

**RESOLUTION NO. 2007-157**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING THE ELK GROVE PROMENADE DEVELOPMENT PLAN REVIEW,  
PROJECT EG-05-878**

**WHEREAS**, Elk Grove Town Center, L.P. (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for the Elk Grove Promenade Development Plan Review (Assessor's Parcel Number 134-0220-078); 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 Elk Grove Promenade Development Plan Review project was subject to the California Environmental Quality Act; and

**WHEREAS**, the Elk Grove Promenade Development Plan Review project is consistent with the Lent Ranch Special Planning Area EIR and is subject to the adopted MMRP; and

**WHEREAS**, all potentially significant environmental effects for this project have been adequately analyzed and addressed in the Environmental Impact Report (EIR) previously prepared for the Lent Ranch Special Planning Area and adopted by the City in June of 2001 in accordance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, an addendum to the EIR addressing impacts to agricultural resources was prepared and adopted by the City in August 4, 2004; and

**WHEREAS**, in addition, a mitigation monitoring and reporting program (MMRP) was adopted for the project; and

**WHEREAS**, the Planning Commission considered the Applicant's request at a public hearing on May 31, 2007 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 Elk Grove Promenade Development Plan Review based on the following findings and the attached conditions of approval included as Exhibit A.

## Findings

### CEQA

Finding: All potentially significant environmental effects for this project have been adequately analyzed and addressed in the Environmental Impact Report (EIR) previously prepared for the Lent Ranch Special Planning Area and adopted by the City in June of 2001 in accordance with the California Environmental Quality Act (CEQA). An addendum to the EIR addressing impacts to agricultural resources was prepared and adopted by the City in August 4, 2004. In addition, a mitigation monitoring and reporting program (MMRP) was adopted for the project. The Elk Grove Promenade project is consistent with the Lent Ranch Special Planning Area EIR and is subject to the adopted MMRP. There have been no substantial changes to the proposed project, no substantial changes to the circumstances under which the project was undertaken, and there is no new information which was not known or could not have been known at the time of the certification of the prior EIR that would require preparation of a subsequent or supplemental EIR.

Evidence: The Lent Ranch Special Planning Area EIR was certified for the Lent Ranch SPA project by the City in 2001. An addendum to the EIR addressing impacts to agricultural resources was prepared and adopted by the City in August 4, 2004. In addition, a mitigation monitoring and reporting program (MMRP) was adopted for the project. The Elk Grove Promenade project is consistent with the Lent Ranch Special Planning Area EIR and is subject to the adopted MMRP. Based on the record of proceeding, there have been no substantial changes to the proposed project, no substantial changes to the circumstances under which the project was undertaken, and there is no new information which was not known or could not have been known at the time of the certification of the prior EIR that would require preparation of a subsequent or supplemental EIR.

### General Plan

Finding: The project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The proposed project has been reviewed for consistency with the goals and policies of the General Plan. The Land Use Element requires new development to be of high quality, attractive, and functional design. The proposed Elk Grove Promenade project consists of a 1.1 million square foot regional mall, designed consistent with the development standards established by the Lent Ranch SPA. The project is planned in a cohesive manner, which will result in a high quality, unique regional mall that provides efficient and functional vehicle and pedestrian access.

## Development Plan Review

**Finding:** The site plans are consistent with the Lent Ranch Marketplace SPA.

**Evidence:** As described in detail above, the Elk Grove Promenade Development Plan Review includes a site plan, landscape plan, architectural elevations, concept anchor architecture, and site amenities as required by the Lent Ranch SPA. The proposed project incorporates the development standards of the SPA. Building heights, setbacks, parking, and floor area ratio of the proposed project are consistent with the SPA.

**Finding:** That the nature, condition, and development of adjacent land uses, buildings, and structures have been considered, and the use will not adversely affect or be materially detrimental to these adjacent uses, buildings or structures.

**Evidence:** The proposed Regional Mall is the first development project within the Lent Ranch SPA area. It has been planned in anticipation of future adjacent commercial, office, and entertainment uses allowed by the Lent Ranch SPA. The proposed project will not adversely affect future adjacent uses, which are anticipated to be commercial, office, or entertainment as allowed by the Lent Ranch SPA. Existing uses, located across SR 99, will not be directly impacted by the development and will have reduced visibility of the mall resulting from the reconstructed Grant Line/SR 99 Interchange.

**Finding:** That the site for the proposed use is of adequate size and shape to accommodate the use and buildings proposed.

