RESOLUTION NO. 2008-222

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A DESIGN REVIEW AND UNIFORM SIGN PROGRAM FOR THE LAGUNA CREEK COURTYARD PROJECT NO. EG-07-055 ASSESSOR PARCEL NUMBER 116-0011-011

WHEREAS, Empire West / Laguna LLC (hereinafter referred to as Applicant) filed an application on June 20, 2008 with the Planning Division of the City of Elk Grove (hereinafter referred to as City) requesting a Rezone, Design Review, and Uniform Sign Program; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the proposed project is located on real property in the incorporated portions of the City more particularly described as APN 116-0011-011; and

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

WHEREAS, the City determined that the project is exempt from California Environmental Quality Act (hereinafter referred to as CEQA) review pursuant to CEQA Guidelines Sections 15183 (projects consistent with a General Plan for which EIR was certified) and 15332 (in-fill developments); and

WHEREAS, no adverse environmental effects were identified during staff review of the development application and project site visits; and

WHEREAS, no special circumstances exist that create a reasonable possibility that the activity may have a significant adverse impact on the environment; and

WHEREAS, the Planning Commission has considered this rezone, design review, and uniform sign program at a duly noticed public hearing as required by law and has considered all information presented by staff, information presented by the project proponent, and public testimony presented in writing and at the meeting; and

WHEREAS, on August 7th of 2008, the Planning Commission recommended City Council approval of this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves this project with Conditions of Approval (Exhibit A) and Project Plans (Exhibit B) and finds the following:

California Environmental Quality Act (CEQA)

<u>Finding:</u> The proposed project is exempt from CEQA review pursuant to CEQA Guidelines Sections 15183 (Projects consistent with a General Plan for which an EIR was certified) and 15332 (In-fill development).

<u>Evidence:</u> CEQA Guidelines Section 15183 mandates that projects which are consistent with the density established by General Plan policies for which an EIR was certified shall not require additional environmental review except as needed to analyze project specific environmental issues not addressed in said EIR. As stated in this staff report, the proposed project is consistent with all applicable General Plan policies. The City Council certified an EIR for its General Plan in November, 2003. Staff review of the proposed project concludes that there are no project-specific significant adverse environmental effects which are peculiar to the proposed project or its site that were not analyzed in the previously certified EIR.

CEQA Guidelines Section 15332 exempts from further CEQA review those projects which: are consistent with the General Plan; are within city limits on a site no larger than five acres substantially surrounded by urban uses; are located on a site that has no value as habitat for rare or endangered species; would not result in significant adverse effects related to traffic, noise air quality or water quality; and are located on a site that can be adequately served by all required utilities and public services. The proposed project is located on a 1.4-acres site in an urbanized area substantially surrounded by commercial and residential development. The site was previously developed and does not represent habitat for rare or endangered species. All public utilities and services are available and no significant adverse effects related to traffic, noise air quality or water quality were identified during project review.

Therefore, the proposed project qualifies for these exemptions and no further CEQA review is required.

General Plan

<u>Finding:</u> The proposed Laguna Creek Courtyard (EG-07-055) project is consistent with the goals and policies of the Elk Grove General Plan.

<u>Evidence:</u> The Laguna Creek Courtyard site has a General Plan land use designation of Commercial/Office/Multi-Family. The proposed project has been designed and is consistent with all the goals and policies contained in the General Plan. Conditions of approval have been included to ensure consistency of the project throughout construction and operation.

Design Review

<u>Finding:</u> The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, Citywide Design Guidelines, and Improvement Standards adopted by

the City, given the conditions of approval and the requested incentives for the installation of public art.

<u>Evidence:</u> The site plan, building elevations, and landscape plan for the proposed Laguna Creek Courtyard project were reviewed for compliance with the development standards established in the City's General Plan, Zoning Code, Improvement Standards, and Design Guidelines for non-residential development. The proposed project does not lie within any Specific Plan or Special Planning Area. The proposed project and conditions of approval complies with all applicable development standards. The project has been designed with a cohesive architectural theme and color palette.

<u>Finding:</u> The proposed architecture, site design, and landscape are suitable for the purposes of the buildings and the site and will enhance the character of the neighborhood and community.

<u>Evidence:</u> The site plan, building elevations, landscape plan, and signage for the proposed project were reviewed for compliance with the Design Guidelines for non-residential development. The project has been designed with a cohesive architectural theme, utilizing a color palette that will be compatible with adjacent buildings. The proposed buildings will provide jobs within the City, helping to provide the work/housing balance sought in the General Plan. The courtyard area will provide an area for the public to gather and socialize, thereby creating an opportunity for community cohesion and adding increased social value to the project. Additionally, the project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

<u>Finding:</u> The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

<u>Evidence:</u> The proposed buildings have been designed to the same scale and quality as adjacent buildings. All mechanical equipment will be screened and site lighting is proposed in compliance with safety standards. The proposed signage complements the architecture proposed for the site and meets relevant stipulations of the Zoning Code. The project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

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

<u>Evidence:</u> The Laguna Creek Courtyard provides adequate vehicle and bicycle parking on site; provides adequate vehicle ingress and egress and provides a continuation of the existing landscape corridor and sidewalk along Bruceville Road. The proposed improvements will increase the efficiency of all modes of the travel within the project site itself as well as within the immediate surrounding area. **PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 10th day of September, 2008.

GARY DAVIS, MAYOR of the CITY OF ELK GROVE

APPROVED AS TO FORM:

ATTEST:

SUSAN COCHRAN, CITY ATTORNEY

SUSAN J. BLACKSTON, CITY CLERK

	CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
ON-	GOING	ł		
1.	The development approved by this action is for a Rezone, Design Review, and Uniform Sign Program accepted by the Planning Department on February 15, 2008 as described in the Planning Commission report and associated Exhibits and Attachments received by the Planning Department on May 23, 2008, with the exception of the landscape plan received June 20, 2008 and building A and B colored sign plans and the Sign Criteria received on July 20, 2007. 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.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
3.	The Rezone, Design Review, and Uniform Sign Program approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval.	Planning	
4.	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	
5.	Each individual business shall have a suite number On- Going Cosumnes Fire in accordance with Sacramento County Department Addressing Guidelines and the City of Elk Grove. Contact Michelle at the City of Elk Grove and Nick Gorman (GIS) at the Cosumnes CSD Fire Department 916-405-7128 for approval of suite numbers.	On-Going	Cosumnes Fire Department	

	CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
6.	Fire hydrants shall be spaced at a maximum of 300- foot intervals. Provide an additional fire hydrant behind Building A.	On-Going	Cosumnes Fire Department	
7.	There shall be installed a minimum 10 inch fire On- Going Cosumnes Fire hydrant loop for the fire main system in Department accordance with the Cosumnes CSD Fire Department.	On-Going	Cosumnes Fire Department	
PRIO	TO ISSUANCE OF GRADING PERMITS / IMPROVEMENT PLANS			- , · · · · · · · · · · · · · · · · · ·
8.	Install a landscape planter at least six feet wide abutting all interior property lines OR where the landscape planter along any interior property line is less than six feet wide, place into an escrow account the cost difference between six feet of landscaping and the amount installed, to be distributed to the adjacent property owner if landscaping is installed in the vacant strip of land directly abutting the applicant's parcel. The amount deposited shall be \$6.25 for every square foot of landscaping less than the required six foot wide strip along interior property lines. If this total area is 2400 square feet, as currently estimated by the applicant, the maximum amount placed in the account shall be \$15,000. If the adjacent property owner installs no landscaping within two years of deposit, the funds plus interest shall be returned to the applicant.	Prior to the Issuance of Improvement Plans	Planning	
9.	Submit an Ultimate Photometric Plan with Civil/Landscape Improvement Plans that eliminates parking lot lights and parking lot shade canopies conflicts.	Prior to the Issuance of Improvement Plans	Planning	
10.	Mitigate 57 DBH inches of native oak proposed for removal. Mitigation can be in the form planting 57 DBH inches on or off the site or, paying to the Tree Preservation Fund or, a combination of paying and planting.	Prior to the Issuance of Improvement Plans	Planning	
	If plantings of offsite mitigation trees are to take place, the Applicant shall prepare a Mitigation Plan /			

CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
Tree Replacement Plan. Plan shall be submitted to Planning for review and approval. Plan shall be prepared by an ISA Certified Arborist or landscape architect to mitigate for the loss of native trees and dripline impacts. Any native tree 6-inch dbh or larger tree that are proposed for removal or that would be adversely affected by the project shall be mitigated. The Plan shall comply with the City Code and General Plan Policies and be submitted to the City for review and approval. The current policies require that every dbh inch lost will be mitigated by an inch planted or money placed in a tree mitigation bank. Please note that plantings required due to - mitigation cannot be applied to fulfilling the landscaping requirements of the Zoning Code, and the City's Design Guidelines.			
 The Plan shall include the following elements: Species, size and location of all replacement plantings; Method of irrigation The City of Elk Grove Standard Tree Planting Detail L-1, including 10-foot depth boring hole to provide for adequate drainage; Planting, irrigation and maintenance schedules for monitoring period of 3 years. Identify the maintenance entity and include their written agreement to provide maintenance, and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive that period. Maintenance entity shall provide the City of Elk Grove a yearly monitoring report on the status of the replacement trees and any tree replacements. 			

CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
 The minimum spacing for replacement oak trees hall be 20 feet on center. Replacement oak trees shall not be planted within 15 feet of driplines of existing oak trees to be retained on- site or within 15 feet of any building. Tree Preservation Construction Notes below shall be on Mitigation Plan. 			
The mitigation plan or mitigation payment shall be submitted to Planning for review and approval prior to Public Works approving the improvement plans for this project.			
 Tree Preservation Construction Notes: a. 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. b. Chain link or City approved barrier shall be installed one (1) foot outside the dripline protection area of the on-site oak tree 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 encroached 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. City Planning/Environmental staff shall field inspect and approve chain link barrier locations prior to starting any work on the 			

CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
site. c. 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 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. d. 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 with oak tree dripline protection areas except minor excavation associated with the installation of piped aeration systems. 			
 e. Any pruning of an oak tree shall be supervised by a certified arborist. Branch and limb pruning shall be limited to that which has been deemed necessary by a certified arborist in order to correct a safety hazard, structural defect, crown cleaning or arborist recommended pruning in the tree. Pruning due to canopy encroachment by buildings shall be limited to the minimum amount needed to safely accommodate the structure. All pruning and deadwood removal shall be executed in accordance with American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree 			

CONDITIONS OF APPROVAL	TIMING/	ENFORCEMENT/	VERIFICATION
	IMPLEMENTATION	MONITORING	(DATE AND SIGNATURE)
Pruning Guidelines". An ISA Certified Arborist shall			
supervise and tree pruning.			
f. All oak trees on site shall be pruned, as per arborist			
recommendations, prior to starting any site	1		
improvements. Any pruning of an oak tree shall be			
supervised by a certified arborist.			
g. No signs, ropes, cables (other than those which	}		
may be recommended by a certified arborist to			
provide limb support) or any other item shall be			
attached to the on-site oak trees to be retained			
and all portions of off-site oak tree driplines which	[
extend onto the site.			
h. No vehicles, construction equipment, mobile			
home/office, supplies, materials or facilities shall	{		
be driven, parked, stockpiles 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.			
i. 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	Í		1
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.			
j. No trenching shall be allowed 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 site. If it is absolutely			
necessary to install underground utilities within the			
dripline of the tree, the utility line hall be bored or			
drilled under the direct supervision of a certified			
arborist.			

CONDITIONS OF APPROVAL	<u>TIMING/</u> IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
k. 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 non- plant materials such as woodchips, landscape bark, etc. The City prefers woodchips from native oak pruning if possible. 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 under story plants.			
 No in the 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. 			
m. Include all the above measures verbatim as Construction Notes on any/all Preliminary or Final Grading Plans, Improvement Plans and Building/Development Plans which are submitted to the Department of Public Works and/or Planning Department for each project. as well as any/all revisions to Plans which are subsequently submitted.			
n. Prior to installation of new asphalt, weed control chemicals shall not be applied where they can leach into dripline of any protected tree(s).			
 During construction the frequency and amount of water for protected trees shall not differ from that received prior construction. 			

			ENFORCEMENT/	VERIFICATION
	CONDITIONS OF APPROVAL	IMPLEMENTATION	MONITORING	(DATE AND SIGNATURE)
11.	Submit a solid waste and recycling plan that meets the	Prior to the Issuance of	Planning	
	standards of the Integrated Waste Department.	Improvement Plans		
12.	The applicant shall submit landscape improvement plans (planting and irrigation) which incorporates the City's Zoning Code, Design Guidelines, Water Conserving Landscape Requirements and Conditions of Approval. Plans shall be submitted to the Planning Department and the Public Works	Prior to the Issuance of Improvement Plans	Planning	
	Department for review and approval.			
13.	Revise the height of the proposed trash enclosure to ensure it is between 5' 7" and 8' high.	Improvement Plans	Planning	
14.	Submit a revised site plan demonstrating that the proposed interim and ultimate site plans meet the 35 foot interior and 45 foot exterior turning radius required for trash and recycling truck access.	Improvement Plans	Planning	
15.	Using both vegetation and walls, screen all ground- or building-mounted mechanical equipment from view of the parking lot and public rights of way.		Planning	
16.	Connection to the District's sewer system shall be required to the satisfaction of CSD-1. District Design Standards apply to sewer construction.		CSD-1	
17.	Each parcel with a sewage source shall have a separate connection to the District public sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel shall have a separate connection to a private on-site sewer line or the District public sewer line.	Improvement Plans	CSD-1	
18.	Sewer easements will be required. All sewer easements shall be dedicated to the District, in a form approved by the District Engineer. All District sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. The District will provide maintenance only in public right-of-ways and in easements dedicated to the District.	Prior to the Issuance of Improvement Plans	CSD-1	

	CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
19.	In order to obtain sewer service, construction of District sewer infrastructure will be required.	Prior to the Issuance of Improvement Plans	CSD-1	
20.	The District requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the District on a case by case basis. Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.	Prior to the Issuance of Improvement Plans	CSD-1	
21.	The Applicant shall prepare and submit a drainage study and plan that includes but is not limited to: a pre- and post-project drainage analysis of the project and project impacts: and the proposed connections to the City Storm Drainage System with adequate supporting calculations. The project shall not cause a net loss of storage nor an increase in velocity, of drainage water within the 100-year floodplain. The study shall incorporate the City of Elk Grove Drainage Capital Improvement Plan; be consistent with the ultimate upstream development in the Genera I Plan, and any specific, area, or master plans; and shall conform to the City of Elk Grove Improvement Standards. The study shall further demonstrate that the project lies outside the 100- year frequency floodplain after improvements are constructed in accordance with the policies in the City Floodplain Management Plan. Study must be completed and stamped by a Professional Engineer, and determined by the City to be accurate, and adequate.	1st Improvement Plan Submittal	Public Works	

	CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
22.	For any private off-site improvements required for the project, the Applicant shall obtain the necessary easements and/or rights-of-entry from the adjacent property owner(s). If the Applicant cannot obtain said easements and/or rights-of-entry, the improvements shall be redesigned to accommodate the constraint(s) to the satisfaction of Public Works, including but not limited to preventing drainage discharge onto adjacent properties.	Prior to Improvement Plan Acceptance	Public Works	
23.	The Applicant shall prepare and submit a Post- Construction Stormwater Quality Control Plan in accordance with the most recent version of the Stormwater Quality Design Manual for the Sacramento Region. Post-construction source and treatment controls shall be designed in accordance with the City of Elk Grove Improvement Standards and the Stormwater Quality Design Manual. The design of post-construction source and treatment controls shall be submitted for approval with the improvement plans regardless of whether they constitute private or public improvements. A separate maintenance manual describing proper maintenance practices for the specific treatment controls to be constructed shall also be submitted and accepted by the City	Prior to Improvement Plan Acceptance and/or Prior to Issuance of a Grading	Public Works	
24.	The Applicant shall provide a maintenance agreement for the stormwater quality control treatment devices to the satisfaction of Public Works.	Prior to Improvement Plans Acceptance- and/or Prior to Issuance of a Grading Permit	Public Works	
25.	Provide an ADA landing at the north and south ends of the project site on Bruceville Road. The sidewalk needs to have a 2% slope, a straight section of 60" on both sides, and a 5'x8' landing which can be incorporated into the sidewalk.	Prior to the Issuance of Improvement Plans	Planning/Transit	

	CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
PRIO	R TO ISSUANCE OF BUILDING PERMITS		<u></u>	
26.	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 Annex the Property and Levy the Special Tax. For further information regarding this CFD, see: <u>www.elkgrovecity.org/finance/financial-planning- division/cfd-information.htm</u> .	Prior to the Issuance of Building Permits	Finance	
27.	Ensure parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes are illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot- candles of light. Ensure pedestrian walkways are illuminated with a minimum maintained one-half foot- candle of light and an average not to exceed two foot-candles of light.	Prior to the Issuance of Building Permits	Planning	
28.	Ensure all new outdoor lighting fixtures are energy efficient with a rated average bulb life of not less than 10,000 hours. Ensure automatic timing devices are installed on all new outdoor light fixtures with off hours (exterior lights turned off) between 11:00 p.m. and 6:00 a.m. except during business hours of operation for security purposes and to illuminate	Prior to the Issuance of Building Permits	Planning	

	CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
	flags representing a country, state, or other civic entity.			
29.	Add trellises and/or graffiti resistant paint to walls of both buildings.	Prior to the Issuance of Building Permits	Planning	
30.	Ensure courtyard knee wall includes skate stoppers or at least 3' wide landscape strips with durable vegetation on either side of the knee wall.	Prior to the Issuance of Building Permits	Planning	
31.	Install four bicycle parking spaces.	Prior to the Issuance of Building Permits	Planning	
32.	The Applicant shall provide a reciprocal access easement agreement between this parcel and the surrounding parcel(s) to the satisfaction of Public Works. If such an agreement cannot be reached, the Applicant may construct interim improvements as approved by the City of Elk Grove. In addition, the Applicant shall enter into a Deferred Improvement Agreement with the City of Elk Grove including adequate security to construct the ultimate improvements. The ultimate improvements shall include, but not be limited to, (1) modification to the internal driveways, (2) modification to the southerly driveway on Bruceville Road, (3) removal of the temporary driveway on Bruceville Road and (4) reconstruction of the frontage improvements, all of which shall be in accordance with the City of Elk Grove Improvements Standards and to the satisfaction of Public Works	Prior to 1sf Building Permit	Public Works	
33.	The project area shall annex into Zone 2 of the Storm Water Drainage Utility Fee Area to fund the additional project related costs to maintain publicly-owned water drainage facilities, manage flood control, and execute the stormwater quality program. This annexation process may take several weeks. The project Application shall pay their fair share of the cost	Prior to 1st Building Permit	Public Works	

CONDITIONS OF APPROVAL		<u>TIMING/</u> IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
	to annex into Zone 2. For rate information on this District, see: www.elkgrovecity.ora/utilities/rate-info.htm.			
34.	The Applicant shall provide Business Owner's Association bylaws, which address at a minimum, common area ownership, maintenance, and joint access, for review and approval by Public Works.	Prior to 1st Building Permit	Public Works	
35.	The Applicant shall dedicate, design and improve the westerly half-section of Bruceville Rood as a Permit 96- foot street in accordance with the City of Elk Grove Improvement Standards. Design of Bruceville Rood striping will be evaluated at improvement plan review.	Prior to 1st Building Permit	Public Works	
36.	The Applicant shall dedicate a pedestrian easement within 36-foot landscape corridor adjacent to Bruceville Rood to the satisfaction of Public Works.	Prior to 1st Building Permit	Public Works	
37.	The Applicant shall dedicate visibility easements for the Bruceville Road driveways per Section 4-14 of the City of Elk Grove Improvement Standards.	Prior to 1st Building Permit	Public Works	
38.	The Applicant shall modify and construct the existing Type A-6 driveway for the southerly driveway on Bruceville Road in accordance with the City Improvement Standards and to the satisfaction of Public Works.	Prior to 1st Building Permit	Public Works	
39.	Improvement plans must be approved by Public Works prior to 1st Building Permit.	Prior to 1st Building Permit	Public Works	
40.	The Applicant shall dedicate a 12.5-foot public utility easement for underground and appurtenances adjacent to Bruceville Road.	Prior to 1st Building Permit	Public Works	
	R TO ISSUANCE OF FINAL / OCCUPANCY			
41.	Upon completion of the installation of the landscaping	Prior to the Issuance of	Planning	

	CONDITIONS OF APPROVAL	TIMING/ IMPLEMENTATION	ENFORCEMENT/ MONITORING	VERIFICATION (DATE AND SIGNATURE)
	for the project, the project landscape architect/designer shall certify that the installed landscape complies with all City Water Conserving Landscape Requirements. Certification shall be accomplished be accomplished by completion of a Certificate of Conformance on a form provided by the City. Failure to submit a complete and accurate Certificate of Conformance to the Planning Department will delay final approval/occupancy of the project.	Final/Occupancy		
42.	Prior to final inspection or occupancy of the structure on the site a Certificate of Conformance for the installed landscaping shall be provided to the City's landscape architect for approval.	Prior to the Issuance of Final / Occupancy	Planning	

General Information and Compliance Items:

The following items are noted for the applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

- a. The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. For further information on development related fees, see the 2008 Development Related Fee Booklet <u>at:www.elkgrovecity.org/finance/financialplanning-division/drf-information.htm</u> (Finance)
- b. This project site is located in the Laguna area of the City, but will be required to pay the Elk Grove Roadway Fee Program Zone 1 rates (not Zone 2) and will be required to pay the Elk Grove Fire Fee Program Zone 1 rates (not Zone 2) as this project area did not participate in the Laguna Mello Roos Community Facilities District. (Finance)
- c. Applicants are also advised to review the Planned Fee Updates portion of the web page, and are encouraged to sign up for email updates on the 2008 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages). (Finance)
- d. If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan. (Public Works)
- e. The applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- f. Any improvements, public or private, damaged in construction shall be replaced, by the applicant, in-kind or with new improvement. (Public Works)
- g. Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees, by the applicant. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches. (Public Works)
- h. The applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works. (Public Works)
- i. The applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation and arterial and collector streets may be required to have lanes above the 100-year frequency flood elevation pursuant to the Floodplain Management Plan. (Public Works)
- J. The applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. (Public Works)
- k. The applicant shall comply with the regulations of the Federal Emergency Management Agency (FEMA) and the City of Elk Grove Flood Plain Management Ordinance. The lowest finished floor elevation for a habitable building will be a minimum of 1 (one) - foot above the 100-year frequency water level, certified by a

registered Civil Engineer or licensed Land Surveyor, and submitted to the City. Amendments and/or revisions of FEMA flood insurance rate maps will be required for all development located in the federal or local flood zone. All FEMA map revisions (both CLOMR and LOMR) must be approved by the City and fully processed through FEMA. Completed revisions shall be placed on file with the City. (Public Works)

- 1. The applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be executed through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board for approval and to the City for review. During construction, the applicant shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The project applicant shall implement Best Management Practices (BMPs) in accordance with the SWPPP and the City of Elk Grove Improvement Standards. (Public Works)
- m. 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 (N01) will be filed to obtain coverage under the California State Water Resources General Construction Activity Storm Water Permit. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Applicant shall comply with the terms of the general construction permit, the City of Elk Grove Municipal Code, and the NPDES Waste Discharge Requirements for the City of Elk Grove Municipal Storm Sewer Discharges. (Public Works)
- n. 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 shall submit designs of these facilities to City for review and approval prior to approval of the grading plans and improvement plans. (Public Works)
- The Applicant shall obtain applicable California Department of Fish and Game, U.S. Army Corps of Engineers, and other required state and federal permits. The conditions of such permits must be reviewed and considered acceptable by the City. The City will not accept any conservation or other conditional easements on the drainage courses to be conveyed to the City. (Public Works)
- p. Dead-end streets in excess of 150 feet require emergency vehicle turn-around. (Fire)
- q. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code. (Fire)
- r. 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 submits 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 <u>not</u> be accepted at this time. The electronic submittal shall include ALL supporting drawing files and ALL drawing files pertaining to the project, including XREFs. The digital submittal shall be ONLY in the following data format listed below: DWG (Applies to AUOCAD

drawing file) any AutoCAD DWG version is accepted (Fire)

- s. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system. (Fire)
- t. 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. (Fire)
- u. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure. Buildings of certain types of construction, size, and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum. (Fire)
- v. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of access roadways shall not exceed 10% for asphalt and 5% for concrete. The roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage. (Fire)
- w. CCSDFD approved traffic pre-emption devices of a type approved by the Cosumnes CSD 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. (Fire)
- x. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center. (Fire)
- y. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Cosumnes CSD Fire Department and the water purveyor having jurisdiction. (Fire)
- z. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other <u>traffic calming devices</u> is subject to standards outlined by the Cosumnes CSD Fire Department. All proposed traffic-mitigation plans shall be submitted to the Cosumnes CSD Fire Department for review and approval prior to installation. (Fire)

