RESOLUTION NO. 2009-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT, VARIANCE, DESIGN REVIEW AND UNIFORM SIGN PROGRAM FOR THE SHOPS AT CALVINE PROJECT NO. EG-08-018 ASSESSOR PARCEL NUMBER 121-0190-009

- WHEREAS, Armstrong Development Properties, Inc. (Applicant) filed an application with the City of Elk Grove (City) for a General Plan Amendment, Rezone, Tentative Parcel Map, Conditional Use Permit, Variance, 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: 121-0190-009; and
- WHEREAS, the City determined that the Shops at Calvine was subject to the California Environmental Quality Act and prepared an Initial Study evaluating the potential environmental effects of the project; and
- WHEREAS, a Mitigated Negative Declaration was prepared and circulated, and the Applicant has agreed to implement the proposed mitigation measures to reduce the potentially significant adverse effects related to biological resources to a less than significant level; and
- WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City regulations and is designed to ensure compliance during project implementation; and
- WHEREAS, pursuant to Government Code section 65358(b), the City may only amend its General Plan four (4) times annually; and
- WHEREAS, for this reason and to accommodate future development, the City will consolidate General Plan Amendments as one amendment approval, to be heard by the City Council at the February 25, 2009 hearing date under a separate item (Item 7.2); and
- WHEREAS, this General Plan Amendment will be a part of that consolidation effort; and
- WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on February 5, 2009 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City hereby approves the Project, subject to the conditions of approval as illustrated in Exhibit A, Mitigation Monitoring and Reporting Program as illustrated in Exhibit B, and Project Exhibits as illustrated in Exhibit C all of which are incorporated herein by this reference, based on the following findings:

California Environmental Quality Act (CEQA)

<u>Finding</u>: On the basis of the whole record, there is no substantial evidence that the Project as designed, conditioned and mitigated will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

<u>Evidence</u>: An Initial Study with a Mitigated Negative Declaration evaluating the potential environmental effects of the project was prepared for the proposed project. Potentially significant adverse effects related to biological resources were identified in the Initial Study. Mitigation Measures have been imposed on the project and the Applicant has agreed to implement proposed Mitigation Measures that reduce the impacts to a less than significant level. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance during project implementation. A condition of approval has been imposed on the project that requires conformance with the MMRP.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on December 3, 2008. It was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on December 3, 2008 and closed on January 2, 2009. The Mitigated Negative Declaration was made available to the public during this review period.

Tentative Parcel Map

<u>Finding</u>: None of the findings (a) through (g) in Section 66474 of the California Subdivision Map Act that require a City to deny approval of a tentative map apply to this Project.

Evidence:

- (a) The proposed map is consistent with the proposed land use designation and policies in the Elk Grove General Plan, which proposed to designate this site as Commercial.
- (b) The design of the improvements of the proposed subdivision is consistent with the General Plan.

- (c) The site is physically suitable for commercial development. Access to the site will be provided or is available. Necessary services and facilities are available or can be provided.
- (d) The site is appropriate for the proposed type of development.
- (e) The proposed Tentative Parcel Map is consistent with the General Plan and proposed zoning and therefore would not cause substantial environmental damage.
- (f) The design of the parcel map or type of improvements will meet all applicable standards or regulations and will not cause serious public health problems.
- (g) No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

Conditional Use Permit

<u>Finding</u>: Conditional Use Permits are quasi-judicial and shall be granted only when the Planning Commission determines that the proposed use or activity complies with all of the following findings.

- a. The proposed use is consistent with the General Plan and all applicable provisions of this Title.
- b. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.

<u>Evidence</u>: The proposed commercial use is consistent with the proposed General Plan land use designation of Commercial, and consistent with the goals and policies of the General Plan for commercial development within the City of Elk Grove. The proposed drive-through facility meets the development standards of the Zoning Code. Additionally, the drive-through facility is adequately buffered and screened from residential and school uses and will not create a significant impact. Thus, the proposed commercial use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City.

Variance

<u>Finding:</u> The Planning Commission may approve and/or modify any Variance application in whole or in part, with or without conditions, only if the applicant can demonstrate to the Planning Commission that the circumstances of their particular case can justify making all of the following findings:

a. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of

- this Title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning district classifications.
- b. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.
- c. That granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
- d. That granting the Variance is consistent with the objectives of the General Plan and Zoning Ordinance.

<u>Evidence:</u> The project site has overhead high-voltage transmission lines with a 75-foot wide electrical easement that traverses across from the northwest corner through the center of the proposed commercial site. The granting of the Variance allows the project to enjoy privileges enjoyed by other properties in the area by providing relief from the development constraints caused by the electrical easement, and does not grant a special privilege inconsistent with limitation upon other properties in the vicinity and zoning which the property is located in. The Variance will not significantly impact properties adjacent to the subject property as appropriate screening has been incorporated to reduce aesthetic and physical impacts on the adjacent westerly property. The Variance approval maintains an orderly and quality development that is consistent with the goals and objectives of the General Plan and Zoning Ordinance.

Design Review

<u>Finding</u>: A Design Review Permit or any modification thereto shall be granted only when the designated Approving Authority makes all of the following findings:

- a. 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.
- b. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
- c. 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;
- d. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Evidence: The project site's proposed General Plan land use designation and zoning are Commercial and General Commercial, respectively. The project is consistent with the objectives of the General Plan's goals and policies and was reviewed in accordance with the Zoning Code and Citywide Design Guidelines. The design of the buildings takes in account the scale, style, design, and architectural vernaculars of the project site's surrounding area. In addition, the uniform sign program will provide consistency of allowed sign types. The project has been conditioned that would revise the Master Sign Program such that opaque-faced "halo" wall signs will be the only sign type for the inline tenant buildings. It is anticipated that all proposed signage would not create a nuisance to adjacent residential properties. The project will be compatible with adjoining and nearby properties. The proposed layout has been designed to avoid conflicts with vehicular, bicycle, and pedestrian modes of transportation.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of February 2009.

PATRICK HUME, MAYOR of the CITY OF ELK GROVE

ATTEST:

SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:

SUSAN COCHRAN, CITY ATTORNEY.

