

RESOLUTION NO. 2005-379

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A CONDITIONAL USE PERMIT AMENDMENT AND DESIGN REVIEW PROJECT NO. EG-05-868, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Syufy Enterprises (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) on June 15, 2005 for a Conditional Use Permit Amendment and Design Review (Assessor's Parcel Numbers 116-0330-034 & 116-0340-049); 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 Sywest Laguna Project is categorically exempt from the California Environmental Quality Act under Section 15303; and

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

WHEREAS, all required services and access to the proposed parcels in compliance with the City's standards are available; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on September 29, 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 Sywest Laguna project based on the following findings and the attached conditions of approval included as Exhibit A.

Findings

CEQA

Finding: The proposal is exempt from CEQA under section 15303 (New Construction or Conversion of Small Structures) and consists of projects characterized as new construction of small structures.

Evidence: Categorical exemption 15303 Class 3 applies to the construction of new, small structures, not exceeding 10,000 square feet. The project consists of the Design Review for a 4,500 square foot commercial building and an amendment to a Conditional Use Permit to amend a specific site plan. No special circumstances exist that create a reasonable possibility that this activity may have a significant adverse impact on the environment.

General Plan & Zoning

Finding: The project is consistent with the goals and policies of the Elk Grove General Plan and the development standards in the City's Zoning Code.

Evidence: The General Plan identifies the site for commercial uses. The proposed 4,500 square foot building will be used for restaurant use, which is considered commercial. The project site is zoned Limited Commercial and the project is consistent with the commercial development standards and regulations of the City's Zoning Code.

Design Review

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

Evidence: The site plan, building elevations, and landscape plan have been reviewed in accordance with the Citywide Design Guidelines for non-residential land uses, and the project's architecture and site planning meet all applicable design requirements. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

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

Evidence: The proposed site plan, building and landscape plans incorporate all design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity within the project, and the application of a consistent color palette throughout the project. 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 building on adjoining and nearby properties.

Evidence: The proposed Sywest Laguna project provides all required design elements that are compatible with adjoining and nearby properties. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Conditional Use Permit Amendment

Finding: The establishment, maintenance and operation of the use, building, or structure applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons


residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. (Zoning Code §110-30)

Evidence: The proposed building would be constructed in compliance with the Uniform Building Code, the Elk Grove Zoning Code and Design Guidelines. As such, it will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of December, 2005.


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

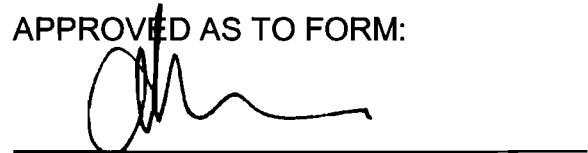

ANTHONY B. MANZANETTI,
CITY ATTORNEY

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 development approved by this action is for a Design Review and Conditional Use Permit Amendment to remove parking and construct a 4,500 square foot restaurant pad in the northwest corner of the parking lot as indicated in the November 9, 2005 staff report and associated exhibits dated July 26, 2005. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
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.	On-Going	Planning	
3. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
4. The Applicant shall execute an agreement with the City of Elk Grove and Sacramento Regional Transit that requires the patio and appurtenances removed from within the light-rail easement, at the owner's cost, at such time that either agency sees fit in preparation of the light rail extension along Big Horn Blvd.	On-Going	Public Works	
5. 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.	On-Going	Public Works	
6. Pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Public Works	
7. 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.	On-Going	Public Works	

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	Pavement grinding is required for the full length and width of the trenches.			
8.	The Applicant shall provide a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each storm drain inlet. This may be accomplished with a stamped concrete impression (for curbs) or manufactured colored tiles, which are epoxied in, place adjacent to the inlet (for parking lots and areas without curbs).	On-Going	Public Works	
9.	The Applicant shall provide storm drain maintenance activities. These activities control the movement of pollutants and remove them from pavements through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped material from storm channels and creeks.	On-Going	Public Works	
10.	<p>The Applicant shall implement and amend, as requested by the City, the approved plan for on-site security at all times during the operation of the business and occupancy to the satisfaction of the Elk Grove Police Department. Security measures may include, but not be limited to:</p> <ul style="list-style-type: none"> • All existing high pressure sodium lighting should be replaced with metal halide bulbs. • Maintain metal halide light fixtures on-site at all times. • Install three additional 175w metal halide wall packs to the north elevation of the theater. • On-site fixtures shall remain on between dusk and dawn. • Trim all trees and shrubs within the parking lot and along Longleaf Drive, Big Horn Blvd. & Monetta Drive to the satisfaction of the City's arborist and Police Department. <p>All measures shall be in place prior to issuance of occupancy.</p>	On-Going	Planning, Elk Grove Police Dept.	
Grading Permit/Improvement Plans				
11.	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 the approval of Improvement Plans	Public Works	

