

RESOLUTION NO. 2006-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP FOR THE TEGAN ESTATES II PROJECT NO. EG-04-785, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Jim Hensley and other partners, represented by Richard Albaugh and Rose's Engineering (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone and Tentative Subdivision Map (Assessor's Parcel Numbers 119-0151-010 and 119-0151-018); 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 City determined that the Tegan Estates II 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 construction air quality and biological resources; and

WHEREAS, the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; 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, all project changes required to avoid significant effects on the environment have been incorporated into the project and/or are identified in the Mitigation Monitoring Plan; 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 August 12, 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 August 12, 2005 and closed on September 12, 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, the Planning Commission considered the Applicant's request at a public hearing on September 29 and October 6, 2005 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove approves the Tegan Estates II Rezone and Tentative Subdivision Map based on the following findings and the attached conditions of approval included as Exhibit A.

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 entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and Zoning Code. 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.

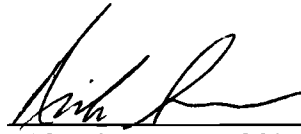
Tentative Subdivision Map

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:

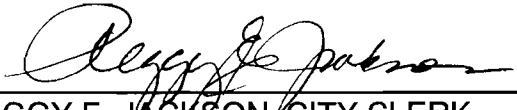
- a. The proposed map is consistent with the Elk Grove General Plan and rezone.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of rural residential development.
- 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.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of January, 2006.



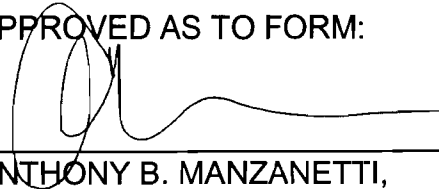
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A - CONDITIONS OF APPROVAL

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On-Going			
1. The Tentative Parcel Map approval is valid for three years from the date of Planning Commission approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of Planning Commission approval.	Development Services, Planning	
2. The development approved by this action is for a Tentative Subdivision Map and Rezoning, as described in the staff report, together with associated Exhibits and Attachments, dated January 25, 2006, and as modified by the City Council on that date.	On-Going	Development Services, Planning	
3. The Applicant, and any future heirs, successors or assigns (hereinafter 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.	On-Going	Development Services, Planning	
4. This action does not relieve the Applicant of the obligation to comply with all ordinances, statues, regulations, and procedures.	On-Going	Development Services, Planning	
5. The Applicant shall not create a nuisance during the construction phase of implementation of the project.	On-Going	Community Enhancement and Code Compliance	
6. Each lot shall have one driveway. Additional driveways may be approved by Public Works. Covenants, Conditions, and Restrictions shall be	On-Going	Public Works	

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recorded over all parcels within the Tentative Map. The Covenants, Conditions, and Restrictions shall include the number of driveways each parcel is allowed.			
7. The Applicant shall implement Best Management Practices (BMPs) to ensure that long-term water quality is protected. The BMPs shall be designed, constructed and maintained to meet a performance standard established by the City. The City or project applicant shall retain a qualified specialist to monitor the effectiveness of the BMPs selected. Monitoring activities, along with funding for monitoring, shall be established and shall include (but not be limited to) initial setup, yearly maintenance, and yearly monitoring. During project operation, the project shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems.	On-Going	Public Works	
8. 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	
9. 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	
10. In accordance with the Subdivision Map Act, no land lease or sale of this site may occur until such time as the under laying tentative map approval has been effected and a final map recorded.	On-Going	Public Works	
11. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled, or located within the dripline area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site. This shall be added as a	On-Going	Development Services, Planning	

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construction note on all grading, improvement, and building plans.			
12. No grading (grade cut or fills) shall be allowed within the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak trees which extend onto the site with the exception of approved encroachment areas on the Final Development Plans. If, in the opinion of the certified arborist, permitted grading in the dripline protection area is severe, then the affected tree shall be retained on-site but determined lost, and mitigation as required by the approving body shall be imposed. This shall be added as a construction note on all grading, improvement, and building plans.	On-Going	Development Services, Planning	
13. No trenching shall be allowed within the dripline protection area of the onsite oak trees to be retained and all portions of the off-site oak tree driplines which extend onto site. If it is absolutely necessary to install underground utilities within the dripline of the tree, the utility line shall be bored or drilled under the direct supervision of a certified arborist. This shall be added as a construction note on all grading, improvement, and building plans.	On-Going	Development Services, Planning	
14. Landscaping beneath the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend on the site include nonplant materials such as river gravel, woodchips, etc. The only plant species which shall be planted within the driplines of oak trees are those which are tolerant of the natural semiarid environs of the trees. Limited drip irrigation approximately monthly during late spring, summer and early fall is recommended for understory plants. This shall be added as a construction note on all grading, improvement, and building plans.	On-Going	Development Services, Planning	