Conc	litions of Approval / Mitigation Measure	Timing/ <u>Implementation</u>	Enforcement/ Monitoring	Verification (date and Signature)

Plan Ame 4.68 gross Rezone to Residentia (GC); Ten into 3 po through properties interior se from 25 fo totaling 2 establish Planning 0 Attachme Re De Sit Ex Fice Ro Pre 20 Ur	copment approved by this action is for a General condment to change the land use designation for a cares from Estate Residential to Commercial; to change 4.68 gross acres from Agricultural-al-5 acres minimum (AR-5) to General Commercial tative Parcel Map to subdivide a 10.26-acre parcel carcels; Conditional Use Permit to allow a drive-facility within 1,000 feet from rural residential cy. Variance to allow a reduction of the required at thack (rear) for the westerly inline tenant building the et to 10 feet; Design Review for three buildings 8,600 square feet; and, Uniform Sign Program to the sign criteria for the project as described in the Commission staff report and associated Exhibits and ents illustrated in the project plans below: Excone/General Plan Amendment Exhibit (received excember 15, 2008) The program (received December 15, 2008)	On-Going .	Planning	
1 -	city for substantial compliance and may require			<u> </u>

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	amendment by the appropriate hearing body.			
2.	The Tentative Parcel Map is valid for 36 months from the date of approval.	36 months from the date of approval	Planning	
3.	The Applicant or Successors in Interest (hereby referred to as the "Applicant") shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
4.	This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
5.	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	
6.	The Applicant shall maintain all trash and recycle containers within masonry enclosures with solid gates that will not provide for a visible nuisance.	On-Going	Community Enhancement	
7.	The Applicant shall not allow any 'strictly prohibited signs' as per Chapter 23.62 of the Elk Grove Zoning Code (e.g. lighter than air or balloon devices) to be displayed for advertising or other functions within this project.	On-Going	Community Enhancement	
8.	The Applicant shall not provide for a nuisance during the construction phase or intended use of the project.	On-Going	Community Enhancement	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date and Signature)
9.	Comply with, record, and pay the initial deposit for the Mitigation Monitoring and Reporting Program (MMRP) associated with Shops at Calvine (EG-08-018). Until the MMRP has been recorded and the estimated MMRP deposit of \$2,000.00 has been paid, no final subdivision map for the subject property shall be approved and no grading, building, sewer connection, water connection, or occupancy permit from the City or County will be approved.	Prior to issuance any plans or permits associated with this project the Applicant shall: 1. Record the MMRP 2. Submit deposit to the City of Elk Grove	Planning	
10.	The Applicant shall Revise and re-submit Preliminary Landscape Plan and Photometric Plan that eliminates the three (3) parking lot light conflicts with the parking lot shade tree canopies.	Improvement Plans	Planning & Landscape Architect	
11.	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 Department for review and approval.	Improvement Plans	Planning & Landscape Architect	
12.	Applicant shall prepare and submit a comprehensive drainage study and plan that includes, but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and	1st Improvement Plan Submittal or Prior to Issuance of Grading Permit(s)	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	with project; and the proposed method of flow conveyance with adequate supporting calculations. The study shall include any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff; including quality, quantity, volume, and duration. 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 General Plan, and any specific, area, or master plans; and shall conform to the City of Elk Grove Improvement Standards. It shall demonstrate that the proposed methods of flow conveyance mitigate the potential project impacts. 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. The study must be completed and stamped by a Professional Engineer, and determined by the City to be comprehensive, accurate, and adequate.			
13.	The Applicant shall increase the width of any two adjacent parking stalls that are at a 90° angle to one another to 11'.	Improvement Plans	Public Works	
14.	The Applicant shall submit and obtain City approval of plans and specifications for the construction of public streetlights in accordance with the City of Elk Grove Improvement Standards, including any approved revisions thereto. Streetlight identification numbers as assigned by Public Works during the first plan review shall be added to plans.	Improvement Plans	Public Works	
15.	The Applicant shall provide a minimum of a 5-foot backing- up area at all dead-end aisles.	Improvement Plans	Public Works	
16.	The Applicant shall demonstrate through acceptable field	Improvement	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date and Signature)
	and laboratory testing, to the satisfaction of Public Works, that on-site soils and proposed infiltration measures are capable of sufficient infiltration capacity to accommodate a 10-year storm event with a total infiltration period of less than 48 hours. Excess flows up to the 100-year storm event shall not exceed a water depth of more than 6 inches over the back of walk and the first floor level of any habitable structure shall have a minimum of 1-foot above the controlling 100-year water surface elevation. If the above requirements cannot be satisfied, the Applicant shall redesign the drainage system to the satisfaction of Public Works.	Plans and/or Prior to Issuance of a Grading Permit(s)		
17.	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 Permit(s)	Public Works	
18.	Connection to the District's sewer system shall be required to the satisfaction of the District. District Design Standards apply to sewer construction.	Improvement Plans	Sacramento Area Sewer District	
19.	Each parcel with a sewage source shall have a separate connection to the District public sewer system. If there is	Improvement Plans	Sacramento Area Sewer District	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	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 District public sewer line.			
20.	In order to obtain sewer service, construction of District sewer infrastructure will be required. A sewer line may be required to be installed along Bradshaw Road within the project frontage. District will require an improvement plan submitted and approved before the issuance of building permit in case the on-site improvements are planned after the Final Map recordation. District will also require a utility plan showing proposed sewer line along Bradshaw Road if the Final Map is recorded before any onsite improvement is proposed.	Improvement Plans	Sacramento Area Sewer District	
21.	Currently 30-inch Calvine Trunk goes west to a small pump station at Sheldon High School. The pump station does not have much capacity left and any future flow going to this pump station must be approved by the District and will be allocated on "first come first serve" basis.	Improvement Plans	Sacramento Area Sewer District	
22.	Water supply shall be provided by the Sacramento County Water Agency	Improvement Plans	SCWA	
23.	The Applicant shall provide public water service to each building.	Improvement Plans	SCWA	
24.	All water lines shall be located within a public right-of-way or within easements dedicated to SCWA. Easements shall be reviewed and approved by Sacramento County Water Agency prior to Improvement Plan approval or Final Map approval.	Improvement Plan or Final Map, Whichever Occurs First	SCWA	
25.	The improvements necessary to accommodate the 20-foot wide emergency vehicle access on Parcel 3 shall be	Improvement Plans	Cosumnes CSD Fire Department, Public	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date and Signature)
	included as part of the improvement plans and completed as part of this project (i.e. removal of parking spaces, landscaping, fire pump, water storage tank etc.).		Works, & Planning	
26.	Fire apparatus access roads shall be provided for all buildings within 150 feet to the furthest point of the building as measured by an approved route.	Improvement Plans	Cosumnes CSD Fire Department	
27.	An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises. 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 for commercial buildings. Water mains shall be looped ten inch mains with two points of connection.	Improvement Plans	Cosumnes CSD Fire Department	
28.	Fire hydrants shall be provided on and off site in accordance with the 2007 California Fire Code and City of Elk Grove Fire Code Amendments.	Improvement Plans	Cosumnes CSD Fire Department	
	e Tital Map.	and the second		
29.	All property conveyed to the City of Elk Grove in fee title shall be free and clear of any encumbrances, except as expressly permitted by the City. The Applicant shall provide title insurance in conjunction with all fee title dedications to the City of Elk Grove.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
30.	The Applicant shall dedicate, design and improve Calvine Road at the intersection of Bradshaw Road in accordance with the City of Elk Grove Improvement Standards for expanded intersections and to the satisfaction of Public Works.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
31.	The Applicant shall dedicate, design and improve the southerly half-section of Calvine Road, measured 48' from	Final Map or Prior to 1st Building	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ <u>Implementation</u>	Enforcement/ Monitoring	Verification (date and Signature)
	the approved centerline to the back of curb in as a 96' thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Permit, Whichever Occurs First		
32.	The Applicant shall dedicate an I.O.D. along Bradshaw Road, from the intersection of Calvine Road to the southerly property line, based upon an expanded intersection as shown on the Preliminary Site Plan and in accordance with the City of Elk Grove Improvement Standards. The I.O.D. shall also include adequate width to accommodate a future right-turn pocket for the proposed Bradshaw Road driveway.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