**Evidence:** The Lent Ranch SPA identifies the project site as the appropriate location for a future regional mall. The proposed Elk Grove Promenade project is consistent in scale and square footage to that anticipated within the SPA document. The site has been planned to provide adequate access through the site and onto the adjacent roadways. The proposed uses and future buildings are located within the site to ensure safe and efficient use of the site.

**Finding:** That the proposed use complies with all applicable Development Standards.

**Evidence:** The proposed Elk Grove Promenade has been planned in compliance with applicable development standards and has requested modification of the shading standard in order to ensure onsite security is maintained. Approval of the modification would implement the standard as it applies to the proposed project.

**Finding:** That the proposed project conforms to the general design standards contained in the SPA.

**Evidence:** The general design standards of the Lent Ranch SPA include streetscape design, conceptual landscaping, as well as building height and setback standards. The


proposed Elk Grove Promenade has been planned in compliance with these general design standards.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 11th day of July 2007.

  
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JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

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

  
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JONATHAN P. HOBBS,  
INTERIM CITY ATTORNEY

**Exhibit A – Elk Grove Promenade Conditions of Approval**

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<b>On-going</b>			
<p>1. The action approved is for the Development Plan Review for the Elk Grove Promenade as described in the July 11, 2007 staff report and as illustrated on the following exhibits, received May 18, 2007 and June 29, 2007:</p> <ul style="list-style-type: none"> <li>• 30x42 Site Plan, black and white</li> <li>• 11x17 Site Plan, color</li> <li>• 30x42 Circulation Plan</li> <li>• 11x17 North Crosswalk Exhibit</li> <li>• 11x17 Crosswalk from Promenade Parkway</li> <li>• 30x42 Exterior Elevations, pages A311-1 through A311-12</li> <li>• 30x42 Macy's Architectural Representation</li> <li>• 30x 42 JC Penney's Architectural Representation</li> <li>• 30x42 Barnes and Noble Architectural Representation</li> <li>• 30x42 Target Architectural Representation</li> <li>• 11x17 Day, Night Views, Building Renderings (6)</li> <li>• 30x42 Building Rendering, Illustrative Tenant Storefront</li> <li>• 11x17 Grand Entrance Landscape Rendering</li> <li>• 30x42 Overall Site Plan, Landscape Sheet Key</li> <li>• 30x42 Planting Plan, Sheets L4.01 through L4.37 (37)</li> <li>• 30x42 Plant List and Details</li> <li>• 11x17 Tree Removal Plan</li> <li>• 30x42 Photometric Plan</li> <li>• 30x42 Lighting Plan</li> <li>• 30x42 Lighting Fixtures</li> <li>• 30x42 The Green, color</li> <li>• 30x42 Seating Amenity Plan</li> <li>• 11x17 Composite Plan, Amenities</li> <li>• 8.5x11 Bike Locker Cut Sheet</li> <li>• 11x17 Central Park Rendering</li> <li>• 11x17 Central Park Rendering</li> </ul>	On-Going	Planning	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<ul style="list-style-type: none"> <li>• 30x42 Grading and Drainage Plan, Pages GR-1 and GR-2</li> <li>• 11x17 Signage Program, Pages 1 through 27</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>			
<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. The Applicant is notified that this property is part of the Lent Ranch Special Planning Area (SPA) project (EG-00-038). This project is subject to all applicable mitigation measures and conditions of approval from the Lent Ranch SPA project.</p>	On-Going	Planning	
<p>5. The designed fire flow for the area is 3,000 GPM for 4-hours. Due to the size of the anchor stores, mitigation measures may be required to compensate for the required fire flow.</p>	On-Going	CCSD Fire	
<b>Prior to Approval of Improvement Plans</b>			
<p>6. The applicant shall submit landscape improvement plans (planting and irrigation) which incorporates the Vested Zoning Code, SPA, and Water Conserving Landscape Requirements. Plans shall be submitted to Planning and Public Works for review and approval.</p>	Prior to Approval of On-site Improvement Plans	Public Works, Planning	
<p>7. The applicant shall provide for separate connections to the County Sanitation District's sewer system for each building or parcel with a sewage source to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction. GGP may provide common grease/sewer traps.</p>	Prior to Approval of On-site Improvement Plans	CSD-1	
<p>8. The applicant shall provide an approved sewer study to CSD-1 prior to approval of submittal of improvement plans for plan check to CSD-1. The sewer study shall demonstrate the quantity of</p>	Prior to Submittal of Improvement Plans	CSD-1	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>discharge and any "flow through sewage" along with appropriate pipe sizes and related appurtenances from this subject and other up-stream areas, and shall be done in accordance with the Districts' "Minimum Sewer Study Requirements" of April 3, 2006. The Study shall be based on a "no-shed shift" standard without advance approval of the District.</p>			
<p>9. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required. On and off-site sewer lines will be required as determined by the required sewer point of service connection.</p>	<p>Prior to Approval of On-site Improvement Plans</p>	<p>CSD-1</p>	
<p>10. An on-site collection system will be required for all pipes carrying waste from two or more buildings or sewage sources and shall consist of 8-inch (min.) pipes in public easements. Off-site installations may also be required as determined by the sewer study.</p>	<p>Prior to Approval of On-site Improvement Plans</p>	<p>CSD-1</p>	
<p>11. 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 20 feet in width and ensure continuous access for installation and maintenance.</p>	<p>Prior to Approval of On-site Improvement Plans</p>	<p>CSD-1</p>	
<p>12. CSD-1 will provide maintenance only in public right-of-ways or in minimum 20-foot wide easements dedicated to CSD-1 for the purpose of continuous access maintenance.</p>	<p>Prior to Approval of On-site Improvement Plans</p>	<p>CSD-1</p>	
<p>13. The subject property owner(s) and subsequent unit buyers shall be responsible for repair 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 successors in interest in future land transfers and divisions and by language approved by the District. Surface enhancements include, but are not limited to, non-asphaltic paving, landscaping, lighting, curbing, and all non-driveable street appurtenances.</p>	<p>Prior to Approval of On-site Improvement Plans</p>	<p>CSD-1</p>	
<p>14. 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 that this condition is met.</p>	<p>Prior to Approval of On-site Improvement Plans</p>	<p>CSD-1</p>	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
15. The applicant shall dedicate a standard 12.5 foot Public Utility Easement for underground facilities and appurtenances adjacent to all public ways, and/or Irrevocable Offer of Dedication.	Prior to Approval of On-site	PG&E	
16. The applicant shall incorporate historical elements and landscaping reflective of the Elk Grove community as discussed by the Planning Commission on May 31, 2007 and the City Council on July 11, 2007. A written description of these elements shall be included with submittal of improvement plans and/or building permits as appropriate.	Prior to Approval of On-site Improvement Plans or Prior to Issuance of Building Permits as applicable	Planning	
<b>Prior to Issuance of Building Permits</b>			
17. Architectural review for buildings not included in this project shall complete a Development Plan Review prior to issuance of building permits for the subject building. Per Section 5 of the Lent Ranch SPA, the Planning Director shall be the approving authority for buildings up to 25,000 square feet and the Planning Commission shall be the approving authority for buildings over 25,000 square feet.  Buildings subject to this condition include: <ul style="list-style-type: none"> <li>• All proposed Restaurants</li> <li>• Cinema</li> <li>• Home Store/Retail</li> <li>• Any other future proposed building not shown on the approved site plan.</li> </ul>	Prior to Issuance of Building Permits for the subject building	Planning	
18. Architectural review for the Macy's, JC Penneys, and Target anchor buildings shall be reviewed and approved by the City Council.	Prior to Issuance of Building Permits for the subject building	Planning	
19. The applicant shall design, dedicate, acquire property as needed, and construct all improvements as set forth in the Development Agreement between the City of Elk Grove and M&H Realty Partners, Elk Grove Town Center, L.P., ET AL.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
20. The applicant shall design, dedicate, acquire property as needed, and construct all improvements Promenade Parkway, Kammerer Road, Lent Ranch Parkway, Bilby Road and Road A. Improvements shall include all utility and street improvements,	Prior to issuance of building permits/Prior to final certificate of	Public Works, Planning	



