	If any previously unrecorded historic or prehistoric sites are encountered, all work shall be halted in the immediate vicinity of any finds until a professional archeologist records and evaluates the finds, and until appropriate mitigation, if any, is completed to the satisfaction of the City.	On-Going	Planning Division	
6.	If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the discovery until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code Section 5097.98.	On-Going	Planning Division	
7.	If there are any discrepancies between the approved tentative map and the conditions of approval, the conditions of approval shall supersede the approved tentative map.	On-Going	Public Works	
8.	Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
9.	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	
10.	Submit a property description and a copy of the approved tentative parcel map along with the appropriate application	Prior to Final Map	Public Works	

Exhibit A: 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>
to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility. Public Hearing and appeal period shall be held prior to recordation of the Final Map.			
11. Dedicate Bader Road, with 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. Applicant shall dedicate an additional 10' to the City of Elk Grove as an easement for the drainage ditch.	Final Map	Public Works	
12. Dedicate the internal street as a 50' Class C street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Applicant shall dedicate an additional 15' to the City of Elk Grove as an easement for the drainage ditch.	Final Map	Public Works	
13. Dedicate a 12.5 foot public utility easement for underground facilities and appurtenances adjacent to all public streets.	Final Map	Public Works	
14. Show proposed building locations, with primary septic field, a secondary replacement field and the location of a water well.	Final Map	Public Works	
15. Applicant shall perform test drilling for a water well in accordance with Sacramento Environmental Management Department and obtain a permit for the well(s).	Final Map	Public Works	
16. Applicant shall perform a percolation and mantle test in accordance with Sacramento Environmental Management Department and obtain a permit for the septic system(s).	Final Map	Public Works	
17. Place a statement on the Final Parcel Map that states that Bader Road frontage improvements shall be required to be constructed in accordance with City Standards and to the satisfaction of Public Works prior to issuance of any permits for development of any parcel.	Final Map	Public Works	

Exhibit A: 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>
18.	Parcel one shall take access from the internal street. Dedicate Access rights (direct vehicular ingress and egress to Bader Road) to the City of Elk Grove.	Final Map	Public Works	
19.	Prior to issuance of grading permit, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with JACC Investments (7.86 acres). Until the MMRP has been recorded and the estimated MMRP fee of \$2,500 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.	Prior to Issuance of Grading Permit	Planning Division	
20.	<p>Mitigation Measure 2 (Biological Resources-Swainson's Hawk) In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the applicant shall implement one of the City of Elk Grove's approved mitigation alternatives as set forth below.</p> <p><u>Monitoring Action</u> Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall provide written verification to Development Services-Planning that one of following mitigation measures has been implemented:</p> <ul style="list-style-type: none"> • Preserve 1.0 acre of similar habitat for each acre lost within a ten-mile radius of the project site. 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 	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	Development Services-Planning in consultation with Department of Fish and Game	

Exhibit A: 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>from time to time and to the extent that said Chapter remains in effect. The applicant shall be responsible for funding the operation and maintenance and/or monitoring of the protected land; OR,</p> <ul style="list-style-type: none"> • Purchase mitigation credits at a 1:1 ratio (1 credit=1acre of mitigation) at a DFG approved mitigation bank, acceptable to the City. Prior to issuance of grading permits, the applicant shall provide Development Services - Planning proof of purchase of the credits; OR • Submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted (payment shall be at a 1:1 ratio) to the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said chapter remains in effect. 			
21.	<p>Mitigation Measure 3 (Biological Resources- Burrowing Owl) In order to reduce impacts to burrowing owls to a less than significant level, the Applicant shall conduct a pre-construction survey on the site as follows. One survey shall be done in winter to determine whether any burrowing owls are present on the site. If the survey shows that no owls are on the site and upon approval by Development Services-Planning, the site may be maintained to discourage the establishment of burrowing owl nests. In addition, within thirty days of the commencement of any clearing, grading or construction a field survey shall be conducted by a qualified biologist to determine if active nests of burrowing owls exist on the site. These surveys shall include all areas in or within 250 feet of the construction zone. In the event that nesting owls are found, a</p>	<p>No later than March 21, 2006 and Prior to the commencement of any clearing, grading or construction,</p>	<p>Development Services - Planning Division</p>	

