# **RESOLUTION NO. 2009-84**

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE DESIGN REVIEW AND VARIANCE REQUEST FOR THE ELK GROVE 76 SERVICE STATION PROJECT NO. EG-08-002 ASSESSOR PARCEL NUMBER 125-0010-005

**WHEREAS**, Sutton & Associates, Inc. (Applicant) filed an application with the City of Elk Grove (City) for a Rezone, Variance, and Design Review; 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 125-0010-005; and

WHEREAS, the project is exempt under the California Environmental Quality Act (CEQA) Section 15332; and

WHEREAS, the Planning Commission considered the Applicant's request at a duly noticed public hearing on March 19, 2009 and recommended City Council approval of the project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby approves the Project, subject to the conditions of approval in Exhibit A and Project Plans in Exhibit B, all of which are incorporated herein by this reference, based on the following findings:

## **Findings**

## California Environmental Quality Act (CEQA)

<u>Finding:</u> The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects).

<u>Evidence:</u> The 0.71 acre site accommodates an existing service station within the City limits surrounded by other commercial uses. The rezone from LC to SC is consistent with the General Plan land use designation of Commercial. The proposed project consists of a new food mart and gas island canopy. The existing structures will be demolished prior to new construction. Therefore, no special circumstances exist that would create a reasonable possibility that the proposed project will have an adverse effect on the environment. No further environmental review is required.

#### General Plan

<u>Finding:</u> The proposed project is consistent with the goals and policies of the Elk Grove General Plan.

<u>Evidence</u>: The proposed project is consistent with the commercial land use designation in the General Plan. The proposed zoning complies with the description provided within the General Plan for commercial land use designation.

## **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.

<u>Evidence:</u> The proposed project is consistent with the General Plan, Zoning Code, and Design Guidelines. The rezone from LC to SC complies with the Zoning Code and General Plan for commercial.

<u>Finding:</u> 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.

<u>Evidence</u>: The proposed design for the existing service station complies with the surrounding uses and enhances the character along Elk Grove Boulevard.

<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 architecture complies with the surrounding uses, the colors and materials are consistent with the nearby shopping center. The building is oriented towards the public right of way and the site will use the existing lighting.

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

<u>Evidence:</u> The driveway access will remain in current location, which does not create any conflicts with any modes of transportation. The new design includes special paving for pedestrian access from the canopy to the food mart. In addition, two bicycle racks will be incorporated in the design.

## Variance

<u>Finding:</u> 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.

<u>Evidence:</u> The site is located adjacent to State Route 99 and an existing shopping center. The lot is infill development and has limited space for accommodating all requirements for a service station. The two structures and use are existing and will be

using some existing components such as the driveway access, and lighting, but will be updating all others; however, the proposed building and canopy will be consistent with surrounding uses.

Finding: 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.

Evidence: The existing service station submitted to redesign the building and canopy to update the features to be consistent with surrounding uses. The size of the lot is limited and to accommodate the radius request for tanker trucks and fire trucks, the building must be setback. Therefore, the conditional approval of this Variance does not grant a special privilege inconsistent with limitation upon other properties in the vicinity and zoning which the property is located in.

Finding: 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 auestion.

Evidence: Currently, the site accommodates a service station. The proposed project is to expand and update the design of the building and canopy. The proposed project complies with the Zoning Code and Design Guidelines. Due to the size of the lot and complying with access for tanker and fire trucks, the setbacks must be reduced, but will not affect the interests of the public.

Finding: That granting the Variance is consistent with the objectives of the General Plan and Zoning Ordinance.

Evidence: The proposed project is consistent with the Zoning Code and General Plan. The proposed project will not disturb the existing surrounding uses.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 22<sup>nd</sup> day of April 2009.