	<b>Conditions of Approval / Mitigation Measure</b>	<b>Timing/ Implementation</b>	<b>Enforcement/ Monitoring</b>	<b>Verification (date and Signature)</b>
	including traffic signals and signage at all designated intersections. Off site improvements necessary to conform or tie into the existing improvements shall be improved at the applicants cost.	occupancy		
21.	The applicant shall design, dedicate, and construct the proposed off site storm drainage detention basin and piping, the off-site wastewater pumping facilities and piping and the needed off-site water transmission main to the satisfaction of Public Works, CSD-1, and SCWA, respectively.	Prior to final certificate of occupancy	Public Works, Planning	
22.	All improvements shall be designed and constructed in accordance with the City of Elk Grove Improvement Standards and as further defined and clarified by the Director of Public Works' letter to Louis Bucksbaum dated October 30, 2006.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
23.	The applicant shall dedicate public pedestrian easements and Public Utility easements within the landscape corridor adjacent to the all of the publicly dedicated streets. Width of easements shall be a minimum of 12.5-feet to the satisfaction of the Director of Public Works.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
24.	Where proposed City Facilities (storm drainage, signal loops) bisect or encroach upon the applicant's property within the DDP, easements shall be dedicated to the City for access and maintenance over and upon said facilities. Width and extent of easement shall be as determined by standards and the Director of Public Works.	Prior to final certificate of occupancy	Public Works, Planning	
25.	The applicant shall design and improve the landscape corridors on Promenade Parkway, Lent Ranch Parkway and Kammerer Road in accordance with City Standards. These corridors shall be maintained by the adjacent property owner.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
26.	Separated sidewalks shall be constructed on both sides for the full length of Promenade Parkway, Bilby Road and Lent Ranch Parkway adjacent to all parcels (including non-participants and undeveloped parcels) north of Kammerer Road. Kammerer Road sidewalk shall be constructed on the north side, at a minimum, from Promenade Parkway to the western boundary of the Lent Ranch SPA.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	