33.	The Applicant shall dedicate a pedestrian easement and public utility easement within the landscape corridor adjacent to the project's Bradshaw Road and Calvine Road frontages to the satisfaction of Public Works.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
34.	The Applicant shall install the landscape corridor adjacent to Bradshaw Road to the satisfaction of Public Works.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
35.	The Applicant shall install the 36-foot landscape corridor adjacent to Calvine Road to the satisfaction of Public Works.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
36.	The Applicant shall dedicate visibility easements for the Calvine Road and Bradshaw Road driveways per Section 4-14 of the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
37.	The Applicant shall provide a reciprocal access and parking agreement between the parcels of this development to the satisfaction of Public Works.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
38.	The Applicant shall provide a reciprocal access easement agreement for emergency purposes between the parcel to the south and the parcels of this development, as shown on the preliminary site plan, to the satisfaction of Public Works.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
39.	The Applicant shall provide to Public Works for their review, a copy of the Business Owner's Association bylaws (CC&R's) which address, at a minimum, common area ownership, maintenance, and joint access.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
40.	Improvement plans shall be approved by Public Works prior to recordation of final map or prior to issuance of the 1st building permit, whichever occurs first.	Final Map or Prior to 1st Building Permit, Whichever Occurs First	Public Works	
41.	The Applicant shall dedicate a 12.5-foot public utility easement for overhead and underground facilities and appurtenances adjacent to all public street right-of-ways.	Final Map	SMUD	
42.	The Applicant shall dedicate ay private drive, ingress and egress easement, or Irrevocable Offer of Dedication and 10.5 feet adjacent thereto as a public utility easement for overhead and underground facilities and appurtenances.	Final Map	SMUD	
43.	Prior to the final map, 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	Final Map	Finance	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date and Signature)
	parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community 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 the Applicant 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 www.elkgrovecity.org/finance/financial-planning-division/cfd-information.htm .			
44.	Prior to the final map, the project area shall annex into the Street Maintenance Assessment District No. 1 Zone 3 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 the Applicant 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 www.elkgrovecity.org/services/cfd/ad-information.htm.	Final Map	Finance	
Morro	Building Permits			
45.	The concrete roof tile (Monier Lifetile) shown on the building elevations shall be replaced with a standing-seam metal roof. The color of the roof shall be "Old Zinc Gray" as per the elevation presented to the Planning Commission.	Prior to 1st Building Permit	Planning	
46.	The Applicant shall execute a maintenance agreement for the pervious concrete infiltration system to the satisfaction of Public Works. The agreement shall include an annual reporting requirement regarding the efficiency of the		Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	pervious concrete.			
47.	The Applicant shall design and install the driveways on Calvine Road and Bradshaw Road in accordance with Section 4-10 of the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to 1st Building Permit	Public Works	
48.	The Applicant shall design and install two monitoring wells for each proposed pervious concrete infiltration system location, to the satisfaction of Public Works.	Prior to 1st Building Permit	Public Works	
49.	The Applicant shall obtain the appropriate clearance letters to the satisfaction of Public Works for any sign located within an easement, including a Public Utility Easement.	Prior to 1st Building Permit	Public Works	
50.	If established at time of Building Permit application, 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, otherwise the project area shall remain in the Zone 1 Storm Water Drainage Utility Fee Area. This annexation process may take several weeks. The project Applicant shall pay their fair share of the costs to annex into Zone 2. For rate information on this District, see www.elkgrovecity.org/utilities/rate-info.htm.	Building Permit	Public Works	
51.	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 2007 Development Related Fee Booklet at: www.elkgrovecity.org/finance/financial-planning-division/drf-information.htm. 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	Prior to Building Permit	Finance	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date and Signature)
	2007 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages). By signing up for email updates, you will receive an email notifying you every time these web pages change, which will assist you in planning for the costs associated with your project.			
52.	Any proposed barriers or gates at the proposed emergency vehicle access to the adjacent parcel shall be approved by the Cosumnes CSD Fire Department prior to installation. All gates shall meet the minimum requirements for access in accordance with the 2007 California Fire Code as amended by the City of Elk Grove Ordinance 10-2008.	Prior to Building Permit	Cosumnes CSD Fire Department	
53.	A sidewalk or other approved means by the Cosumnes CSD Fire Department shall be provided for access to the fire control room.	Prior to Building Permit	Cosumnes CSD Fire Department	
54.	The Applicant shall provide a copy of the access agreement to the Cosumnes CSD Fire Department for the proposed emergency vehicle access between Parcels 2 and 3.	Prior to Building Permit	Cosumnes CSD Fire Department	
55.	The proposed fencing at the southeast corner of Retail C and the northwest corner of Retail B shall be provided with a minimum 4-foot wide gate for fire department access and each shall be equipped with a Knox rapid entry device.	Prior to Building Permit	Cosumnes CSD Fire Department	
56.	Prior to the issuance of any building permits for the project, the Applicant shall pay Zone 40 development fees applicable at the time of building permit issuance with Title 4 of the Sacramento County Water Agency Code.	Prior to Building Permit	SCWA	·
Pro 16	Identification signage issued by Public Works shall be mounted by the Applicant during streetlight installation in accordance with the approved plans. Alterations to streetlight plans shall be updated on record drawings. The	Prior to Acceptance of Public Improvements	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date and Signature)
	Applicant shall submit, in addition to the complete set of improvement plans, a separate electronic file, in PDF format, of only the streetlight plan sheets and voltage calculations on the record drawing CD. Additionally, the Applicant shall complete and submit the City's streetlight data spreadsheet, with complete data for all streetlights installed, on the record drawing CD.			
58.	The three (3) parking stalls located southwest of the CVS drive-through facility shall be eliminated and replaced with a planter area.	Prior to Final or Occupancy	Planning	
59.	The Applicant shall provide proper signage and striping for the one-way drive aisle located at the rear of the CVS building.	Prior to Final or Occupancy	Planning	
60.	All perimeter lighting shall not produce nuisance off-site glare. Where the light source is visible beyond the property line, shielding shall be required to reduce glare so that the light source is not visible from within any residential dwelling unit.	Prior to Final or Occupancy	Planning	
61.	The Applicant shall provide pedestrian furnishings (i.e. benches, trash containers, etc.) within the pedestrian walkway/landscape area located within the parking area on Parcel 1 and the outdoor plaza area located in between the inline tenant buildings (Retail Building B & C) to the satisfaction of the Planning Department.	Prior to Final or Occupancy	Planning	
62.	The Applicant shall provide a minimum of eight (8) bicycle parking stalls for the project.	Prior to Final or Occupancy	Planning	
63.	The wall section within the 75-foot wide electrical easement along the southern boundary line of the Shops at Calvine commercial development shall be substituted with a double-sided wood fence instead of a masonry wall. The wood fence shall be constructed with overlapping slats (redwood)	Prior to Final or Occupancy	Planning	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	on both sides and secured by wood screws. A wood cap trim shall be provided on top of the fence.			
64.	The masonry wall along the western boundary line of the Shops at Calvine commercial development shall have the wall height increased from 6 feet to 8 feet.	Prior to Final or Occupancy	Planning	
65.	The Applicant shall revise the Shops at Calvine Master Sign Program such that 1) acrylic-faced channel lettering building signage shall be utilized for the major tenant building, 2) opaque-faced "halo" type building signage shall be utilized for the inline tenant buildings, and 3) prohibit any illumination of the wall sign that faces Bradshaw Road for the endcap tenant of Retail Building C. In addition, the Applicant shall also modify the Master Sign Program as shown below. New text additions are shown in bold text and deletions are shown as strikeout text.	Prior to Final or Occupancy	Planning	
	a. Page 8 (Prohibited Signs) — Banners, Pennants & Balloons Used for Advertising with exception to temporary signs as regulated by the City of Elk Grove Zoning Code and approved by the Landlord. Purposes: Temporary flags, banners,or pennants, or combination of same constituting an architectural feature which is an intergral part of the design chahrater of a project may be permitted subject to Municipal Code requirements, Landlord's, and City approval.			
	b. <u>Page 14 (Inline Tenant)</u> Size: "Maximum of 120 square feet total per building tenant."			