PATRICK HUME. MAYOR of the CITY OF ELK GROVE

APPROVED AS TO FORM:

**SUSAN COCHRAN, CITY ATTORNEY** 

ATTEST:

ACKSTON, CITY CLERK

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date <u>and</u> <u>Signature)</u>
On	-Going			
1.	The development approved by this action is for a Design Review, Variance, and Rezone to allow for the reconstruction of an existing gas station located at 8475 Elk Grove Boulevard, as described in the staff report and associated attachments and illustrated in the project plans below: a. Site Plan (dated 02/10/09) b. Floor Plan (dated 02/10/09) c. Elevations (dated 02/10/09) d. Sign Package (dated 02/19/09) e. Zoning Plan (dated 02/10/09) f. Photometric Plan (dated 02/10/09) g. Preliminary Landscaping Plans (dated 02/10/09) h. Preliminary Grading Plans (dated 02/10/09)	On-Going	Planning	
	the City for substantial compliance and may require amendment by the appropriate hearing body.			
2.	The Design Review, Variance, and Rezone 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	
3.	The Design Review, Variance, and Rezone shall become effective after a ten (10) day appeal period, provided that there are no appeals. In the event of an appeal, this permit shall be withheld pending the outcome of the appeal process.	On-Going	Planning	

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4.	This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning
5.	The Applicant or future heirs and assigns (hereinafter 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
6.	The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site.	On-Going	Planning
7.	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.	On-Going	Public Works
8.	The Applicant shall coordinate with the City of Elk Grove on the timing of Elk Grove Blvd Resurfacing/Rehabilitation program as it relates to this project. If the project commences construction after the Resurfacing/Rehabilitation program has been completed or is near completion, the Applicant will not be permitted to cut into the pavement or trench utilities for a period of three years without written special approval from the Public Works Director.	On-Going	Public Works
9.	Water supply will be provided by the Sacramento County Water Agency.	On-Going	Sacramento County Water Agency
10.	Provide public water service to each building.	On- Going	Sacramento County Water Agency
11.	Window areas, including clear glass doors shall be kept free of excessive signage so that visibility inside the store by passerby is not restricted.	On-Going	Police Department
12.	Exterior door, perimeter, canopy, and parking area lights shall be controlled by photocell and shall be left on during hours of darkness or diminished lighting.	On-Going	Police Department

13.	The business shall be equipped with at least a central station silent intrusion alarm system. Even in the event the store is planned to be operated on a 24-hour basis, there will be occasions where the store will need to be closed and secured.	On-Going	Police Department	
14.	The business shall be equipped with a central station silent robbery alarm. Employees shall be instructed not use this alarm as a panic button for other store-related problems in lieu of calling for police response by telephone.	On-Going	Police Department	
15.	All entrances to the parking area shall be posted with appropriate signs per 22658 (a) CVC, to assist in removing vehicles at the property owner's/manager's request. Detailed information is available from the Police Department.	On-Going	Police Department	
16.		On-Going	Police Department	
17.	Signage shall be posted on the property to discourage loitering and alcohol consumption in the parking lot, citing the authority of the penal code section regarding trespassing, and the municipal code sections. Potential loitering problems will be minimized by an active concerned attitude projected by store personnel. If loitering does become a problem on the site, the Police Department will reserve the right to require a security guard on site.	On-Going	Police Department	
18.	Security cameras discourage, record, and detect loitering and other criminal or disruptive activity. They also provide evidence for crimes that have occurred on the property. The positioning of the security cameras on the plans are good overall; however, two additional security cameras are needed. One camera should be mounted on the upper exterior east side of the building so it can record the east door. One camera should be mounted inside the building	On-Going	Police Department	

