

**RESOLUTION NO. 2006-122**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING A DESIGN REVIEW  
EAST CROSSING POINTE  
PROJECT NO. #EG-03-411 – APN: 127-0150-027**

**WHEREAS**, Tom DeKleer (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone, Specific Plan Amendment, 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 as APN 127-0150-027; and

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

**WHEREAS**, the City determined that the East Crossing Pointe 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 February 3, 2006 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 February 3, 2006 and closed March 6, 2006. The Mitigated Negative Declaration was made available to the public during this review period; and

**WHEREAS**, the City received one written comment letter within the 30 day public review period and responded to that comment in the project staff report ; and

**WHEREAS**, the City has considered the comment received during the public review period and determined the comment did not alter the conclusions in the Initial Study and Mitigated Negative Declaration; and

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

**WHEREAS**, the City of Elk Grove, Development Services Planning Department, located 8401 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based; and

**WHEREAS**, the Planning Commission considered the Applicant's request at a public hearing on March 30, 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 and MMRP as illustrated in Exhibit A and Site Plan 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, environmental analysis, 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 proposed East Crossing Pointe project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The East Crossing Pointe project site has a land use designation of Commercial on the General Plan land use map. The proposed project has been designed and is consistent with all the goals and policies contained in the General Plan. Conditions of approval have been included to ensure consistency of the project throughout construction and operation.

#### **Rezone**

Finding: The proposed Rezone implements and is consistent with the General Plan and does not create problems inimical to the public health, safety and general welfare of the residents of Elk Grove.

**Evidence:** The East Crossing Pointe project proposal is consistent with the General Plan land use designation of Commercial. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

### **Specific Plan**

**Finding:** The proposed Amendment to the East Elk Grove Specific Plan is consistent with the General Plan and does not create problems inimical to the public health, safety and general welfare of the residents of Elk Grove

**Evidence:** The East Crossing Pointe project proposal is consistent with the General Plan land use designation of Commercial. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area. The proposed amendment is consistent with the objectives of the East Elk Grove Specific Plan's objectives and responds to opportunities and constraints in the local community area.

### **Design Review**

**Finding:** The proposed project is consistent with the Citywide Design Guidelines for non-residential development.

**Evidence:** The site plan, building elevations, and landscape plan have been reviewed in accordance with Citywide Design Guidelines for non-residential land uses, and staff has concluded that the project's architecture and site planning meet all applicable design requirements and are consistent with the Citywide Design Guidelines. 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, elevations, and landscape plans provide all design elements required by the Citywide Design Guidelines, 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 East Crossing Pointe project will provide all required design elements that would establish a retail plaza compatible with the neighborhood. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

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

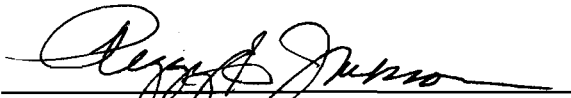
Evidence: The proposed East Crossing Pointe project is accessed by two driveways on Elk Grove Boulevard and one on Bradshaw Road. Sidewalks are provided on Elk Grove Blvd. and Bradshaw. Pedestrian walkways are provided throughout the plaza. The project has been reviewed by Public Works and Planning for vehicular, bicycle, and pedestrian circulation. No existing or potential conflicts have been identified.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 10<sup>th</sup> day of May 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 Rezone, Specific Plan Amendment and Design Review for a three building retail plaza totaling 24,538 square feet as illustrated by the following approved project plans:</p> <ul style="list-style-type: none"> <li>• PD-1 Site Plan (received 4-06-2006)</li> <li>• PD-2 Retail Floor Plan (received 2-04-2006)</li> <li>• PD-3 Retail Elevations (received 2-04-2006)</li> <li>• PD-4 Pas A Floor Plan and Elevations (received 2-04-2006)</li> <li>• PD-5 Pas B Floor Plan and Elevations (received 2-04-2006)</li> <li>• PD-6 Preliminary Landscape Plan (received 2-04-2006)</li> <li>• PD-7 Photometrics (received 2-04-2006)</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. CSD-1 will provide maintenance only in public right-of-ways and in minimum 25-foot wide easements dedicated to CSD-1 for the purpose of continuous access and maintenance.</p>	On-Going	CSD-1	