Exhibit A: 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>temporary 150-foot no-construction zone shall be established around the nest. Staff and the Applicant will subsequently consult with the California Department of Fish and Game (CDFG), and follow the recommendations of the Department in order to determine the measures necessary to mitigate or avoid impacts to the species. Any required permits or approvals shall be obtained from CDFG prior to disturbance of the site. Mitigation measures may include flagging the burrow to avoid disturbance, passive relocation, active relocation to move owls from the site, or other measures required by the biologist or CDFG. (Mitigation Measure #3 from Initial Study)</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> No later than March 21, the applicant shall submit to Development Services – Planning for approval, a copy of the winter survey results. <input type="checkbox"/> Prior to the commencement of any clearing, grading or construction, the applicant shall submit to Development Services – Planning for approval, a copy of the survey results including evidence of consultation with CDFG and their recommendations, if applicable. 			
22.	All improvements shall be designed in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works.	Improvement Plan	Public Works	
23.	Applicant shall prepare and submit a comprehensive drainage study that addresses handling all flows generated by the project including but not limited to, defining the watershed boundary, defining the local controlling 100-year water level, method of flow conveyance with adequate supporting calculations, and detailed hydrologic and hydraulic analysis.	Improvement Plans	Public Works	
24.	The applicant shall submit for the City's review the language	Prior to Issuance of	Public Works	

Exhibit A: 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>
	and provisions of any required conservation easement(s) as specified by other entities, if any, including providing maintenance access in accordance with the Improvement Standards.	Grading Permits		
25.	All development within the City must comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove and Sacramento County Flood Plain Management Ordinances. Amendments and/or revisions of FEMA flood maps will be required for all development located in the federal or local flood zone. All amendments and/or revisions must be final and submitted to the City prior to issuance of the first building permit. The elevation of all building pads must be certified by a registered Civil Engineer or licensed Land Surveyor and submitted to the City prior to issuance of a building permit and the lowest finished floor elevation must be a minimum of 1 (one) – foot above the 100-year frequency water level.	Prior to the Issuance of any permits for grading, building or any other site improvements.	Public Works	
26.	The Applicant shall obtain applicable State Fish and Game, U.S. Army Corps of Engineers, and State Water Board permits if required prior to issuance of grading permits.	Prior to the Issuance of any permits for grading, building or any other site improvements.	Public Works	
D. Prior to Building Permits				
27.	<p>Mitigation Measure 1 (Agricultural Resources - Right-to-Farm Noticing)</p> <p>In order to mitigate impacts from potential conflicts between residential and agricultural land uses to a less than significant level, the applicant shall disclose to all buyers of property within the subdivision that surrounding agricultural properties and uses may continue in perpetuity, subject to the provisions</p>	Prior to Building Permits	Development Services-Planning	

Exhibit A: 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>of the City's Right to Farm Ordinance dated July 10, 1990. The Applicant, or his successors, shall include such disclosure in any Covenants, Conditions and Restrictions recorded for the project and shall require each homebuyer to sign such a disclosure. A note to this effect shall be placed on the final subdivision map prior to recordation. (Mitigation Measure #1 from the Initial Study)</p> <p><u>Monitoring Actions</u></p> <ul style="list-style-type: none"> • Prior to issuance of building permits, the applicant shall provide proof to Development Services-Planning that a Notice to Purchaser has been recorded against each property containing the right to farm disclosure. 			
<p>28. 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) must be filed prior to construction to obtain coverage under the State's General Construction Activity Storm Water Permit.</p>	<p>Prior to Issuance of Building Permits</p>	<p>Public Works and Central Valley Regional Water Quality Control Board</p>	
<p>29. Provide drainage easements if required (prior to recordation of final map) and install facilities (prior to the issuance of building permits) pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvement Standards, including any fee required by the City of Elk Grove. The pertinent provisions of the above-referenced codes, standards, fees, and ordinances shall be applicable at the time of site improvement plan approval.</p>	<p>Prior to the Issuance of Building Permits</p>	<p>Public Works</p>	
<p>30. 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</p>	<p>Prior to 1st Building Permit</p>	<p>Public Works</p>	