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	along the hallway at northwest corner. The camera should be positioned so it can record the activity along the hallway and office door area where a safe is likely kept.		
19.	Graffiti shall be removed from the premises and all areas under the business control within 24 hours of application. Incidents of graffiti shall be reported to the Police Department. Graffiti-resistant paint is encouraged for the exterior paint scheme.	On-Going	Police Department
20.	Public restrooms in gas stations are often a target of vandalism. To prevent this, we recommend the installation of etch-resistance film over the mirrors. Should a person etch or scratch into the mirror, an on-site employee can quickly remove and replace the film without having to replace the mirror.	On-Going	Police Department
21.	Exterior advertisement signage will be strictly limited to the provisions of the Municipal Code. The business shall remove any illegally posted signs immediately upon discovery or notice. Restrict window signage to percent allowed in sign ordinance.	On-Going	Police Department
22.	No sales or display of merchandise shall be allowed outside the building, except for the dispensing of fuel products.	On-Going	Police Department
23.	Commercial establishments having one hundred dollars or more in cash-on the premises shall lock such money in approved type money safe with a minimum rating of TL-15 or Class "C". This applicant shall install a Tide 1 time delay drop safe to provide employees with the ability to limit the amount of cash on hand and discourage robbery potential by delaying the ability of employees to get cash out of the sage.	On-Going	Police Department
24.		On-Going	Police Department

	officer at the time a crime report is taken. Furthermore, the CCTV camera system, including all cameras, should be properly maintained and preventative maintenance performed regularly to keep the system operating effectively at all times.			
25.	The cashier area and the secured room shall be equipped with a telephone.	On-Going	Police Department	
26.	Restrict lotto and other machines from blocking primary visibility into the facility.	On-Going	Police Department	
27.	Locate any ATM machines in an area away from exit doors and to area with good visibility.	On-Going	Police Department	
28.	Alcoholic beverages will be maintained in lockable coolers or cabinets in the direct observation plane of the cashier.	On-Going	Police Department	
29.	The hours of alcoholic beverages sales will be limited to 6:00 am to 2:00 am the following day. No sale, transfer, or access to alcohol beverages will be allowed between the houses of 2:00 am and 6:00 am.	On-Going	Police Department	
30.	The applicant will ensure that all alcoholic beverage coolers are locked by 2:00 am to prevent thefts and attempts to purchase after 2:00 am.	On-Going	Police Department	
31.	Alcohol will not be sold in single unit sales of less than 750 ml. containers. Beer, Malt Beverages, and/or Wine Coolers factory packaged units will be kept intact, no partial packs or single containers sales will be allowed.	On-Going	Police Department	
32.	Cashiers will be responsible for verifying the age of individuals who attempt to purchase alcoholic beverages and/or tobacco products.	On-Going	Police Department	
33.	Signs are required at the cash registers that indicate identification is required for the purchase of Alcohol and/or Tobacco.	On-Going	Police Department	
34.	No person under the age of 21 years will be permitted to purchase, transfer, received, or possess alcoholic beverages	On-Going	Police Department	
35.	No person under the age of 18 years will be permitted to purchase, transfer, receive, or possess tobacco products.	On-Going	Police Department	
36.	No advertisements shall be mounted above the gas pumps. Since this is a 24-hour facility, visibility by the public, video cameras, and store employees is critical for crime prevention.	On-Going	Police Department	

	Advertisements mounted above gas pumps blocks the view			
	of customers using the pump and allow potential suspect(s) to			
	take them by surprise.			
37.	All shrubbery, with the exception of the planned	On-Going	Police Department	
	shrubbery/trellis on the north side of the building, shall be			
	trimmed and maintained so they do not exceed three feet in			
	height. All tree canopies shall not extend below six feet. To			
	prevent persons from loitering and/or painting graffiti on the			
	east and west sides of the building, we recommend installing			
	'hostile vegetation', such as thorny or prickly bushes.			
38.		On-Going	Police Department	
	building perimeter lighting is metal halide			
39.	A payphone shall not be installed on the premises.	On-Going	Police Department	
	Payphones create an opportunity for loiterers to access and			
	remain on the property for reasons other than using the			
	services of a gas station.			
40.	An external light fixture mounted above the east door. The	On-Going	Police Department	
	light output shall be sufficient to provide surrounding			-
	illumination for employees using this east door. The purpose of			
	this light fixture is to discourage loiters on the east side of the			
	building while minimizing the risk of employees ambush by a			
	person laying-in-wait to commit a crime.			
Pric	or to Approval of Improvement Plans			
41.	The Applicant shall design and construct the two project	Improvement Plans	Public Works	
	driveways off of Elk Grove Blvd such that the easterly driveway			
	is an entrance only and the westerly driveway is an exit only.			
	The configuration of these driveways, including approved			
	width, striping, signage, etc., will be evaluated at			
	Improvement Plan review.			
42.	The Applicant shall execute a maintenance agreement for	Improvement Plans	Public Works	
	stormwater quality control treatment devices to the			
	satisfaction of Public Works.			
43.	The Applicant shall obtain the appropriate clearance letters	Improvement Plans	Public Works	
	to the satisfaction of Public Works for any sign located within			
	an easement, including a public utility easement.			
44.		1 <sup>st</sup> Improvement Plan	Public Works	
	plan that includes, but is not limited to: a pre- and post-	Submittal or Prior to		