	<b><u>Conditions of Approval / Mitigation Measure</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
5.	Applicant will provide a minimum 6' masonry wall between the proposed project and the adjacent residential zone located to the west and the north of the site. This wall will be constructed to match the existing masonry wall on the west side of the project.	On-going	Community Enhancement	
6.	Applicant will provide for graffiti resistant paint or clear graffiti resistant coating of any monument signs, the projects side of the masonry wall and all masonry trash enclosures.	On-going	Community Enhancement	
7.	Applicant will provide for adequate size and number of trash and recycle material storage and collection that will not provide for a visible nuisance.	On-going	Community Enhancement	
8.	Applicant will provide for a trash/recycle collection service within the project that will not provide for nuisance noise for the adjacent residential zones-trash service may not begin prior to 6:00am.	On-going	Community Enhancement	
9.	Applicant shall not allow for deliveries or mechanical sweeping devices/parking lot cleaning within the site prior to 6:00am that may provide for nuisance noise to the adjacent residential zones.	On-going	Community Enhancement	
10.	Applicant shall not provide for any condition allowing for a public nuisance to occur during the construction phase, or during the implementation/operation phase of the project.	On-going	Community Enhancement	
11.	This project is subject to all applicable mitigation measures for the East Elk Grove Specific Plan.	On-going	Planning	
12.	<p><b>Swainson's Hawk Mitigation Measure</b></p> <p>A. Acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In</p>	Prior to any site disturbance or issuance of permit	Planning	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done 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. In addition, the City shall impose the following minimum conservation easement content standards:</p> <ul style="list-style-type: none"> <li>a) The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Game.</li> <li>b) All owners of the mitigation land shall execute the document encumbering the land.</li> <li>c) The document shall be recordable and contain an accurate legal description of the mitigation land.</li> <li>d) The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.</li> <li>e) If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.</li> <li>f) The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.</li> </ul>			

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>	
<p>g) Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.</p> <p>h) The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.</p> <p>i) If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City.</p> <p>Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation.</p> <p><b>Or</b></p> <p><b>B.</b> Purchase mitigation credits at a 1:1 ratio (one credit per each acre of habitat lost) at a Department of Fish and Game approved mitigation bank.</p>				
<b>Prior to Improvement Plans/Grading/Construction</b>				
13.	The applicant shall dedicate Elk Grove Blvd, north half section of 36' from the approved centerline including but not limited to the median along Elk Grove Blvd and the landscaping on the Elk Grove Blvd median. Sidewalks shall be separated from back of curb except at intersection and driveways. Improvement will be based on 84' equivalent arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. A 25' landscape corridor from the back of curb is required.	Prior to Improvement Plan Approval	Public Works	



	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
14.	The applicant shall dedicate Bradshaw Road, west half section of 48' from the approved centerline including but not limited to the median along Bradshaw Road and the landscaping on the Bradshaw Road median. 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 36' landscape corridor from the back of curb is required.	Prior to Improvement Plan Approval	Public Works	
15.	The applicant shall dedicate the intersection of Elk Grove Blvd and Bradshaw Road, based upon an expanded intersection including but not limited to the median and the landscaping on the Bradshaw Road median, bus turn out/right turn lane on Elk Grove Blvd into this project, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. The bus turnout/right turn lane shall be 11' wide.	Prior to Improvement Plan Approval	Public Works	
16.	The applicant shall dedicate a 12.5 foot public utility easement for underground and appurtenances adjacent to all public streets.	Prior to Improvement Plan Approval	Public Works	
17.	The applicant shall dedicate a 25' landscape easement on Elk Grove Blvd to the City of Elk Grove for the purposes of landscaping and pedestrian use.	Prior to Improvement Plan Approval	Public Works	
18.	The applicant shall dedicate a 36' landscape easement on Bradshaw Road to the City of Elk Grove for the purposes of landscaping and pedestrian use.	Prior to Improvement Plan Approval	Public Works	
19.	The applicant shall design and install street lights in accordance with the City of Elk Grove new street light standard and to the satisfaction of Public Works.	Prior to Improvement Plans Approval	Public Works	
20.	The applicant shall dedicate all private aisles as an easement to allow access for services such as utility and emergency vehicles.	Prior to Improvement Plan Approval	Public Works	
21.	The Bradshaw Road driveway and the westerly Elk Grove Blvd driveway throat depth shall be at least 50 feet. The easterly Elk Grove Blvd	Improvement Plan	Public Works	

