

RESOLUTION NO. 2008-132

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE DISTRICT DEVELOPMENT PLAN FOR THE PROMENADE
SQUARE PROJECT AND THE DEVELOPMENT PLAN REVIEW FOR
THE PROPOSED HOTEL AND MEDICAL OFFICE BUILDINGS WITHIN
THE PROMENADE SQUARE PROJECT EG-05-940; PORTION OF ASSESSOR'S
PARCEL NUMBER 134-0600-039-0000**

WHEREAS, M&H Realty Partners Fund III Affiliated, L.P. (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for the Promenade Square District Development Plan and Development Plan Review (portion of Assessor's Parcel Number 134-0600-039); 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, California Environmental Quality Act (CEQA) Guidelines §15183 exemption applies to projects that are consistent with a Community Plan, General Plan, and Zoning Code; and

WHEREAS, the proposed Promenade Square project includes commercial and office development that is consistent with the General Plan, the Lent Ranch Special Planning Area, and all applicable Zoning Code requirements; and

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

WHEREAS, there are no project-specific significant effects which are peculiar to the proposed project or its site that were not analyzed in the previously certified EIR; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on April 17, 2008 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 Promenade Square District Development Plan and Development Plan Review based on the following findings and the attached conditions of approval included as Exhibit A.

Findings

CEQA

Finding: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: The proposed Promenade Square District Development Plan and Development Plan Review for a proposed hotel and medical office building within the District is consistent with both the General Plan and Lent Ranch Special Planning Area (SPA). 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 CEQA. There are no project-specific significant effects which are peculiar to the proposed project or its site that were not analyzed in the previously certified EIR. Therefore no further review is required.

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 Promenade Square project consists of a hotel, medical office building, and future retail space 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 commercial project that provides efficient and functional vehicle and pedestrian access.

District Development Plan

Finding: The Promenade Square District Development Plan is consistent with the Lent Ranch Marketplace SPA and establishes the design and development standards for the Office/Entertainment land use district.

Evidence: The District Development Plan for Promenade Square includes a conceptual site plan, conceptual architecture, landscaping, sign program, conceptual amenities and pedestrian connectivity for the project. These guidelines and standards will provide the framework for future development plan review entitlement requests for buildings within the Promenade Square district.

Development Plan Review

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

Evidence: The site plan is consistent with the Lent Ranch special planning area and the Promenade Square District Development Plan. The layout of the buildings accommodates pedestrian connectivity between the parking areas and the buildings and provides architectural interest on all four sides of the proposed buildings.

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 nature, condition and development of the buildings are consistent with the Promenade Square project. Connectivity between individual buildings and parking area is achieved through landscaped pedestrian pathways and sidewalks along the front building elevations. The Promenade Square project has been designed to complement the adjacent Elk Grove Promenade mall and other future commercial and multi-family developments within the SPA. The proposed project will not adversely affect or be materially detrimental to the adjacent uses, building, or structures.

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

Evidence: The site is located north of the Elk Grove Promenade along State Route 99. Buildings are proposed to be located throughout the site, both adjacent to Promenade Parkway and State Route 99. Development standards such as building setbacks and parking space requirements have been met within the proposed site plan. The proposed hotel and medical office buildings in addition to future retail buildings are appropriately sized to the Promenade Square project site. Adequate vehicle and bicycle parking, landscaping, and other amenities will be provided onsite indicating the parcel size and shape are adequate for this type of development.

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

Evidence: The Promenade Square project complies with the applicable development standards within the Lent Ranch Special Planning Area and Zoning Code. Allowable uses for the district are identified within the Lent Ranch SPA for the Office and Entertainment District. The uses proposed at this time, hotel and medical office building, are allowed by right within the District.

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

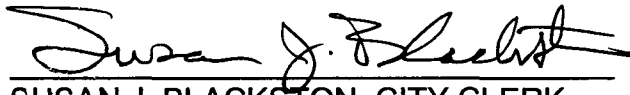
Evidence: The proposed project conforms to the general design standards contained in the Lent Ranch SPA including setbacks, landscape palettes, floor area ratio, and parking requirements. The Promenade Square District establishes the design standards for the proposed hotel and medical office building. The project is cohesively designed internally as well as in relation to the Elk Grove Promenade mall.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of June 2008.