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	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 General 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. The study must be completed and stamped by a Professional Engineer and determined by the City to be accurate, and adequate.	Issuance of Grading Permit(s)		
45.	The Preliminary Landscape Plan shall be prepared by a California state licensed landscape architect and approved by City Planning prior to submitting landscape improvement plans.	Improvement Plans	City's Landscape Architect	
46.	Save and protect Trees C and D, native oak trees (Existing native oak trees along eastern property line).	Improvement Plans	City's Landscape Architect	
<b>1</b> 7.	Applicant shall obtain a City tree permit to remove native oak tree 'A' on the west side of the proposed building and to prune Trees C and D.	Improvement Plans	City's Landscape Architect	
<b>\$8</b> .	Along west and north sides of the proposed building plant 5- gallon Mahonia aquifolium shrubs, or approved equal, at three (3) feet on center to discourage graffiti access.	Improvement Plans	City's Landscape Architect	
19.	Along the north side of the proposed building obtain a landscape easement from the adjacent property owner to plant foundation plants and climbing vines to discourage graffiti.	Improvement Plans	City's Landscape Architect	
0.	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	Improvement Plans	City's Landscape Architect	

	Department for review and approval. Landscape improvement plans shall be prepared by a California Licensed Landscape Architect.			
51.	No excavation or grading is to occur under the remaining native oak tree driplines. Removal of the existing parking lot light under Trees C &D shall be supervised by an ISA arborist and the arborist shall repair any damage to the trees' foliage or root system.	Improvement Plans	City's Landscape Architect	
52.	Applicant shall 'Safety Prune' all existing trees to be saved as recommended by Applicant's arborist. City's tree consultant shall review and approve, in the field, with the Applicant's arborist any pruning of the existing native oaks. Applicant's arborist shall provide a letter to City Planning when the pruning has been completed.	Improvement Plans	City's Landscape Architect	
53.	Include the below Tree Preservation Construction Notes measures below 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.	Improvement Plans	City's Landscape Architect	
	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 trees to be retained and all portions of off-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 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 offsite 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

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	National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree 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 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 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.		

	<ul> <li>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 nonplant materials such as river gravel, woodchips, etc. 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 understory plants.</li> <li>I. 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.</li> </ul>			
	m. Prior to installation of new asphalt, weed control chemicals shall not be applied where they can leach into dripline of any protected tree(s).			
	n. During construction, the frequency and amount of water for protected trees shall not differ from that received prior construction.			
54.	Connection or reconnection 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	
55.	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 District public sewer line.	Improvement Plans	Sacramento Area Sewer District	