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15. No in-ground sprinkler or irrigation system shall be installed in such a manner that irrigates the ground within the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend onto the site. An "above ground drip irrigation system", drip lines placed on natural grade and all emitters shall be placed on grade, will be permitted under oak tree driplines. No trenching for irrigation lines will be permitted under dripline protection areas. This shall be added as a construction note on all grading, improvement, and building plans.	On-Going	Development Services, Planning	
16. All construction traffic access to the project site shall be restricted to Tegan Road from Franklin Blvd. No construction traffic shall use Laguna Park Drive. Any violation of this restriction shall be subject to fines and/or penalties as determined by the City Engineer.	On-Going	Public Works	
Prior to approval of Final Map			
17. For all single family corner lots an access restriction shall be placed on the property from the driveway around the corner to the property line of the side yard.	Prior to approval of Final Map	Public Works	
18. Applicant shall dedicate and improve Tegan Road, north half section of 23' from the approved centerline to the back of the sidewalk. Improvements will be based on 56' equivalent arterial in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. All street improvements shall be constructed prior to the 1 st building permit.	Prior to approval of Final Map	Public Works	
19. No vacation of right-of way shall occur with this map. The proposed vacation shall be evaluated separately under a separate application.	Prior to approval of Final Map	Public Works	
20. The Applicant shall dedicate and improve all internal streets as shown in the tentative subdivision map, in	Prior to approval of Final Map	Public Works	

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21. Both cul-de-sacs will be extended to the property line and an IOD offered to allow extension of the streets into the adjacent parcel. A 1-foot fee title strip offered to the City of Elk Grove shall be provided between the IOD and the property line. Barricades shall be installed within this strip.	Prior to approval of Final Map	Public Works	
22. The streets at the end of Lot 12 and 13 and at the end of Lot 6 and 7 shall be dead end and provide future connection to the east. The northern most street shall be named St. Edwards Way and the street just north of Tegan Road shall be named consistently with A Way on Tegan Road Project EG-04-675. The Applicant shall provide a one-foot strip, in fee title, at the end of St. Edwards Way and A Way.	Prior to approval of Final Map	Public Works	
23. The Applicant shall dedicate Access rights (direct vehicular ingress and egress to Tegan Road) to the City of Elk Grove, except at the approved driveway locations.	Prior to approval of Final Map	Public Works	
24. 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.	Prior to approval of Final Map	Public Works	
25. The Applicant shall dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to all public and private streets where not existing.	Prior to approval of Final Map	Public Works	
26. Improvement plans must be approved by Public Works prior to City Council approval of Final Map.	Prior to approval of Final Map	Public Works	
27. The Applicant shall dedicate a 12.5-foot public utility	Prior to approval of	SMUD	

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easement for underground facilities and appurtenances adjacent to all public street rights of ways.	Final Map		
28. Sewer easements may 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 20 feet in width and ensure continuous access for installation and maintenance.	Prior to approval of Final Map	CSD-1	
29. CSD-1 shall require an approved sewer study prior to the approval of Final Map or submittal of improvement plans for plan check to CSD-1, which ever comes first.	Prior to approval of Final Map	CSD-1	
30. The project area shall be annexed into a Mello-Roos Community Facilities District (CFD) to fund a portion of the additional costs for police service related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax.	Prior to approval of Final Map	City of Elk Grove Finance Department	
31. The project area shall annex into Street Maintenance Assessment District No. 1 to fund a portion of the additional costs for long-term roadway maintenance related to serving the new development. The application fee for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments.	Prior to approval of Final Map	City of Elk Grove Finance Department	
32. The Applicant shall form or annex the project site into a Mello-Roos CFD, assessment district, other financing district, or will provide some other funding mechanism, which is acceptable to the Finance Director 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.	Prior to approval of Final Map	City of Elk Grove Finance Department	