PATRICK HUME, VICE MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Exhibit A –Promenade Square Conditions of Approval

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<i>On-going</i>			
<p>1. The action approved is for the District Development Plan for the Promenade Square project and Development Plan Review for a proposed hotel building and medical office building as described in the June 11, 2008 staff report and as illustrated on the following exhibits:</p> <p><i>District Development Plan for Promenade Square:</i></p> <ul style="list-style-type: none"> • Site Plan (received March 24, 2008) • Grading and Drainage (received March 24, 2008) • Overall Preliminary Landscape Plan (received March 24, 2008) • Preliminary Landscape Plan for Hotel (received March 24, 2008) • Overall Photometric Plan (received March 24, 2008) • Sign Program (received March 10, 2008) • Site Amenities (received June 5, 2005) • Conceptual Architecture for future Buildable Area (received March 10 2008) <p><i>Development Plan Review for Hotel, Medical Office Building:</i></p> <ul style="list-style-type: none"> • Building Elevations (received March 10, 2008) • Colors/Materials (received March 10, 2008) <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</p>	On-Going	Planning	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.			
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 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.	On-Going	Planning	
5. The four-story hotel building shall be provided with a standpipe system conforming to Cosumnes Community Services District Fire Department standards.	On-Going	CCSD Fire	
6. The designed fire flow for the area is 3,000 GPM for 4-hours. Due to the size of the stores, mitigation measures may be required to compensate for the required fire flow.	On-Going	CCSD Fire	
7. Any on-site traffic calming devices and locations shall be approved by Public Works prior to installation, including but not limited to speed bumps.	On-Going	Public Works	
<i>Prior to Approval of Improvement Plans</i>			
8. Trash enclosures shall be located away from public view to the fullest extent possible. The trash enclosure identified on the southern project boundary shall be removed and/or relocated elsewhere within the property.	Prior to Approval of Improvement Plans	Planning	
9. The Applicant shall design and improve the project's drainage system in accordance with the Drainage Study of the approved Promenade Major Roads project and to the satisfaction of Public Works.	Prior to Approval of Improvement Plans	Public Works	
10. The Applicant shall provide a maintenance agreement for stormwater quality control treatment devices to the satisfaction of Public Works.	Prior to Approval of Improvement Plans	Public Works	
11. 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.	Prior to Approval of Improvement Plans	Public Works	

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12.	The Applicant shall design and construct a pedestrian pathway on-site within the landscaped area on the southern property to provide connection with the parcel immediately south of the project site to the satisfaction of Public Works and Planning.	Prior to Improvement Plan Approval and Certificate of Occupancy	Public Works/Planning	
13.	The applicant shall provide landscape plans such that parking lot lighting does not interfere with the 15-year parking lot shade tree canopy requirement.	Prior to Approval of Improvement Plans	Public Works	
14.	The applicant shall not use Ginkgo b. 'Autumn Gold' as a street tree along Promenade Parkway.	Prior to Approval of Improvement Plans	Public Works	
15.	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. The Applicant may provide common grease/sewer traps.	Prior to Approval of On-site Improvement Plans	CSD-1	
16.	The applicant shall provide a sewer shed exhibit to CSD-1 prior to approval of on-site improvement plans for plan check to CSD-1. The sewer exhibit shall be consistent with the approved Lent Ranch sewer study	Prior to Submittal of Improvement Plans	CSD-1	
17.	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.	Prior to Approval of On-site Improvement Plans	CSD-1	
18.	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.	Prior to Approval of On-site Improvement Plans	CSD-1	
19.	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.	Prior to Approval of On-site Improvement Plans	CSD-1	
20.	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.	Prior to Approval of On-site Improvement Plans	CSD-1	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
21.	The subject property owner(s) and subsequent unit buyers shall be responsible for repair and/or replacement of all non-standard 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 specialty paving and lighting.	Prior to Approval of On-site Improvement Plans	CSD-1	
22.	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.	Prior to Approval of On-site Improvement Plans	CSD-1	
23.	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 Improvement Plans	PG&E	
24.	Private drives and parking aisle areas over easements shall have structural street sections designed using the Cal Trans methodology or the City of Elk Grove Improvement Standards, and/or the recommendations of the project's Geotechnical Engineer. This will prevent pavement damage by CSD-1 maintenance and repair operations.	Prior to Approval of On-site Improvement Plans	CSD-1	
<i>Prior to Issuance of Building Permits</i>				
25.	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. Submittal requirements for subsequent Development Plan Review requests are established within Table 5-2 of the Lent Ranch Special Planning Area.	Prior to Issuance of Building Permits for the subject building	Planning	