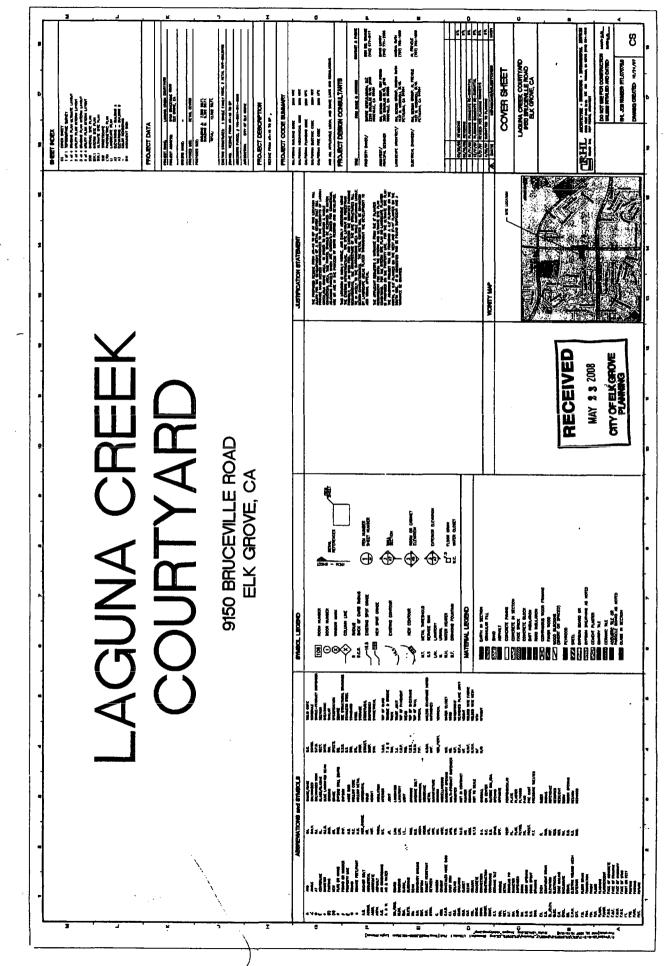
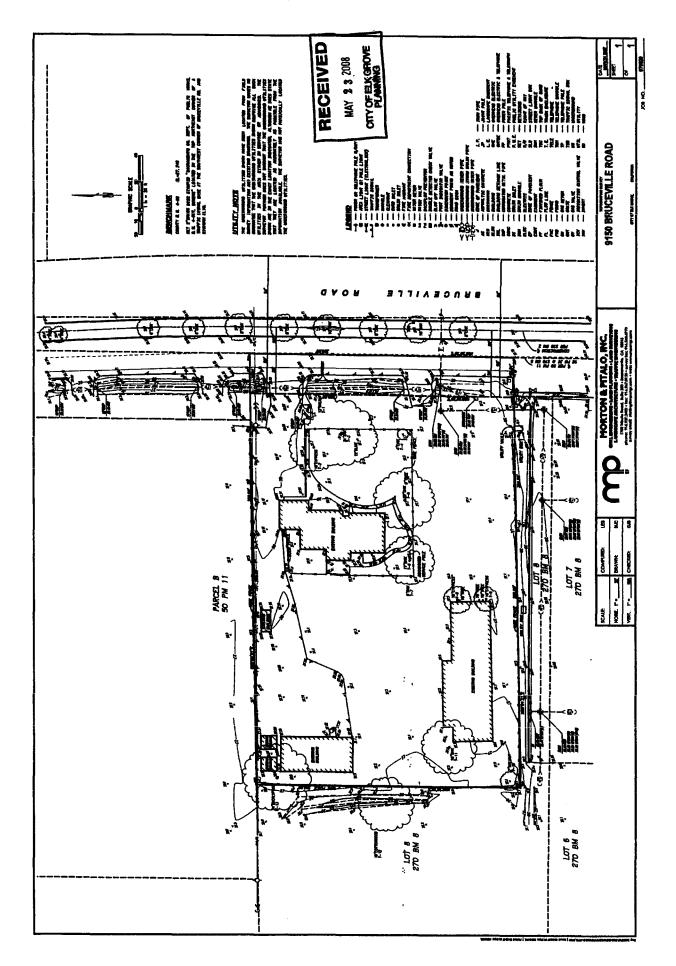
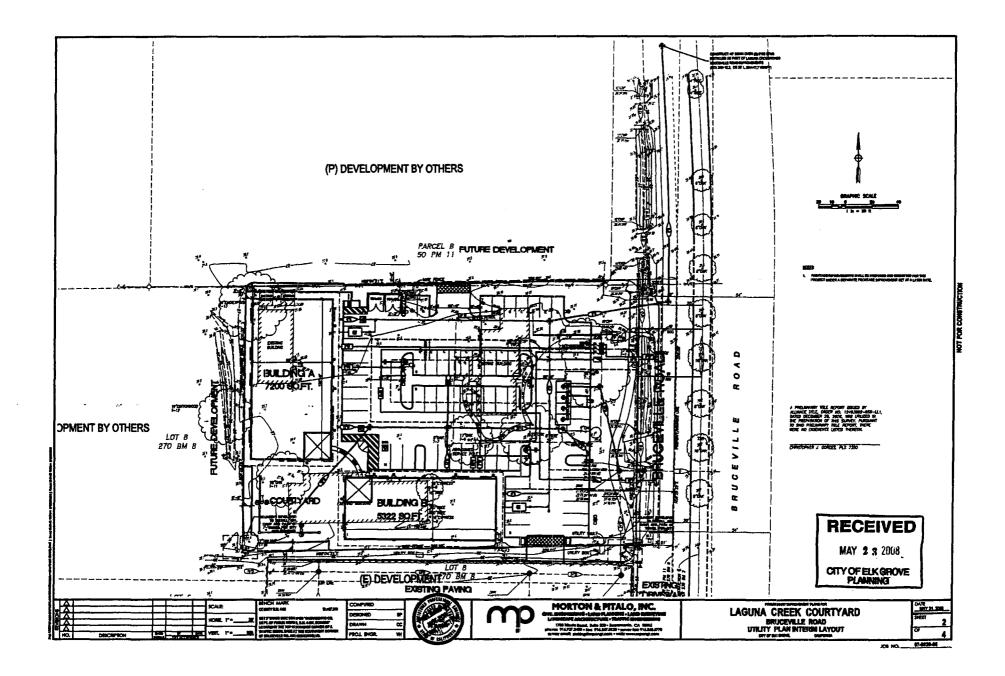
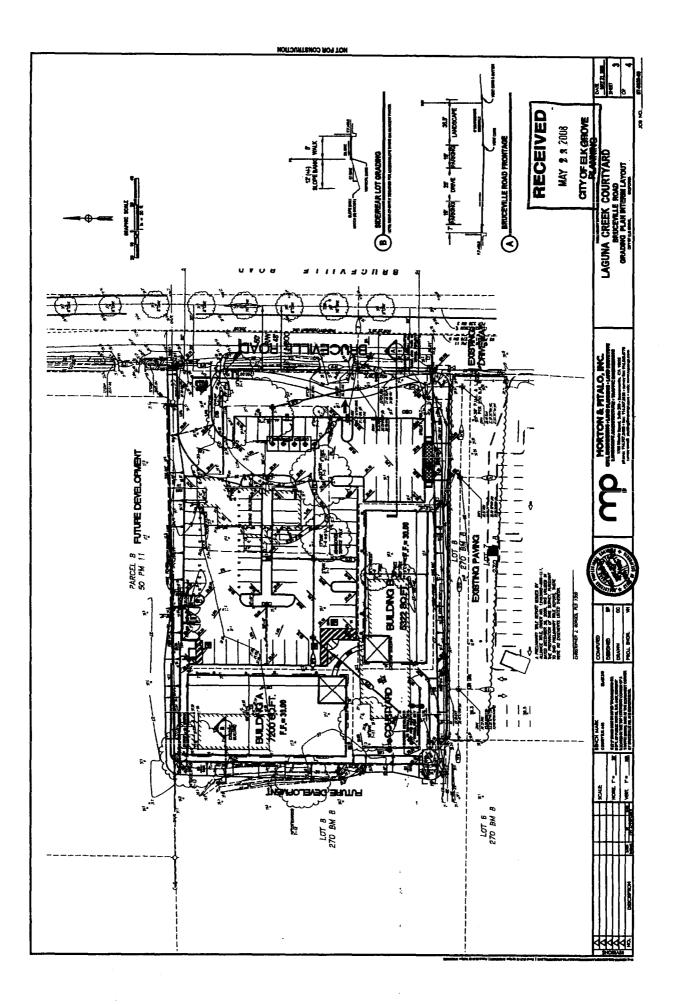
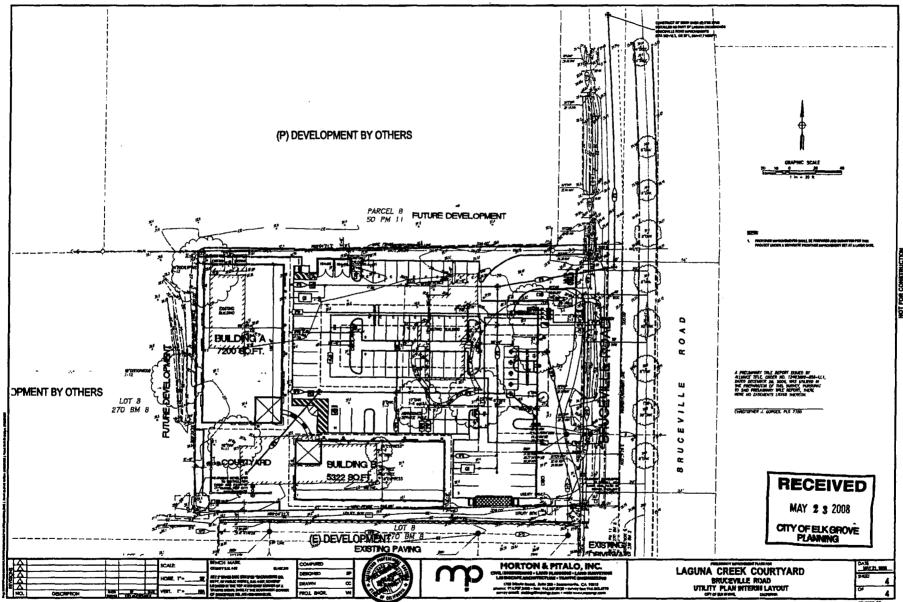