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33. The Applicant shall comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the Tegan Estates II project. Until the MMRP has been recorded and the estimated MMRP deposit of \$3,000 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 will be approved.	Prior to approval of Final Map or the issuance of any Grading or Building Permits	Development Services, Planning	
34. Provide drainage easements (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.	Prior to Recordation of Final Map and Prior to the Issuance of Building Permits	Public Works	
Prior to approval of Improvement Plans			
35. 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.	Prior to approval of Improvement Plans	Public Works	
36. Where feasible, Biofilter swales and vegetated strips are preferred and shall be utilized in providing biofiltration of pollutants in project runoff prior to entering receiving water body. The project engineer shall consult with the City when designing storm water conveyance facilities, and the developer shall submit designs of the areas to these agencies for review and	Prior to approval of Improvement Plans	Public Works	

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approval prior to approval of the Final Map.			
37. Provide calculation and layout showing drainage areas and the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards. Show the manner in which overland flows are to be conveyed for a point of discharge.	Prior to approval of Improvement Plans	Public Works	
38. Drainage improvement plans shall be designed and constructed in accordance with the City of Elk Grove. Drainage Floodplain Management Ordinance, and all easements shall be dedicated and provided on the Final Subdivision Map, or dedicated by grant deed prior to the issuance of building permits. Drainage facilities shall be installed prior to the issuance of building permits pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Prior to approval of Improvement Plans	Public Works	
39. The Applicant shall contribute \$12,000 of in-lieu fees towards the construction of off-site traffic calming plan as displayed in the Neighborhood Livability Program, Traffic Calming Plan. These fees will be collected after Council has approved the construction of Laguna Park / Vista / Spring neighborhood.	Prior to approval of Improvement Plan	Public Works	
40. All native oaks and tree numbers 212, 225-228, 231, 233-235, 237, 238, 244, 246, 268-273, and 278 shall have an ISA Certified Arborist survey and an arborist report submitted to the City Landscape Architect for review.	Prior to approval of Improvement Plans	Development Services, Planning	
41. Water supply will be provided by the Sacramento County Water Agency.	Prior to approval of Improvement Plans	Sacramento County Department of Water Resources-Zone 40	
42. Provide separate public water service to each parcel and dedicate maintenance easements in all public	Prior to approval of Improvement Plans	Sacramento County Department of Water	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
and private streets over all water lines to the satisfaction of Sacramento County Water Agency prior to Final Map approval.		Resources-Zone 40	
43. Destroy all abandoned wells on the proposed project 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 approval of Improvement Plans	Sacramento County Department of Water Resources-Zone 40	

Prior to approval of Grading Permit, Improvement Plans, and/or Building Permits			
44. In order to mitigate for the loss of Swainson's hawk foraging habitat, the project applicant shall: <ul style="list-style-type: none"> • 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 • 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. (MM 1) 	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.	City of Elk Grove Development Services-Planning in consultation with CDFG	
45. Applicant shall either: <ul style="list-style-type: none"> • Preserve the .40 acres of seasonal wetlands and .05 acres of vernal pools, or; • Mitigate at a 2-to-1 ratio the seasonal wetlands and vernal pools in an approved wetland mitigation bank, or 	Prior to approval of Grading Permit and/or Improvement Plans	City of Elk Grove Development Services-Planning in consultation with U.S. Army Corps of Engineers	

	<p>If the Applicant receives a 404 permit from the U.S. Army Corps of Engineers and follows the required mitigation procedures for that permit, this measure will be considered mitigated, as long as the mitigation is equal to or greater than those required above. (MM 2)</p>			
46.	<p>In order to mitigate potentially adverse impacts to raptors and other special status birds, the applicant shall contract a qualified biologist to conduct a pre-construction survey to identify whether raptors and other special status birds exist on the site. No earlier than thirty (30) days of the commencement of any clearing, grading or construction that would occur, a field survey shall be conducted by the qualified biologist to determine if active nests of raptors, burrowing owls, tricolored blackbirds, and other special-status species occur on the site. These surveys shall include all areas in or within 250 feet of the construction zone. In the event that nesting raptors are found, a 100-foot no-construction zone shall be established around the nest until the young have fledged, as determined by the qualified biologist in consultation with the City and CDFG. The applicant shall consult with CDFG 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 for burrowing owls 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. (MM 3)</p>	<p>Prior to approval of Grading Permit</p>	<p>Development Services-Planning</p>	
47.	<p>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</p>	<p>Prior to the Issuance of any permits for grading, building or any other site improvements.</p>	<p>Public Works</p>	