	<b><u>Conditions of Approval / Mitigation Measure</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
	driveway throat depth shall be at least 45'. Throat depth is measured from the back of sidewalk and clear of parking spaces.			
22.	The 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 a Professional Engineer, and determined by the City to be comprehensive, accurate, and adequate.	Improvement Plan	Public Works	
23.	The backup distance for the parking spots at the northwest corner of the site shall be at least 5'	Improvement Plan	Public Works	
24.	Any structure, patio/furniture proposed within the landscape easements shall be reviewed and approved by Public Works.	Prior to Improvement Plans Approval	Public Works	
25.	Connection to the District's sewer system shall be required to the satisfaction of CSD-1.	Improvement Plans	CSD-1	

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26.	Each building or separate sewage source shall have a separate connection to the CSD-1 sewer system.	Improvement Plans	CSD-1	
27.	In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required.	Improvement Plans	CSD-1	
28.	Sewer easements will be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 25 feet in width and ensure continuous access for installation and maintenance.	Improvement Plans	CSD-1	
29.	The subject project owner shall be responsible for repairs and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be the responsibility of the successors in interest in future land divisions and by language approved by the District.	Improvement Plans	CSD-1	
30.	All structures along private drives shall have a minimum 10-foot setback so that CSD-1 can properly maintain sewer services.	Improvement Plans	CSD-1	
31.	Private drives and parking areas over easements shall have structural street sections that meet County of Sacramento Improvement Standards. This will prevent pavement damage by CSD-1 maintenance and repair operations.	Improvement Plans	CSD-1	
32.	CSD-1 requires their sewers to be located 10 feet from other parallel utilities (water, drain, electrical, etc.). The Applicant shall prepare a utility plan that will demonstrate this condition is met.	Improvement Plans	CSD-1	
33.	The landscaping for this project shall incorporate the City's Design Guidelines and Water Conserving Landscape Requirements. Landscape improvement plans shall be submitted to the Planning Department and the Public Works Department for review and approval.	Improvement Plans	Planning	

	<b><u>Conditions of Approval / Mitigation Measure</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
34.	Upon completion of the installation of the landscaping for the project, the project landscape architect/designer shall certify that the installed landscape complies with all City Water Conserving Landscape Requirements. Certification shall be accomplished by completion of a Certificate of 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.	Improvement Plans	Planning	
35.	Prior to final inspection or occupancy of any structure on the site a Certificate of Conformance for the landscaped lots shall be provided to the City's landscape architect for approval.	Improvement Plans	Planning	
36.	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 wells on the improvement plans for the project. Prior to abandoning any existing wells, the applicant shall use water from agricultural wells for grading and construction.	Improvement Plans	SCWA	
37.	Provide metered connections on transmission mains to the satisfaction of the Sacramento County Water Agency.	Improvement Plans	SCWA	
<b>Prior to Issuance of Building Permit</b>				
38.	The applicant shall construct public street improvements on Elk Grove Blvd, north half section 36' from the approved centerline to back of curb. Sidewalks shall be separated from back of curb except at intersection and driveways. Improvement will be based on an 84' equivalent arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of 1 <sup>st</sup> Building Permit	Public Works	
39.	The applicant shall construct public street improvements on Bradshaw Road, west half section 48' from the approved centerline to back of curb. Sidewalks shall be separated from back of curb except at intersection and driveways. Improvement will be based on a 108' equivalent thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of 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>
40.	The applicant shall construct public street improvements at the intersection of Elk Grove Blvd and Bradshaw Road, based upon an expanded intersection including but not limited to the median and the landscaping on the Bradshaw Road median, signal modification, bus turn out/right turn lane on Elk Grove Blvd into this project, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. The bus turnout/right turn lane shall be 11' wide.	Prior to Issuance of 1 <sup>st</sup> Building Permit	Public Works	
41.	The applicant shall improve a 25' landscape corridor on Elk Grove Blvd in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to issuance of 1 <sup>st</sup> Building Permit	Public Works	
42.	The applicant shall improve a 36' landscape corridor on Bradshaw Road in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to issuance of 1 <sup>st</sup> Building Permit	Public Works	
43.	At all street intersections, public or private, within one block of the proposed project, the applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	Prior to issuance of 1 <sup>st</sup> Building Permit	Public Works	
44.	The project shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance (see 2006 Development Related Fee Booklet at <a href="http://www.elkrovecity.org">www.elkrovecity.org</a> )	Prior to issuance of 1 <sup>st</sup> Building Permit	Finance	
45.	Prior to issuance of a building permit, the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, recreation center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see <a href="http://www.elkrovecity.org/services/finance-district/cfd-information.htm">www.elkrovecity.org/services/finance-district/cfd-information.htm</a>	Prior to issuance of 1 <sup>st</sup> Building Permit	Finance	