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
66.	The Applicant shall install a wrought-iron fence/gate at the entrance of the outdoor plaza area located in between Buildings B and C to the satisfaction of the Planning Department.	Prior to Final or Occupancy	Planning & Police	
67.	Upon completion of the installation of the landscaping 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 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.	Prior to Final or Occupancy	Planning & Landscape Architect	
68.	Prior to final inspection or occupancy of the any 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 Final or Occupancy	Planning & Landscape Architect	
69.	Sufficient lighting (minimum 1 foot candle) shall be provided within the pedestrian walkway/landscape area located within the parking area on Parcel 1 and the outdoor plaza area located in between the inline tenant buildings (Retail Building B & C). A lighting plan and photometric plan shall be submitted to the Police Department and Planning Department for review. Architectural type lighting (i.e. bollard, etc.) shall be utilized for the satisfaction of the Planning Department.	Prior to Final or Occupancy	Planning & Police	
70.	The Applicant shall install the following security features to the satisfaction of the Elk Grove Police Department: • A mounted security camera system, security mirrors, and sufficient lighting within the drive-through facility	Prior to Final or Occupancy	Police	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	 associated with the CVS Building. A mounted security camera system and sufficient lighting within the outdoor plaza area located in between Retail B and C buildings. 			
71.	The Applicant shall provide for graffiti-resistant paint or clear graffiti-resistant coating of any monument sign(s) and masonry walls.	Prior to Final or Occupancy	Community Enhancement	
72.	The Applicant shall provide for vegetation to cover and control graffiti-resistant coating of any masonry walls – appropriate climbing vegetation to be detailed within the landscape design maps.	Prior to Final or Occupancy	Community Enhancement	

General Compliance Items for Building Permit

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. If there are any discrepancies between the approved tentative map and the conditions of approval, the conditions of approval shall supersede the approved tentative map. (Public Works)
- b. The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- c. Any public improvements damaged during construction shall be replaced, by the Applicant, in-kind or with new improvement. (Public Works)
- d. 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)
- e. 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)
- f. All driveways and intersections shall conform to the visibility requirement set forth in the City of Elk Grove Improvement Standards. (Public Works)
- g. The Applicant shall design and construct all driveways in accordance with Section 4-10 of the City Improvement Standards to the satisfaction of Public Works. (Public Works)
- h. The internal circulation and access shall be subject to the review and approval of Public Works. (Public Works)
- i. Improvement related conditions can be satisfied by completing an approved design, executing an improvement agreement, and providing suitable financial security (e.g. bonds, letter of credit, etc), all to the satisfaction of the City, prior to the implementation timing required by the condition. (Public Works)
- j. 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 pursuant to the Floodplain Management Plan. (Public Works)

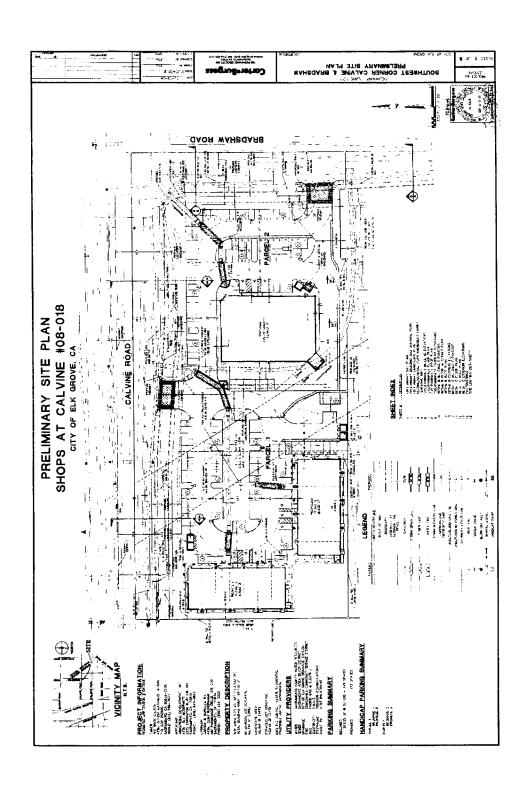
- k. The Applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. Fulfill all requirements of federal and state permits. (Public Works)
- I. The Applicant shall comply with the regulations of the Federal Emergency 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)
- m. 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 the 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)
- n. In order to mitigate erosion and sediment control problems on the project site, the project shall comply with the City's Land Grading and Erosion Control Ordinance. If the project size is more than one acre, a Notice of Intent (NOI) shall 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 applicable information 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)
- o. 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)
- p. 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)
- q. The owner/developer must disclose to future/potential owners the existing or proposed 69KV electrical facilities on the south side of Calvine Road and east of Bradshaw Road. (SMUD)