	<b>Conditions of Approval / Mitigation Measure</b>	<b>Timing/ Implementation</b>	<b>Enforcement/ Monitoring</b>	<b>Verification (date and Signature)</b>
27.	The applicant shall design and improve all medians with landscaping in accordance with City Standards. All service connections and controllers shall be located within an easement or within ROW.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
28.	Major's A through F shall be treated as individual buildings in regards to fire sprinkler and alarm systems.	Prior to Issuance of Building Permit	CCSD Fire	
29.	The applicant shall provide the CCSD Fire Department with a site plan showing points of fire access during construction. The site plan will include grid lines to enable responding personnel to locate the emergency.	Prior to Issuance of Building Permit	CCSD Fire	
30.	Per Ordinance 37-2002 section 1003.2.2 number 11 and CBC 504, buildings with common walls, area separation, and/or adjust walls shall be considered one building. Restaurants 2, 3, and 4 are examples.	Prior to Issuance of Building Permit	CCSD Fire	
31.	Prior to building permit, 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 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 Levy Street Maintenance Assessments. For further information on this District, see <a href="http://www.elkarovecity.org/finance/financial-planning-division/assessment-other-dist-info.htm">www.elkarovecity.org/finance/financial-planning-division/assessment-other-dist-info.htm</a> .	Prior to Issuance of Building Permit	Finance	
32.	Prior to 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	Prior to Issuance of Building Permit	Finance	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>Annex the Property and Levy the Special Tax. For further information regarding this CFD, see <a href="http://www.elkgrovecity.org/finance/financial-planning-division/cfd-information.htm">www.elkgrovecity.org/finance/financial-planning-division/cfd-information.htm</a>.</p>			
<p><b>Prior to Certificate of Occupancy</b></p>			
<p>33. The Applicant shall provide a minimum of 158 bicycle parking spaces for customers, in well illuminated, highly visible locations, evenly distributed throughout the property.</p>	<p>Prior to Certificate of Occupancy</p>	<p>Planning</p>	
<p>34. The Applicant shall participate in the City's Transportation Management Association (TMA) and provide for onsite transportation coordination, as a job duty of an employee of the onsite mall management team. Participation in the TMA may include commuter benefits to employees, parking spaces for car and vanpool, and participation in other programs as appropriate.</p>	<p>Prior to Certificate of Occupancy</p>	<p>Transit Services</p>	
<p>35. The Applicant shall provide a bus shelter, bench, trash receptacle, and information panel at all proposed bus stop locations on Promenade Parkway.</p>	<p>Prior to Certificate of Occupancy</p>	<p>Transit Services</p>	
<p>36. Upon completion of the installation of the landscaping 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 will delay final approval/occupancy of the project.</p>	<p>Prior to Certificate of Occupancy</p>	<p>Planning</p>	
<p>37. The Applicant shall provide a pedestrian pathway within the landscaped area on the northern property boundary to provide connection with the parcel immediately north of the project site.</p>	<p>Prior to Certificate of Occupancy</p>	<p>Planning, Public Works</p>	

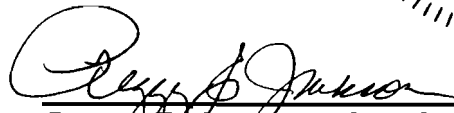
**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-157**

**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 July 11, 2007 by the following vote:**

**AYES :            COUNCILMEMBERS:        Leary, Davis, Hume**  
**NOES:            COUNCILMEMBERS:        Scherman**  
**ABSTAIN :        COUNCILMEMBERS:        None**  
**ABSENT:         COUNCILMEMBERS:        Cooper**



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