EXHIBIT B

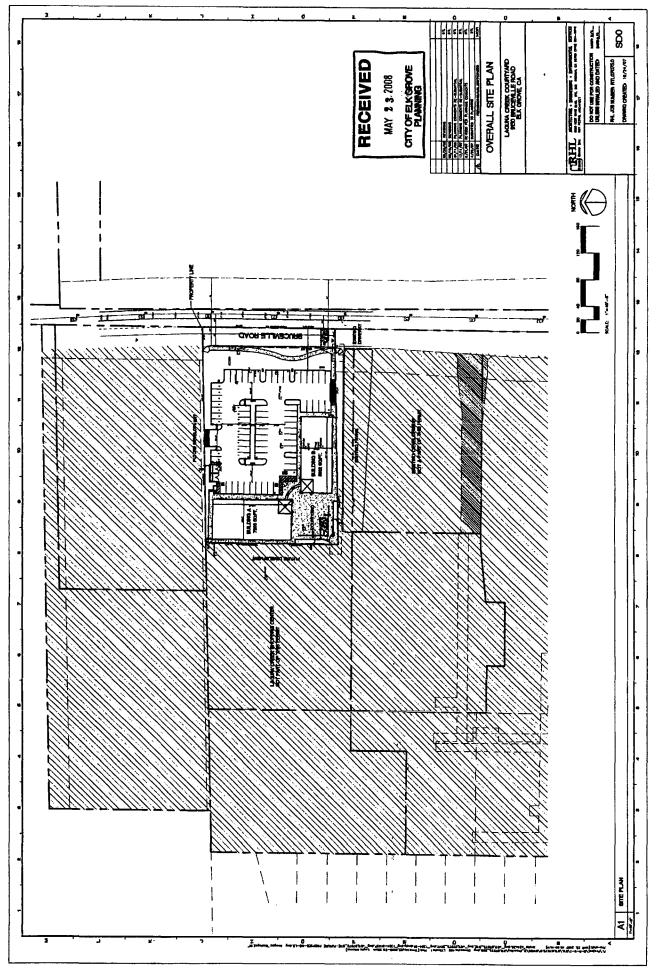


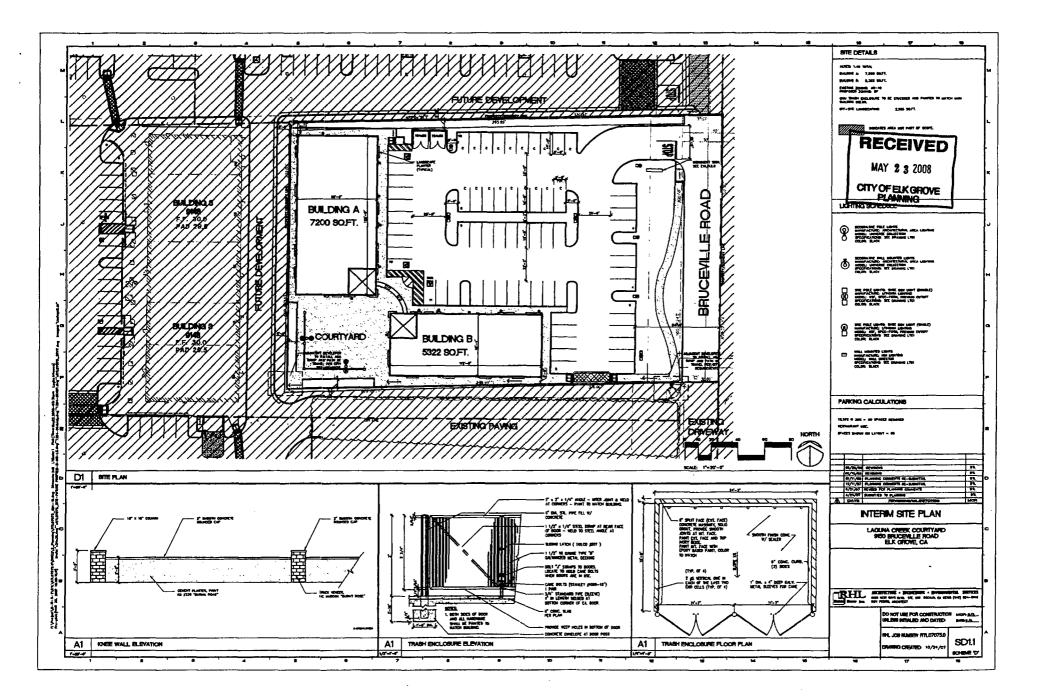


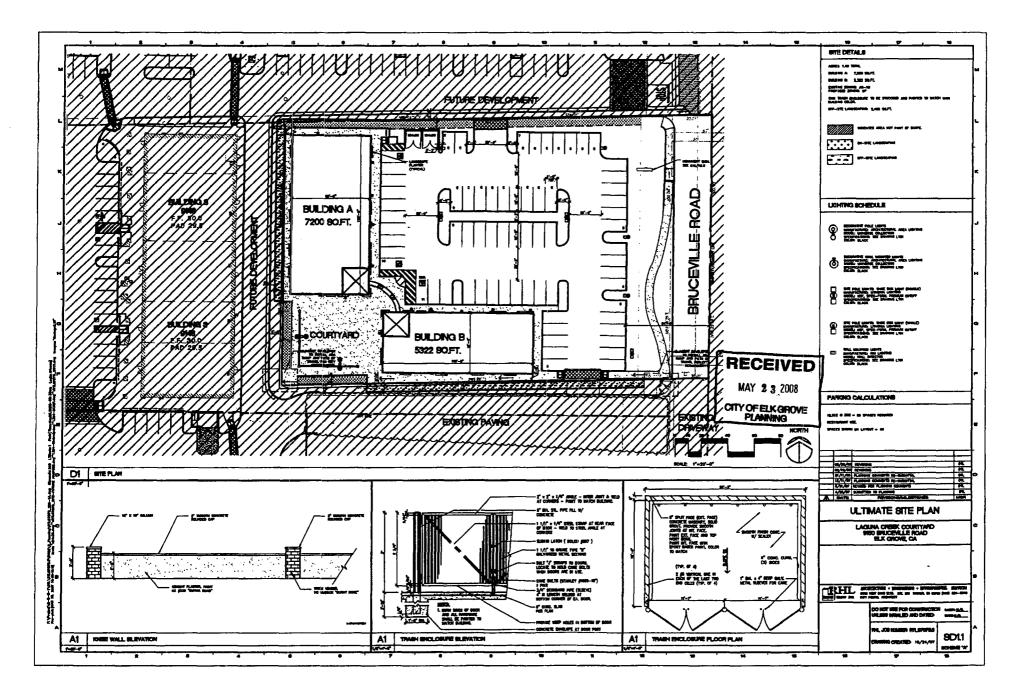