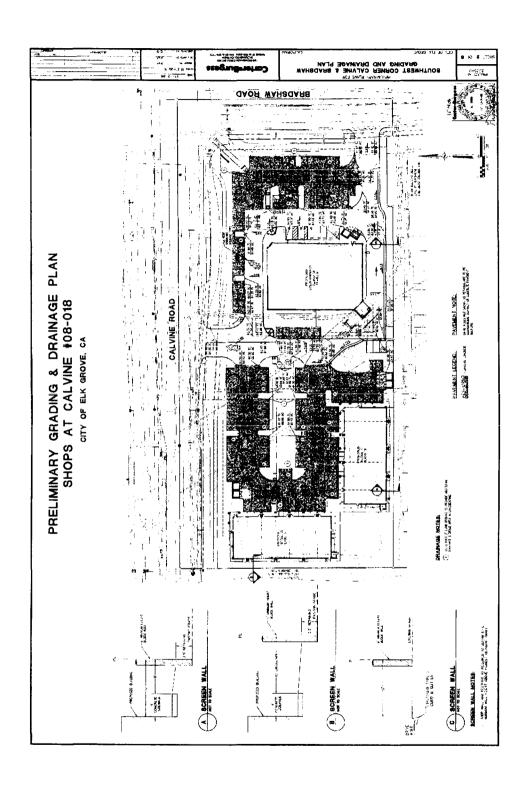
- r. The 30-inch sewer trunk line along Calvine Road is already constructed and a 10-inch sewer stub is installed at the northeast corner of this property. Future sewer line will extend from this 10-inch stub and go south along Bradshaw Road to serve this project as well as other areas south of this project. (Sacramento Area Sewer District)
- s. Developing this property will require the payment of sewer impact fees. Impact fees shall be paid prior to filing and recording the Final Map or issuance of Building Permits, whichever is first. Applicant shall contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information. (Sacramento Area Sewer District)
- t. Dead-end streets in excess of 150 feet require emergency vehicle turn-around. (Fire)
- u. Any and all gates impeding fire lanes or roadways shall comply with Appendix D of the 2007 City of Elk Grove Fire Code. (Fire)
- v. 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:
 - i. DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted (Fire)
- w. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system. (Fire)
- x. Commercial developments in excess of 10,000 square feet required 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)
- y. 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 flows or the application of mitigating efforts to meet fire flows above this minimum. (Fire)
- z. 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)
- aa. CCSDFD approved traffic pre-emption devices of a type approved by the Cosumnes Fire Department shall be installed on all traffic signal devices erected or modified by this

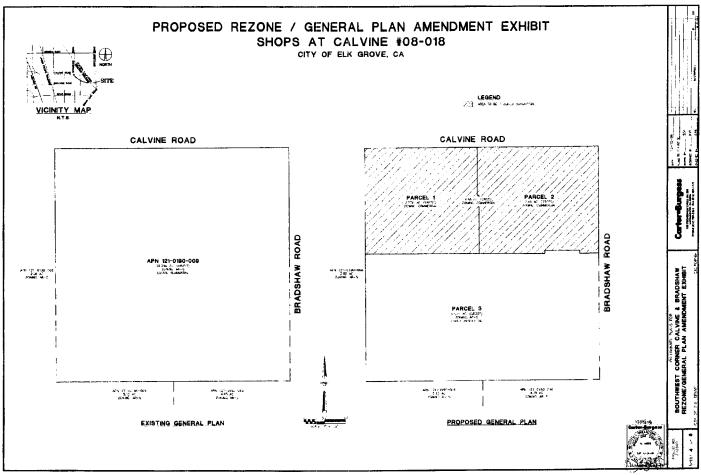
- development. These devices shall be installed and functioning prior to any occupancy and at no cost to the Cosumnes River Fire Department. (Fire)
- bb. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center. (Fire)
- cc. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Cosumnes Fire Department and the water purveyor having jurisdiction. (Fire)
- dd. 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 Fire Department. All proposed traffic-mitigation plans shall be submitted to the Cosumnes CSD Fire Department for review and approval prior to installation. (Fire)
- ee. All trees shrubs, and plants within said area shall not exceed a height of 15 feet at maturity and no trees shall be planted within said area within 25 feet of any tower structure. (PG&E)
- ff. Overhead lighting installed within said area shall not exceed 15 feet in height and not be located directly underneath the conductors of PG&E's overhead electric transmission lines nor within 25 feet of any tower structure. (PG&E)
- gg. Place protection barriers where the tower will become more susceptible to being damaged by the increase in vehicles around the tower structure. For example, a tower footing that can potentially be backed into by accident or from a car pulling to far forward in a parking space, this tower footing should be protected so that the initial contact is the protection barrier and the car will not damage the tower footing. (PG&E)
- hh. No significant grading, cuts or fills is to be done within the tower line easement without written approval from PG&E. (PG&E)
- ii. No buildings or structures shall be located within PG&E's easement area. This includes, but is not limited to, trash enclosures and block walls. (PG&E)
- ij. When operating any equipment or tools in proximity to the tower line, the contractor must not erect, handle or operate any such equipment or tools, closer to any of PG&E's overhead high-voltage conductors than the minimum clearances set forth in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety, but in no event closer than 10 feet. (PG&E)
- kk. General Order No. 95 of the California Public Utilities Commission sets forth certain clearance requirements for the construction and operation of electric lines. Therefore, you must control your excavation and digging, including spoils, in such a manner as not to decrease the ground-to-conductor clearance below thirty feet. (PG&E)
- II. It is extremely important in regards to safety than if any components are being place by lifting devices, that extreme caution is observe to prevent possible contact with the high-voltage conductors. (PG&E)