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56.	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 Plans	Sacramento County Water Agency	·
57.	Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction.	Improvement Plans	Sacramento Area Water Agency	
	The applicant is encouraged to implement a good faith effort to obtain a reciprocal access agreement with the abutting property owner. If successful, one driveway shall be eliminated along Elk Grove Boulevard as deemed acceptable by the Public Works Director. No further action by the Planning Commission is required.	Improvement Plans	Planning/Public Works	
Pric	or to Issuance of Building Permit			
59.	The Applicant shall dedicate, design and improve the northerly half-section of Elk Grove Blvd measured 48' from the approved centerline. Improvements shall be based on 96' thoroughfare and shall include, but not be limited to, curb, gutter, sidewalk, striping, signage, etc.	Building Permit	Public Works	
60.	The Applicant shall relocate the streetlight at the southwest corner of the project adjacent to Elk Grove Blvd to accommodate the new sidewalk installation.	Building Permit	Public Works	
61.	The sidewalk connection east and west of the property, along Elk Grove Blvd, may require improvements on the adjacent properties to meet current ADA requirements.	Building Permit	Public Works	
62.	The Applicant shall install the landscaping along the project's frontage to Elk Grove Blvd.	Building Permit	Public Works	
63.	The Applicant shall dedicate a pedestrian easement and public utility easement adjacent to the project's frontage to Elk Grove Blvd.	Building Permit	Public Works	

64.	The Applicant shall dedicate visibility easements for the Elk Grove Blvd driveways, per Section 4-14 of the City of Elk Grove Improvement Standards.	Building Permit	Public Works	
65.	Improvement plans shall be approved by Public Works prior to 1st Building Permit.	Building Permit	Public Works	
66.	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	
67.	Prior to the issuance of building permits require water intensive commercial and industrial building permit applicant to conduct a water use efficiency review and submit the findings in required environmental documentation for the project.	Building Permits	Sacramento County Water Agency	
68.	Prior to the issuance of building permits require efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service.	Building Permits	Sacramento County Water Agency	
69.	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	Building Permits	Finance	

	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-</u> <u>division/cfd-information.htm</u> .			
70.	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 any additional building square footage created beyond that of the existing building that will be demolished. For further information on development related fees, see the 2008 Development Related Fee Booklet at: www.elkgrovecity.org/finance/financial-planning-division/drf- information.htm	Building Permits	Finance	
71.	Parking space #6 is a designated disabled vehicle parking space with a signed post and stencil painted on the ground. The posted sign shall also say "Van Accessible." Parking space #5 has a posted sign but no stencil painted on the ground. If this is to be a designated disabled vehicle parking space, then a stencil similar to space #6 is needed.	Building Permits	Police Department	
72.	To increase natural surveillance, the Police Department requests a window to be placed along the west side of the building. This will allow store employees to discover loiterers and other suspicious person on the side of the building. The window shall be reinforced with wire mesh to prevent burglary.	Building Permits	Police Department	
73.	Natural surveillance of the trash enclosure should be improved by either installing some type of slotted metal gate which will allow visibility into the enclosure, or removing the bottom foot layer of bring and placing the enclosure on supports which would allow the employees and public to see the feet/legs of unauthorized person inside the enclosure.	Building Permits	Police Department	
74.	The applicant shall provide bollards (vehicle projection measures) in front of the building.	Building Permits	Police Department	
75.	The applicant shall articulate the north side of the building to achieve an attractive appearance and break up the building mass subject to the approval of the Planning Director.	Prior to Building Permits	Planning	

Prior to Issuance of Certificate of Occupancy			
76. Upon completion of the installation of the landscaping for the project, the project landscape architect 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 Occupancy	City's Landscape Architect	
77. 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 Final Occupancy	City's Landscape Architect	

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.

Fire Department:

- a) Dead-end streets in excess of 150 feet require emergency vehicle turn-around.
- b) Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
- c) All civil engineering plans are required to be submitted in an electronic format. When plans are ready for final signature, it is required that the engineering firm submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will <u>not</u> be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:
  - a. DXF (Drawing Interchange file) any DXF version is accepted
  - b. DWG (Applies to AutoCAD drawing file) any AutoCAD DWG version is accepted
- d) All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
- e) 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.
- f) 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.
- g) 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.
- h) 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 Fire Department.
- i) Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
- j) 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.
- k) 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.

Public Works:

- I) 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)
- m) The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- n) Any improvements, public or private, damaged during construction shall be replaced, by the applicant, in-kind or with new improvement. (Public Works)

- o) 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)
- p) 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 pursuant to the Floodplain Management Plan. (Public Works)
- q) The Applicant shall complete grading and construct all on-site and off-site drainage improvements in accordance with the approved Improvement Plans. (Public Works)
- r) 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)
- s) 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. (Public Works)
- t) 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)
- u) 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)
- v) 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)
- w) Each condition of approval shall be satisfied prior to the issuance, approval, and/or the acceptance of the item(s) listed in the Timing/Implementation column.