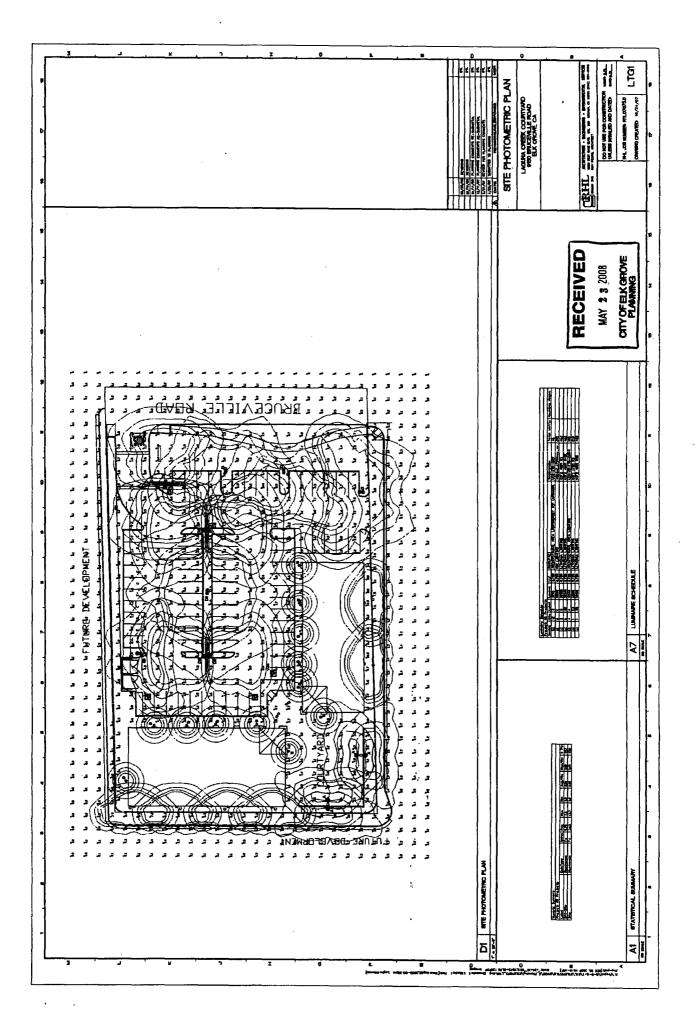


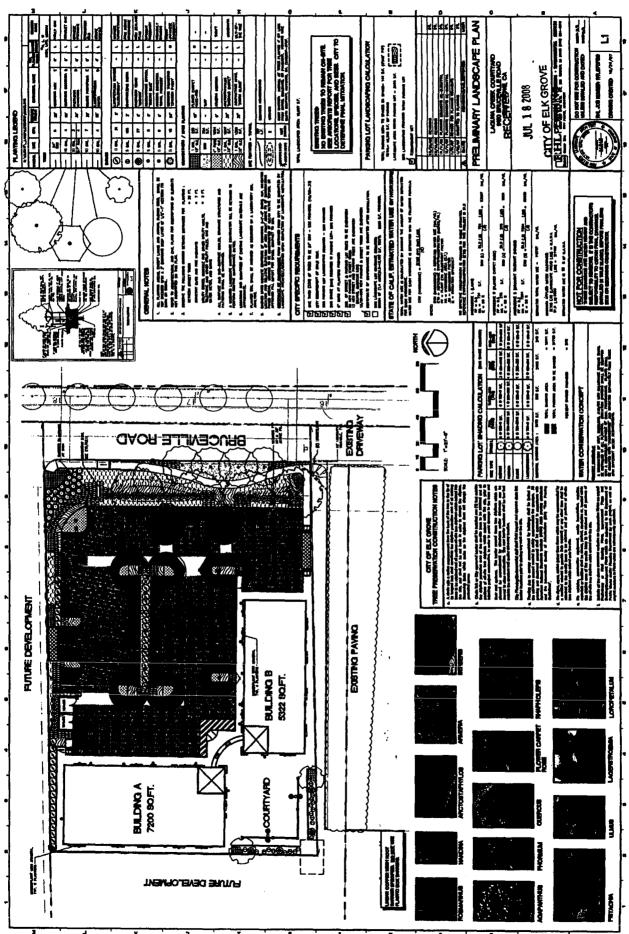
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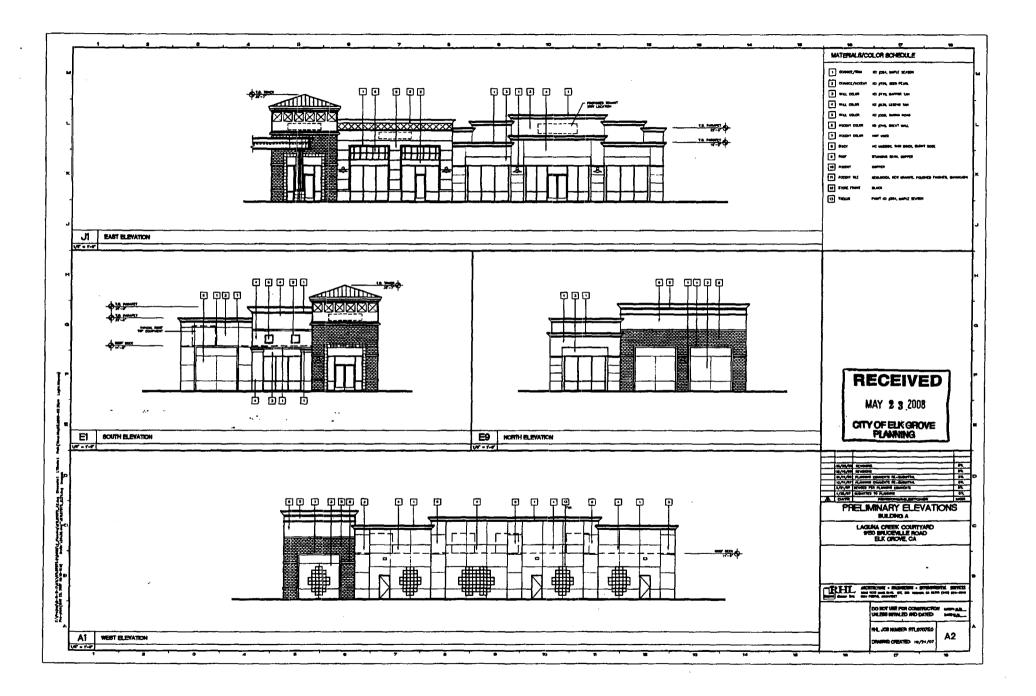