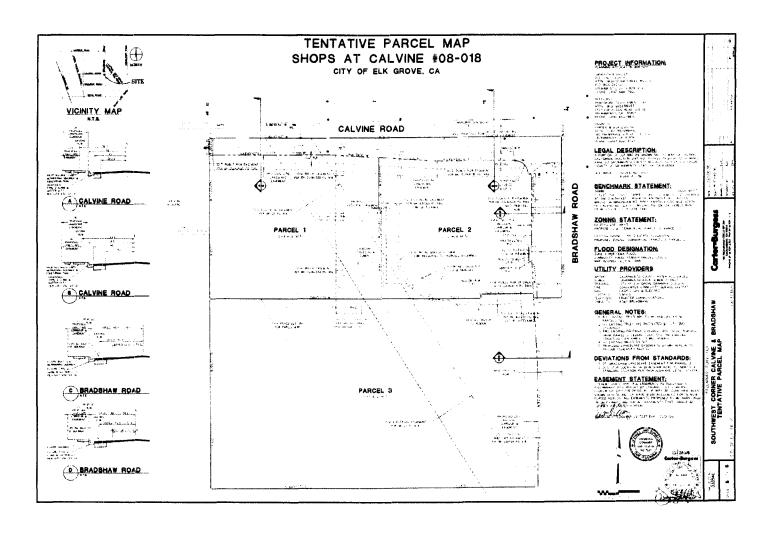
Exhibit B: Mitigation Monitoring and Reporting Program Shops at Calvine

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)	
GRADING PERMIT AND IMPROVEMENT PLAN			
 In order to mitigate for the 4.68 acre loss of Swainson's hawk foraging habithe applicant shall implement one of the following City of Elk Grove's appromitigation alternatives. Preserve 1.0 acre of similar habitat for each acre lost (4.68 acres). I land shall be protected through a fee title or conservation easem acceptable to the CDFG and the City of Elk Grove as set forth Chapter 16.130.040(a) of the City of Elk Grove Municipal Code as simple amended from time to time and to the extent that said Chapter remains in effect, OR Submit payment of Swainson's hawk impact mitigation fee per acre habitat impacted (payment shall be at a 1:1 ratio) to the City of Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove in the amount set forth in Chapter 16.130 of the City of Elk Grove dunicipal Code as such may be amended from time to time and to the extent the said chapter remains in effect, OR Submit proof that mitigation credits for Swainson's hawk foraging hab have been purchased at a California Department of Fish and Ga approved mitigation bank, pursuant to the ratio described in Chapter 16.130 of the City of Elk Grove Municipal Code as such may amended from time to time and to the extent that said Chapter remain effect. 	the issuance of any permits for grading, building, or other site improvements, whichever occurs first of Elk ove nat tat me ter be		