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	Buildings subject to this condition include all future buildings within the project site with the exception of the proposed Hotel and proposed Medical Office Building included in this request.			
26.	Outdoor plazas adjacent to future retail buildings (G7, G10, G13, and G14 on the March 24, 2008 landscape plan) shall be reviewed in conjunction with the building's Development Plan Review request and shall be constructed in conjunction with the building. Complete construction of these plazas will be required prior to occupancy of the subject building.	Prior to Issuance of Building Permits for the subject building	Planning	
27.	Building elevations visible from the public right-of-way shall be designed in a manner similar to the "front" elevation (the elevation on which tenant entries occur). Utilities and other non-architectural features shall be screened from view to the fullest extent possible.	Prior to Issuance of Building Permits for the subject building	Planning	
28.	Paved access to and along the project's frontage to West Stockton Blvd or Promenade Parkway shall be maintained throughout the construction period of the project to the satisfaction of Public Works.	Prior to Issuance of first Building Permit, On-going	Public Works	
29.	The power poles on the eastern side of the site shall be relocated to the satisfaction of Public Works and the owner agency.	Prior to Issuance of first Building Permit for impacted buildings	Public Works	
30.	The northerly remaining portion of this project site shall be landscaped to the satisfaction of the City of Elk Grove. The area shall be privately maintained at the owner's sole expense.	Prior to Issuance of Building Permits	Public Works	
31.	The Applicant shall provide Business Owner's Association bylaws (CC&R's) which address, at a minimum, common area ownership, maintenance, landscape maintenance, and joint access, for review and approval by Public Works.	Prior to Issuance of first Building Permit	Public Works	
32.	The Applicant shall remove two parking stalls that are located along the northern edge of Promenade Parkway driveway 11 to the satisfaction of Public Works.	Prior to Issuance of Building Permits	Public Works	
33.	The Applicant shall dedicate visibility easements for the Promenade Parkway driveways per Section 4-14 of the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Issuance of Building Permits	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
34.	Improvement plans shall be approved by Public Works prior to Building Permit.	Prior to Issuance of Building Permits	Public Works	
<i>Prior to Certificate of Occupancy</i>				
35.	The Applicant shall provide bicycle parking spaces throughout the project at the ratio identified in the vested Zoning Code. Bicycle parking shall be located in well illuminated, highly visible locations, evenly distributed throughout the property.	Prior to Certificate of Occupancy	Planning	
36.	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 management, as appropriate. Participation in the TMA may include commuter benefits to employees, parking spaces for car and vanpool, and participation in other programs as appropriate for office uses.	Prior to Certificate of Occupancy	Transit Services	
37.	The Applicant shall install the 25-foot landscape corridor adjacent to Promenade Parkway to the satisfaction of Public Works.	Prior to Certificate of Occupancy	Public Works	
38.	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.	Prior to Certificate of Occupancy	Planning	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-132

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO)
CITY OF ELK GROVE) ss


I, Susan J. Blackston, 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 June 11, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** *Hume, Scherman, Leary*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Davis, Cooper*



Susan J. Blackston, City Clerk
City of Elk Grove, California