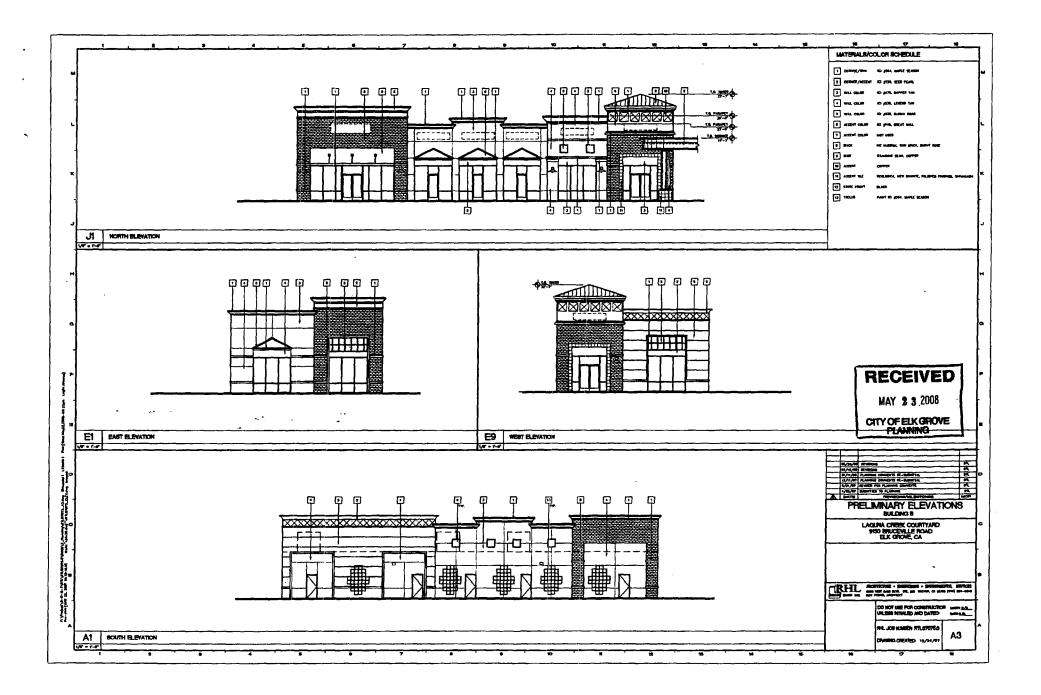


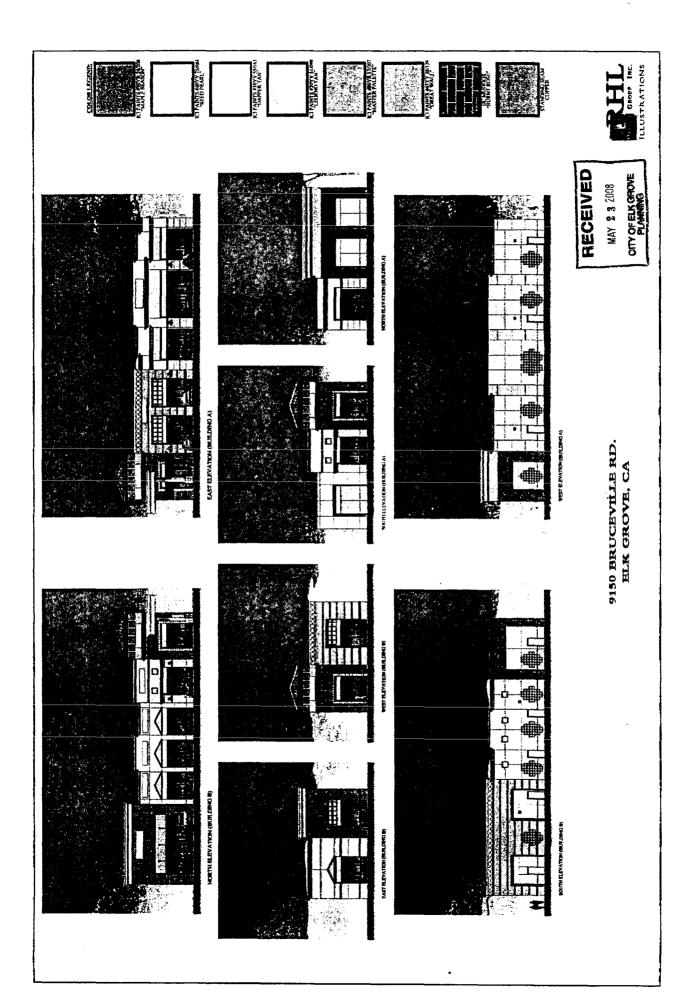


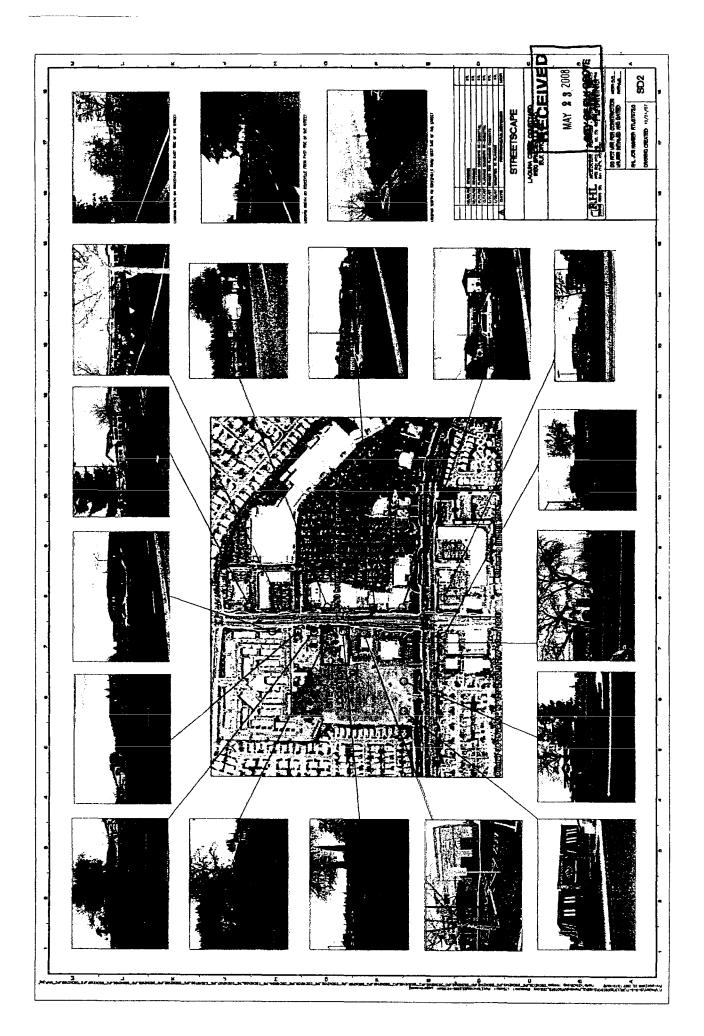












Laguna Creek Courtyard Elk Grove, California

Sign Criteria

July 17, 2007

This criterion has been established for the purpose of maintaining the continuity of quality and aesthetics throughout the center for the mutual benefit of all shops and tenants to comply with the regulations of the City of Elk Grove. Conformance will be strictly enforced, and any installed non-conforming or unapproved signs must be brought into conformance at the expense of the tenant.

1. <u>GENERAL REQUIREMENTS</u>

- A. Each tenant shall submit three (3) copies of detailed drawings indicating placement, size, design, color, illumination, materials and method of attachment to Owner/Landlord representative for approval prior to fabrication.
- B. The Tenant or their representative shall obtain all permits for signs and their installation.
- C. All signs shall be constructed and installed at tenant's expense.
- D. Tenant shall be responsible for the fulfillment of all requirements and specifications, including those of the City of Elk Grove.
- E. All signs shall be reviewed for conformance with these criteria. Approval or disapproval of submitted signs shall remain the right of the Owner/Landlord, or his authorized representative, based on the overall quality of design and aesthetics.
- F. Tenant shall be responsible for the installation and maintenance of their sign. Should maintenance be required, Owner shall give 30 days written notice to effect repairs or maintenance. Should Tenant fail to do so, Owner shall undertake repairs and Tenant shall reimburse Owner within ten (10) days from receipt of invoice.



SIGN CRITERIA

2. GENERAL SPECIFICATIONS

- A. No animated, flashing or audible signs will be allowed.
- B. No exposed lamps are allowed.
- C. All signs and their installation shall comply with all local building codes, electrical codes and the approved sign program for this center.
- D. No portable signs will be allowed.
- E. No exposed conduit or crossovers will be allowed.
- F. No exposed raceways are allowed.
- G. All housings, conductors, transformers and flexible conduit shall be contained within raceways or transformer cans mounted inside of canopy fascias.
- H. Painted lettering will not be allowed.
- I. No window signs will be allowed without prior approval of the Owner/Landlord representative.
- 3. LOCATION OF SIGNS
 - A. All signs shall be located as near as possible to the center of the Tenant's leased space both horizontally and vertically. Situations not allowing this placement will be reviewed for approval by the Owner/Landlord representative.