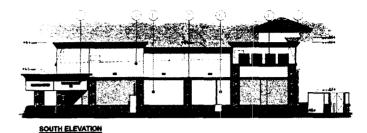


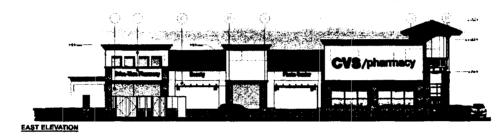


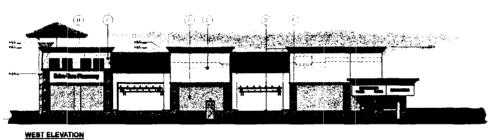


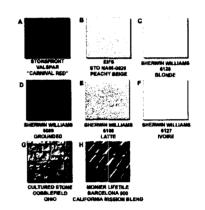


CVS/pharmacy Translation



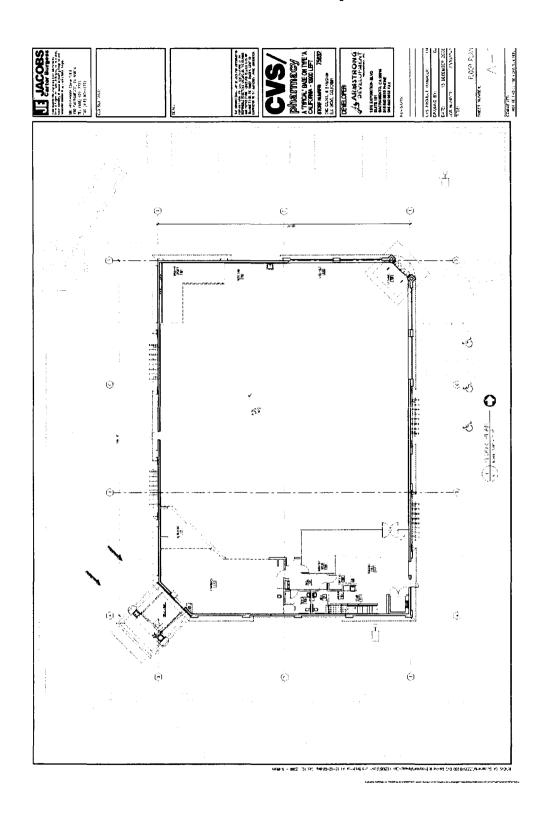


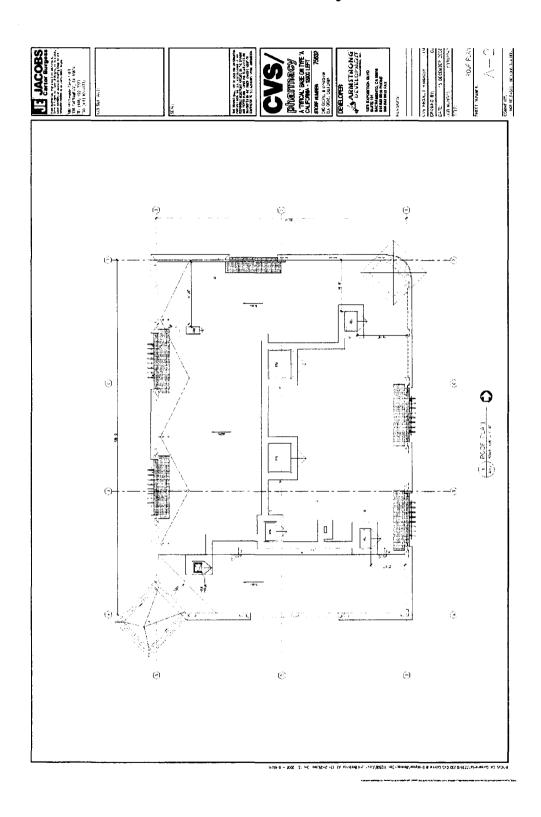


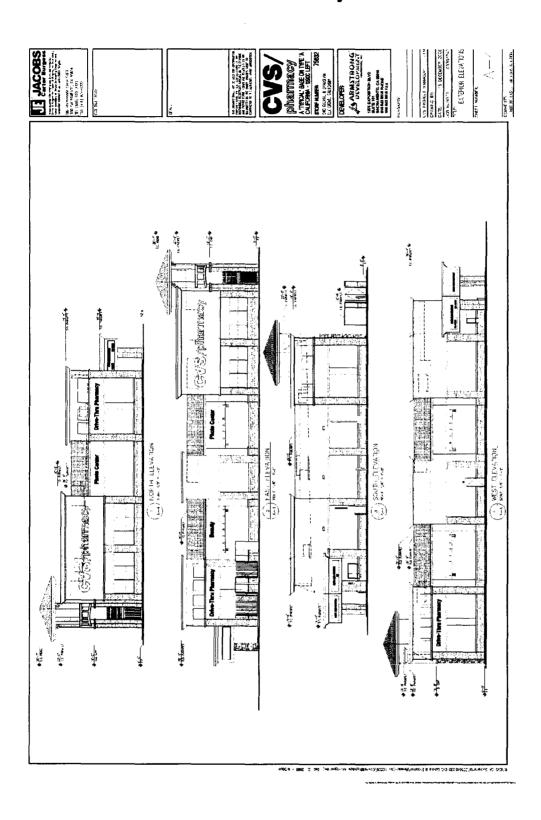


CVS/pharmacy
SWC of CALVINE AND BRADSHAW
ELK GROVE, CALIFORNIA

ARMSTRONG
DEVELOPMENT
175 EXPORTON BUTG.
SUTTE 1917
SACRAMENTO, CA 1669 II
(P18) 643-8615
(P18) 643-8615







LEFT ELEVATION



RIGHT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION





SHERVIN WILLIAMS 6264 COPPER MOUNTAIN

SHERWIN WILLIAMS 6000 GROUNDED

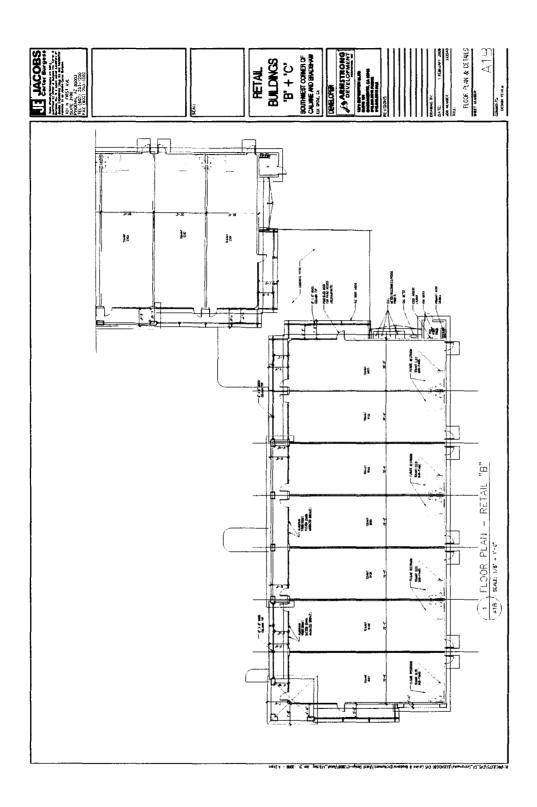
CULTURED STONE COBBLEFIELD OHIO C E MONIER LIFETILE BARCELONA 900 CALIFORNIA MISSION BLEND

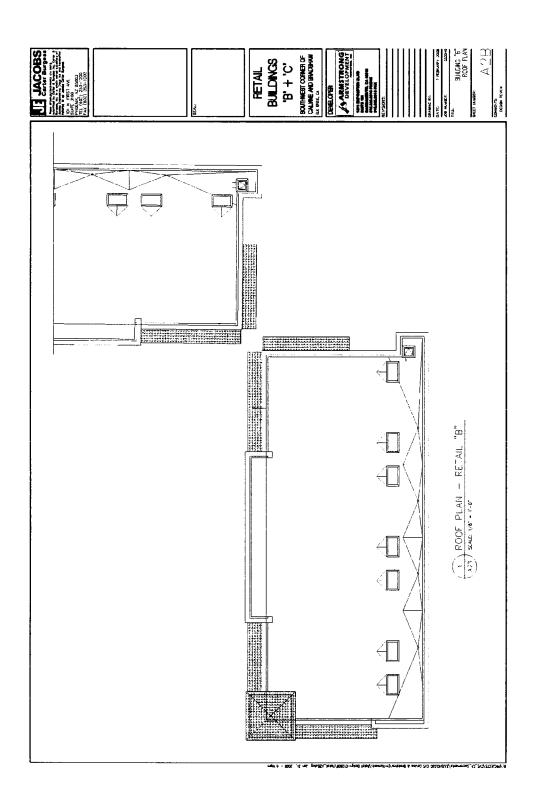
1375 EXPOSITION BLVD. SUITE 101 SACRAMENTO, CA 96818 (316) 798.2509 (916) 643.9613