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	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.			
48.	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.	Prior to Issuance of Grading Permits	Public Works	
49.	Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered 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. The SWPPP shall address spill prevention and include counter measure plan describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance and may include but not necessary limited to: (1) restricting grading to the dry season; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydroseeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into any receiving water body; and (6) any other suitable	Prior to Issuance of Grading Permits	Public Works	

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	measures The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times.			
50.	If Tree #225 is determined to be in fair or better condition, it shall be preserved in place and Lots 7, 8, 11, and 12 shall be reviewed to confirm the protection of that heritage oak.	Prior to approval of Grading Permit and/or Improvement Plans	Planning/Landscape Architecture	
51.	A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of all oak trees to be retained and all portions off-site oak tree driplines which extend into the site, and shall not be cut back in order to change the dripline. Removing limbs which make up the driplines does not change the protected zones. This shall be added as a construction note on all grading, improvement, and building plans.	Prior to approval of Grading Permit and/or Improvement Plans	Planning/Landscape Architecture	
52.	The Applicant shall comply with all NPDES Permit and City's Stormwater Ordinance requirement before, during, and after construction as require by the Permit and the Ordinance and in accordance with the latest version of the Guidance Manual of On-site Stormwater Quality Control Measure. That includes but not limited to the use of appropriate Best Management Practices (BMPs) measures.	Grading Permit and/or deemed needed by Public Works	Public Works	
53	All finished floor elevations must be a minimum of 1 foot above the 100-yr water surface elevation in the area, calculated with a method acceptable to the City of Elk Grove, Public Works, Drainage. Provide hydraulic calculations as to the manner the 100-year water surface elevation was calculated.	Improvement Plans/Grading/ Building Permit	Public Works	
Prior to approval of Grading Permit				
54.	The Applicant shall file a notice of Intent, obtain a WDID number from the State Board and prepare a SWPPP. SWPPP improvements shall be in place prior to moving equipment, material and personnel on-site for grading activities.	Prior to issuance of the Grading Permit	Public Works	

55.	<p>A Tree Replacement Planting and Preservation Plan shall be prepared by a certified arborist or landscape architect to mitigate for the loss of native trees larger than 6-inch dbh and all non-native trees larger than 19-inch dbh that are proposed for removal, except Eucalyptus, Digger Pines and willows. The Plan shall comply with the City code and General Plan policies and be submitted to the City for review and approval. The Plan shall include the following elements:</p> <ul style="list-style-type: none"> • Species, size and location of all replacement plantings; • Method of irrigation and recommended irrigation schedules; • City of Elk Grove Standard Tree Planting Detail L-1, including the 10-foot depth boring hole to provide for adequate drainage; • Spacing. Minimum spacing for replacement trees shall be 20' on center; • Oak tree drip lines. Replacement trees shall not be planted within 15' of the drip lines of existing oak trees to be retained on-site or within 15 feet of building foundations or swimming pools; • Planting, maintenance, and monitoring schedules. Identify the maintenance and monitoring entity and include their written agreement to monitor, provide maintenance and irrigation of the replacement trees for a 3-year establishment period, and to replace any of the replacement trees which do not survive the 3-year period. Replacement trees shall be monitored bi-annually and the status of trees and the replacement of dead trees shall be provided to the City bi-annually. 	Prior to the issuance of the Grading Permit	Planning/Landscape Architecture	
56.	<p>Chain link or similar protective barrier approved by the Planning Department shall be installed one (1) foot outside the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree</p>	Prior to the issuance of the Grading Permit	Planning/Landscape Architecture	