Exhibit A: 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>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 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><i>NPDES GENERAL CONSTRUCTION PERMIT</i> - 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>			
<p>31. Improve Bader Road, 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</p>	<p>Prior to 1st Building Permit</p>	<p>Public Works</p>	

Exhibit A: 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>
	the roadside drainage ditch. 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. 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.			
32.	Improve the internal street as a 50' Class C street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. The cross-section shall include two 13-foot travel lane, two 6-foot paved shoulder (same structural section), all at 2% cross slope and a 3-foot AB/gravel shoulder each side (maximum 5% cross slope). An 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 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.	Prior to 1 st Building Permit	Public Works	
33.	The Applicant shall construct a turn-around at the western property line of parcel 2 in accordance with Fire Department Standard and to the satisfaction of Public Work. When the street is connected to the west, the turn-around may be abandoned.	Prior to 1 st Building Permit	Public Works	
34.	Final Map shall be completed, approved and recorded prior to 1 st building permit.	Prior to issuance of 1 st Building Permit	Public Works	
35.	At all street intersections, public or private, within one block of the proposed project, applicant shall install and/or	Building Permit	Public Works	

Exhibit A: 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>
36. replace street name signs in accordance with the City of Elk Grove Standard Details. 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 st Building Permit	Public Works	
37. All driveways shall require an encroachment permit. At that time the curb, gutter, sidewalk and all public improvements shall be evaluated to determine if those improvements need to be repaired/reconstructed.	Encroachment Permit	Public Works	
E. Prior to Final or Occupancy			
38. Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Public Works	
39. This subdivision is in an area that is not provided with public water. As such, all homes shall be provided with a residential fire sprinkler system.	Prior to Final/Occupancy	Elk Grove Fire	
40. A minimum of a 16-foot wide road shall be provided to within 150 feet of all portions of any home from the public road.	Prior to Final/Occupancy	Elk Grove Fire	

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

General Information and Compliance Items:

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

- a. Trunk sewer design and construction may be reimbursed by CSD-1. Prior to initiating design of any trunk sewer facility, the applicant shall contact CSD-1 regarding their Trunk Sewer Reimbursement Program. Failure to strictly comply with the provisions of the CSD-1 Connection Fee Ordinance may jeopardize trunk sewer reimbursement. In the event of any potential conflicts, the consulting engineer submitting the tentative map shall contact Rah-Nohn Spears at 876-6074 prior to the SRC hearing. 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)
- b. 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. (Fire Department)
- c. 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. (Fire Department)
- d. Dead-end streets in excess of 150 feet require approved emergency vehicle turn-arounds. (Fire Department)
- e. All required roadways shall be provided *prior to* the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage. (Fire Department)
- f. 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 the standards of the Elk Grove CSD Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code. (Fire Department)

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

¹ Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the City of Elk Grove Code, a Mitigation Monitoring and Reporting Program, City Control Number EG-05-826, has been established for the project entitled "**JACC INVESTMENTS REZONE AND TENTATIVE PARCEL MAP**".

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

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

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

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

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

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

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

Chapter 20.02 of the City of Elk Grove Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the City of Elk Grove Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal

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

penalties, which are found in Section 20.02.080 of the City of Elk Grove Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-56**

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 22nd day of February by the following vote:

AYES 5: COUNCILMEMBERS: Briggs, Leary, Scherman, Cooper, Soares


NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:

RECUSAL 0: COUNCILMEMBER:





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