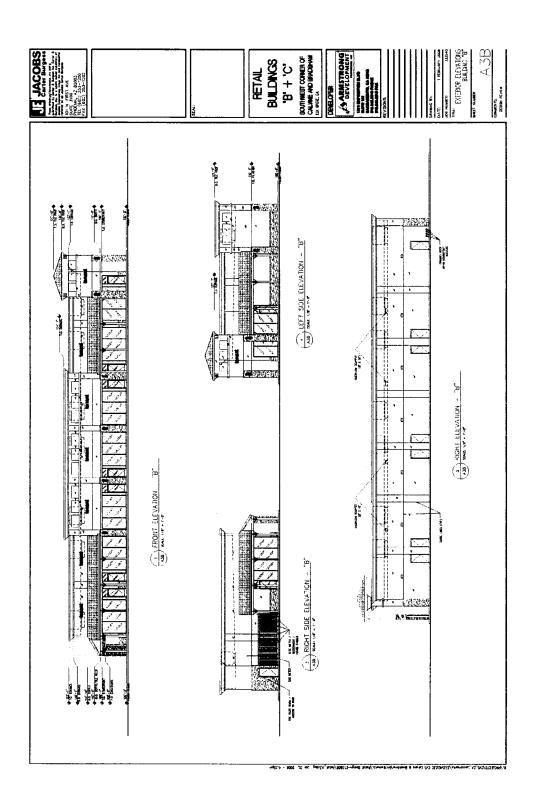
ARMSTRONG JACOBS Carter Burgess

01 February 2008

RETAIL BUILDINGS "B"
CALVINE AND BRADSHAW
ELK GROVE, CALIFORNIA







23 20 2

LEFT ELEVATION



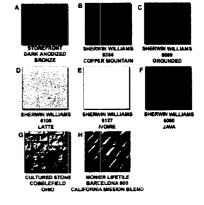
RIGHT ELEVATION



FRONT ELEVATION

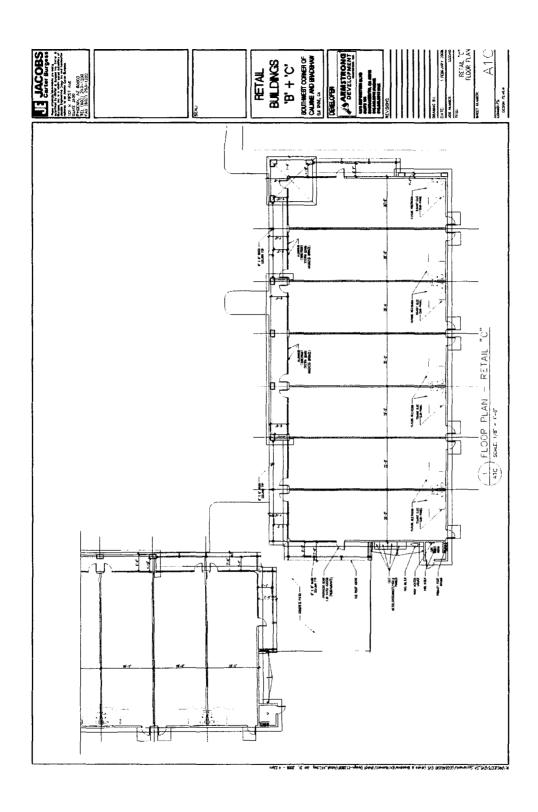


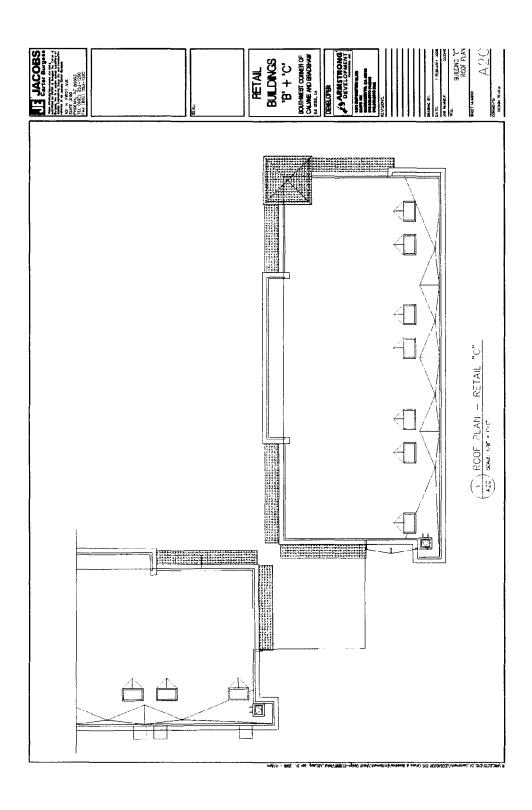
RIGHT ELEVATION

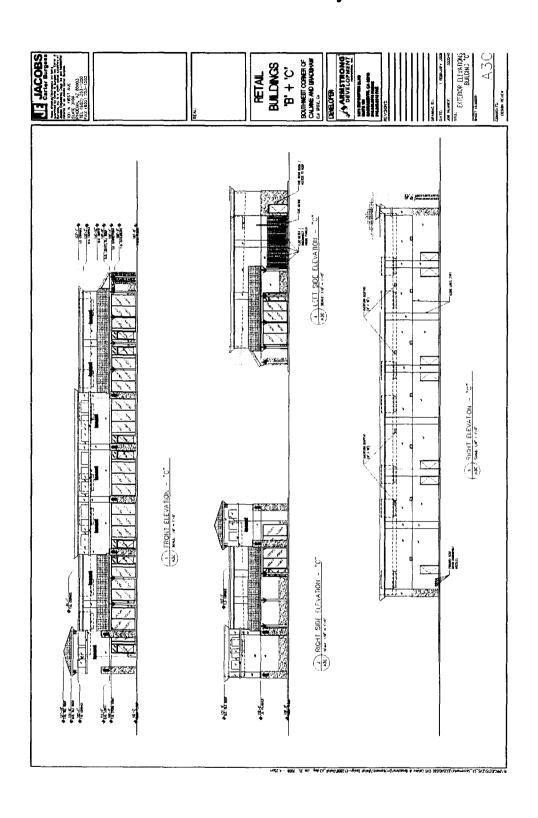


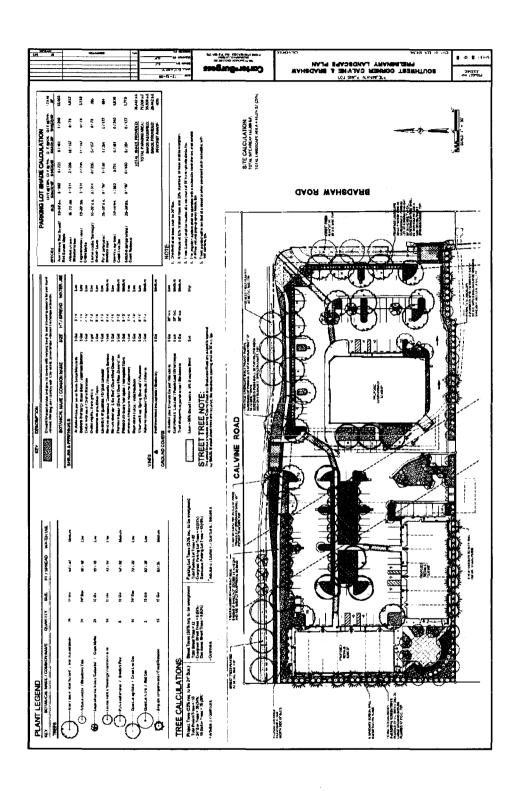












CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-45

STATE OF CALIFORNIA)	
COUNTY OF SACRAMENTO)	SS
CITY 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 February 25, 2009 by the following vote:

AYES: COUNCILMEMBERS: Hume, Scherman, Cooper, Davis, Detrick

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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