<b><u>Conditions of Approval / Mitigation Measure</u></b>		<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
46.	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.	Prior to the Issuance of the 1 <sup>st</sup> Building Permit	Department of Water Resources	
47.	The project shall conform to the specific provisions of the City of Elk Grove Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to the Issuance of the 1 <sup>st</sup> Building Permit	Department of Water Resources	
48.	Prior to the 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.	Prior to the Issuance of the 1 <sup>st</sup> Building Permit	Department of Water Resources	
49.	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 Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.	Prior to the Issuance of the 1 <sup>st</sup> Building Permit	Department of Water Resources	
50.	Applicant shall submit the final photometric plan to Planning for review and approval.	Prior to the Issuance of the 1 <sup>st</sup> Building Permit	Planning	
<b>Prior to Occupancy</b>				
51.	The Applicant will provide a minimum of nine total bike parking spaces on class II racks.	Prior to Occupancy	Planning	
52.	Applicant will be required to submit a Uniform Sign Program to ensure sign design consistency throughout the project.	Prior to Occupancy	Planning	
53.	Roof Mounted equipment will be screened so as not visible from the street.	Prior to Occupancy	Planning	

<b><u>Conditions of Approval / Mitigation Measure</u></b>		<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and Signature)</u></b>
54.	All mechanical equipment and cabinets shall be visually screened with dense landscaping or architectural treatments.	Prior to Occupancy	Planning	
55.	Site lighting will be downward directed and shielded so as not to spill over onto adjacent residential properties.	Prior to occupancy	Planning	

### 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.

- If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan. (Public Works)
- The applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- Any on site traffic calming devices and locations must be approved by Public Works prior to installation, including but not limited to speed bumps. (Public Works)
- Any improvements, public or private, damaged in construction shall be replaced, by the applicant, in-kind or with new improvement. (Public Works)
- Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees, by the applicant. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches. (Public Works)
- All driveways shall require the applicant to apply for 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. (Public Works)
- The applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works. (Public Works)
- All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standard. (Public Works)
- The internal circulation and access shall be subject to the review and approval of Public Works. (Public Works)
- Improvement plan must be approved by Public Works prior to 1<sup>st</sup> Building Permit.
- 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. (Public Works)
- All drainage courses and appurtenant access roads to be conveyed to the City shall be dedicated and conveyed in fee title, by the applicant, as separate parcels. Underground pipelines and open channels shall be located in the public right-of-way or parcels to be conveyed to the City. Parcels to be conveyed shall be a minimum of 25 feet wide. The applicant shall provide minimum 20 foot wide maintenance service roads along the entire water course(s) to be conveyed. No conditional easements shall be placed on these drainage parcels. (Public Works)
- 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. (Public Works)

- 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 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. (Public Works)
- 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. (Public Works)
- The applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. (Public Works)
- 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. (Public Works)
- The applicant or its successor in interest shall pay drainage Capital Improvement Plan fees in effect at the time of building permit application. The applicant may pay a reduced fee due to the construction of Capital Improvement Plan drainage structures in lieu of full payment of fees when so stated in a separate credit or reimbursement agreement. (Public Works)
- Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor.
- Developing this property will require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fees.
- Dead-end streets in excess of 150 feet require emergency vehicle turn-around.
- Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
- All civil engineering plans are required to be submitted in an electronic format. When plans are ready for final signature, it is required that the engineering firm 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:

- DXF (Drawing Interchange file) any DXF version is accepted.
  - DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted
- All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
  - 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.
  - 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. Buildings of certain types on construction, size, and use may need additional fire flows or the application of mitigating efforts to meet fire flows above this minimum.
  - 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 5% for concrete. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage.
  - EGCSDFD approved traffic pre-emption devices of a type 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.
  - Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
  - 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.
  - 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.




**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-122**

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 May 10, 2006 by the following vote:**

**AYES 5 :    COUNCILMEMBERS:    Scherman, Soares, Cooper, Leary, Briggs**  
**NOES :     COUNCILMEMBERS:    None**  
**ABSTAIN :  COUNCILMEMBERS:   None**  
**ABSENT:    COUNCILMEMBERS:    None**



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