	driplines which extend onto the site, prior to initiating project construction, in order to avoid damage to the trees and their root systems. The barrier around those oak tree driplines which are approved for encroachment into by structures and/or driveways can be moved to allow construction. The new barrier locations shall be four feet outside the structure wall and/or driveway location. Place 12" by 18" all weather durable signs on the protective barrier every 10' on center stating: "This tree is protected by the City of Elk Grove." Minimum of 2 signs per tree. This shall be added as a construction note on all grading, improvement, and building plans.			
57.	All driveways which pass through the dripline protection area of the on-site oak trees to be retained and all portions of off-site oak tree driplines which extend on the site shall be constructed such that the entire driveway section is placed directly above existing grade. No excavation for driveway construction shall be allowed within oak tree dripline protection areas except minor excavation associated with the installation of piped aeration systems. This shall be added as a construction note on all grading, improvement, and building plans.	Prior to the issuance of the Grading Permit	Planning/Landscape Architecture	
58.	The project shall comply with the City of Elk Grove's Land Grading and Erosion Control Ordinances.	Improvement Plans / Grading Plan	Public Works	

Prior to issuance of Building Permit				
59.	Final Map shall be completed, approved and recorded prior to 1 st building permit.	Prior to issuance Building Permit	Public Works	
60.	At all street intersections, public or private, within one block of the proposed project, applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	Prior to issuance of Building Permit	Public Works	
61.	All improvements shall be installed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to issuance of Building Permit	Public Works	

Exhibit A - Conditions of Approval

62.	The Applicant shall construct a safe, continuous all-weather sidewalk or pedestrian path from Franklin Boulevard to Laguna Park Drive within existing City of Elk Grove right-of-way on the north side of Tegan Road if there is no existing sidewalk and there is adequate right-of-way available. Permanent sidewalks shall be constructed in the right-of-way for the portion of this project's frontage. The design of off-site improvements is subject to Public Works Department review and approval. For all off-site improvements (the three remaining undeveloped parcels on the north side of Tegan Road), this project shall contribute 35% of the path's design and construction fee.	Prior to issuance of 1 st Building Permit	Public Works	
63.	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	
64.	The Applicant shall make full improvements to Tegan Road, including the installation of sidewalks, curbs, and striping, in front of 5401 Tegan Road (Parcel ID 119-0151-019). This project shall contribute 35% of the improvement's design and construction fee for this section.	Prior to issuance of Building Permit	Public Works	
65.	The Applicant shall pay Zon3 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18.	Prior to issuance of Building Permit	Sacramento County Department of Water Resources-Zone 40	
66.	The Applicant shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape Architect.	Prior to issuance of Building Permit	Sacramento County Department of Water Resources-Zone 40/ Elk Grove Planning- City Arborist	
Prior to Occupancy				
67.	Applicant shall submit Flood Elevation Certification for each structure or appropriate documents as determined by Public Works.	Prior to Occupancy	Public Works	
68.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Occupancy	Public Works	

69.	The Applicant shall pay all applicable City of Elk Grove administered development impact fees prior to building permit issuance. The project would pay the Zone 1 roadway fees under the City's proposed citywide roadway fee program even though it is located in Zone 2 as it was exempt from the Laguna CFD.	Prior to Occupancy	City of Elk Grove Finance Department	
70.	Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.	Prior to Occupancy	CSD-1	
71.	Each lot or building structure with a sewage source shall have a separate connection to the CSD-1 sewer system.	Prior to Occupancy	CSD-1	
72.	Applicant shall mitigate the removal of 7 native oaks (84 DBH inches). Mitigation may be planting 84 inches of native oaks on the site, or paying to the City's Tree Preservation Fund \$200 (or the current mitigation fee established at the time of tree removal) per diameter inch or, a combination of planting any paying to the fund. Mitigated native oaks should not be planted in lawn/turf areas.	Prior to Occupancy	Planning/Landscape Architecture	
73.	A piped aeration system shall be installed at all locations where impervious surfaces and/or structural development will occur within the dripline protection area of the on-site oak trees to be retained and all portions of the off-site oak tree driplines which extend onto the site. Installation of the aeration system shall be performed under the direct supervision of a certified arborist. If, in the opinion of the certified arborist, encroachment into the dripline protection area is severe, then the affected tree shall be retained on site but determined lost, and mitigation as required by the approving body. This shall be added as a construction note on all grading, improvement, and building plans.	Prior to Occupancy	Planning/Landscape Architecture	


**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-21**

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 January 25, 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**