4. DESIGN REQUIREMENTS

- A. Maximum horizontal width of signs shall be equal to 80% of Tenants leased lineal frontage and located as indicated above.
- B. Maximum height of signs shall be 18" for letters and 24" for logos. Maximum allowed sign area will be one (1) square foot per lineal foot of tenant main entrance building frontage.
- C. Inline Shop Tenants shall be allowed one (1) signs per tenant. Maximum allowed sign area will be as described above in 4-B. Cabinet signage will not be allowed except with regard to logos. Logos are to be constructed in the same manner, as are the letters.
- D. Colors will be considered on an individual basis and will be reviewed at the discretion of the Owner/Landlord representative.
- E. Sign copy shall be limited to the name and established logo design of Tenant. Additional copy may be permitted to include products sold or services offered and is at the discretion of the Owner/Landlord representative and is referred to as sub-copy.

SIGN CRITERIA

5. <u>CONSTRUCTION REQUIREMENTS</u>

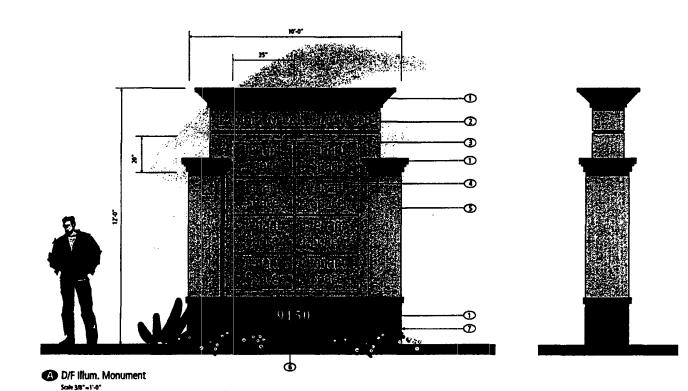
- A. All signs shall be of individual letter design. "Main Copy" shall consist of individually illuminated aluminum channel letters. Aluminum shall be a minimum of .063. No exposed raceways/wireways will be allowed.
- B. All signs shall bear the UL label and their installation shall comply with all local building and electrical codes.
- C. All penetrations of the building structure required for the sign installation shall be neatly sealed in a watertight condition.
- D. When any sign is removed, either for replacement or on termination of the lease, the tenant shall leave the building exterior in good condition, normal wear and tear excepted. Any holes caused by the removal of said sign shall be filled in a weather tight condition.
- E. Sign contractor shall repair any damage done by him during the course of his installation. Damage done to the building and/or premises by sign contractor will become the Tenant's responsibility to correct.
- F. Tenant is fully responsible for the operations of their sign contractor and shall indemnify, defend and hold the parties harmless from damages or liabilities.

6. MONUMENT SIGNAGE

- A. The materials and colors, as shown in the attached exhibit(s), shall be compatible with the buildings.
- B. The monument sign shall be located as shown on the project site plan.
- C. Space on the monument sign shall be available to tenants at the sole discretion of the landlord. Landlord will make the final determination as to which tenants will be allowed space on the monument sign.
- D. Letters and logos in the tenant panels shall be routed aluminum faces backed with translucent acrylic. Tenant panel background color will match the approved cabinet color.
- E. Typestyles and logos are to be approved by landlord.



3 of 3



MATERIAL SCHEDULE

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Corince / Column Caps / Wm Febricated aluminum paint K1 "Maple Season", texcent finish.

Centur Identity- Halo Munihadon 3rd "Clear acrific path firm 1/2", Apply 3rd White diffuser overlaid with 3rd Black viryi firm.

Cablinet Fabricated aluminum paint ICI "Dapper Ban", teacoat finish.

Tenant Panels 1/8" Aluminum panels rout and back with acrilic with at without 3M wind film. Paint panels, 40" Seed Pear", secin Enish.

Columns Fabricated aluminum paint ICI "Legend Tan", teacoart Invisi.

Addmiss Numerals PCO numerals paint ICI "Seed Puor", sath Rinish.

Dick Vanear HC Muddox "Berrit Rose"

Copyright: @2007 All point and electronic art senants the unic copyrightse property of Pacific Ham Company and are not to be destinationed, Company, and are not the to destinationed, copperd, a-mailed an transmission interact way without pure written interact from Pacific Haun Company. 2939 Academy Way Sacraments CA, 95815 Tel 936,527,8527 Project Ho. 07-2398-00 Project Title: Address Status PACIFIC 9150 Bruceville Road Elk Grove, California Laguna Creek Courtyard Preliminary: 7.13.87 D Revision: Account Executive: Ralph Candill NEON Fez 916,927,2414 www.pacificneon.com Client Approval:

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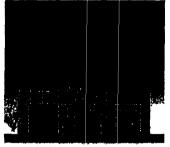
EAST ELEVATION (BUILDING A)

PACIFIC

NEDN

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Project No. 07-2398-00

Client Approval:

Account Executive: Ralph Cundit

Project Tide:

Laguna Creek Courtyard

SCRUTH ELIWATION (BURDEND A)

2939 Academy Way

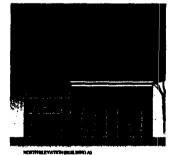
Tel 916,927,8527

For 916.927.2414 ww.pacificneon.com

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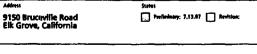




Address

LETTER SECTION PCL-FACE LIT --------AND ADDA THE PT IN To lot the Martin Contraction of the local division of OSCI





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Building "A" ,

General Requirements

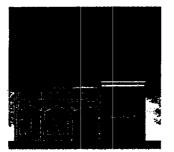
- A) Tenants are allowed one (1) sign per establishment,
- B) Tenants are allowed 1 square foot of sign area for 1 linear foot of senant building frontage. Sign length not to exceed 80% of tenant frontage.
- C) Signs may be either face illuminated or halo illuminated, or a combination of the both. Halo illuminated, reverse pan channel letters to be pegged off fascia 1-1/2".
- D) The allowable sign area includes all signs visible from the exterior and located within 5 feet of any window.
- E) Sign copy shall be limited to the name and established logo design of Tenant.
- F) Cabinet signs will not be allowed with the exception of shaped pan channel cabinet signs of a Tenant's logo.
- G) Signs must meet or exceed U.L. approved standards.



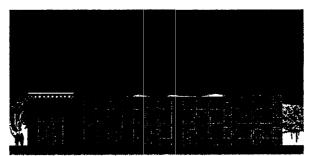


NORTH BLEVATION (BUILDING B)

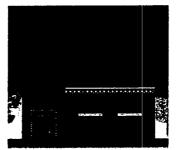
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EAST BLEVA TOP (BUILDING B)



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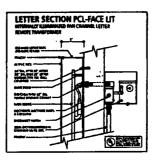


WEST BLOWATION (BLILDING B)



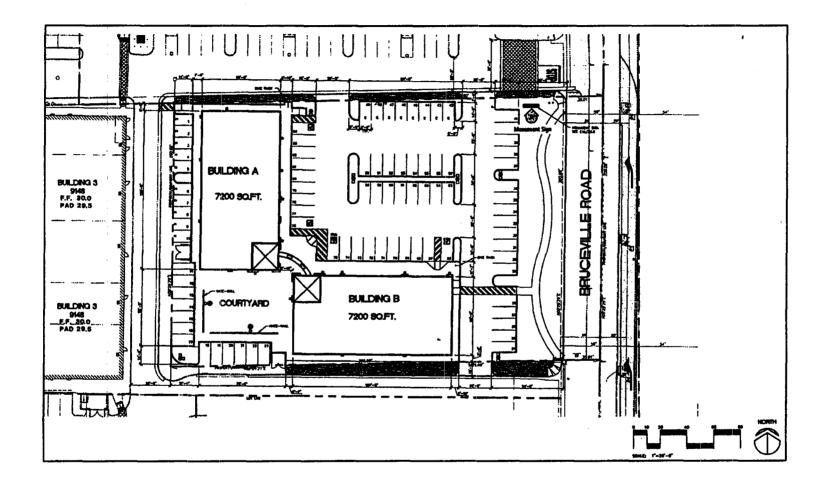
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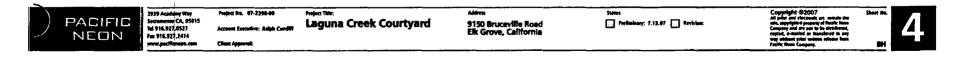








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CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-222

STATE OF CALIFORNIA)COUNTY OF SACRAMENTO)SSCITY OF ELK GROVE))

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 September 10, 2008 by the following vote:

AYES : COUNCILMEMBERS:

Davis, Hume, Scherman, Cooper, Leary

- NOES: COUNCILMEMBERS: None
- ABSTAIN : COUNCILMEMBERS: None
- ABSENT: COUNCILMEMBERS: None

> Cachit

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