Exhibit A - Conditions of Approval

12.	The internal circulation and access shall be subject to the review and approval of Public Works.	Prior to the approval of Improvement Plans	Public Works	
13.	The Applicant shall provide a sixty (60) foot transportation easement adjacent to Big Horn Boulevard to the satisfaction of Public Works.	Prior to the approval of Improvement Plans	Public Works	
14.	The Applicant shall provide drainage easements 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 Approval of Improvement Plans and Prior to the Issuance of Building Permits	Public Works	
15.	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. 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	
16.	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.	Prior to Issuance of Grading Permits	Public Works	
17.	The landscaping for the project shall incorporate the City's Zoning Code and Water Conserving Landscape Requirements. Landscape improvement plans shall be submitted to the Planning Department and the Public Works Department for review and approval.	Prior to approval of Improvement Plans	Planning	
18.	The Applicant shall provide public water service to the building.	Prior to approval of Improvement Plans	Water Resources	
Prior to Building/Encroachment Permit				
19.	Prior to the issuance of the 1 st building permit, the project area shall form or annex into a Mello-Roos CFD, assessment, district, other financing district, or will provide some other funding mechanism, which is acceptable to the Finance Department of the City to fund the project's fair share of landscape maintenance costs which may include, but not be limited to, roadway corridors, interchanges,	Prior to Issuance of the 1 st Building Permit	Finance	

	medians, drainage corridors, trails, open space, and parks, and maintenance costs of other community facilities.			
20.	All improvements shall be constructed in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of the 1 st Building Permit	Public Works	
21.	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 the 1 st Building Permit	Public Works	
22.	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.	Prior to Issuance of the Encroachment Permit	Public Works	
23.	All commercial buildings in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.	Prior to Issuance of the 1 st Building Permit	EGCSD Fire	
24.	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.	Prior to Issuance of the 1 st Building Permit	EGCSD Fire	
25.	The Applicant shall pay all zone 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 the 1 st Building Permit	Water Resources	
26.	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 Issuance of the 1 st Building Permit	CSD-1	
27.	Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system.	Prior to Issuance of the 1 st Building Permit	CSD-1	
28.	Sewer service laterals will not be permitted to connect to the 15" and 18" diameter trunk sewer line on Big Horn Blvd.	Prior to Issuance of the 1 st Building Permit	CSD-1	
29.	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 30 feet in width and ensure continuous access for installation and maintenance.	Prior to Issuance of the 1 st Building Permit	CSD-1	
30.	CSD-1 will provide maintenance only in public right-of-ways and in minimum 30-foot wide easements dedicated to CSD-1 for the purpose of continuous access and maintenance.	Prior to Issuance of the 1 st Building Permit	CSD-1	

31.	All theater seating identified for removal shall be permanently removed prior to issuance of building permit.	Prior to Issuance of the 1 st Building Permit	Planning	
32.	Prior to issuance of building permit, the Planning Director of the City of Elk Grove shall review the proposed uses for the 4,500 square foot building to ensure that such uses are consistent with the intent of the proposed project. The applicant shall circulate to the City Council members for their information a copy of the packet submitted to the Planning Director. The intent of this small center is to provide sit down eating experiences and retail services appropriate for the employees at the surrounding medical professional buildings, the residences at the multi-family units across the street and families attending the movie theater. The project shall not include sale of alcoholic beverages for off-site consumption or sale of liquor for on-site consumption. Beer and wine for on-site consumption may be permitted subject to the issuance of an ABC license and a Finding of Public Convenience and Necessity. The project shall not include drive-thru and fast food style restaurants. The retail uses shall be compatible with the adjacent professional offices, multi-family units and theater.	Prior to Issuance of the 1 st Building Permit	Planning	
Prior to Occupancy				
33.	Any improvements, public or private, damaged in construction shall be replaced in-kind or with new improvement.	Prior to Certificate of Occupancy	Public Works	
34.	Upon completion of the installation of the landscaping 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 <i>Certificate of Conformance on a form provided the City</i> . Failure to submit a complete and accurate Certificate of Conformance to the Planning Department will delay final approval/occupancy of the project.	Prior to Certificate of Occupancy	Public Works	
35.	All landscaping shall be installed and completed in accordance with approved plans.	Prior to Certificate of Occupancy	Planning	
36.	All trash and recycle containers will be stored and maintained within masonry enclosures with solid doors.	Prior to Certificate of Occupancy	Planning	
37.	The Applicant shall provide for graffiti-resistant paint, or clear graffiti-resistant coating of all the masonry trash/recyclable enclosures on site, and any monument sign.	Prior to Certificate of Occupancy	Planning	

38.	Bicycle racks shall be provided and located in highly visible locations near entrances and shall not obstruct walkways.	Prior to Certificate of Occupancy	Planning	
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General Compliance Items for Building Permit

1. Dead end streets in excess of 150 feet require emergency vehicle turn-around.
2. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
3. 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
4. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
5. 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.
6. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in residential, single-family homes areas. Buildings of certain types of construction, size, and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum.
7. 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 50% 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.
8. 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.
9. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
10. 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.

11. 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.