Sacramento Area Sewer District:

x) Developing this property may require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

Building Department:

- y) All design plans shall be prepared by an Architect/Engineer licensed in the State of California and comply with the 2007 California Building Code (CBC), 2007 California Plumbing Code (CPC), 2007 California Mechanical Code, 2007 California Electrical Code (CEC), & 2007 California Energy Code.
- z) North wall of the Food Mart building is on property line and therefore shall be required to be 1 hour construction with parapet or other acceptable means of providing required 1 hour wall construction that will comply with the 2007 CBC.
- aa)Separate permit numbers will be assigned to the Food Mart Building and Gas Pump Canopy Structure.
- bb) Separate Site Lighting Plan and associated detail package/plan set shall be submitted as a separate permit.
- cc) Separate permit submittals will be required for all exterior building signage and site monument signs and any other peripheral mechanical equipment, tanks, etc.
- dd)Truncated dome pads (detachable warning devices) are presently shown on the Site Plans P1 & A1in the AC paving portions at the end of the handicap parking loading zone and across the vehicular path of travel at the beginning of the fuel island area. This is not allowed.

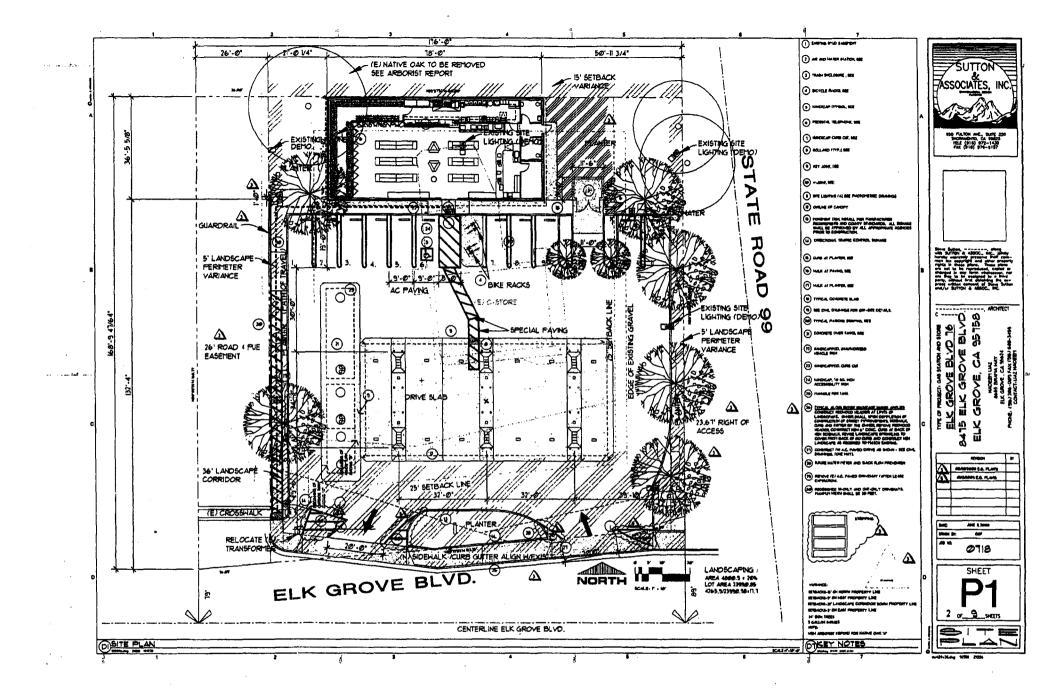
The truncated dome pads should be shown and specified at the landing zone of the concrete curb ramp at the north end of the handicap parking loading zone and just inside the concrete portion of the fuel island area (out of the AC paved vehicular path of travel).

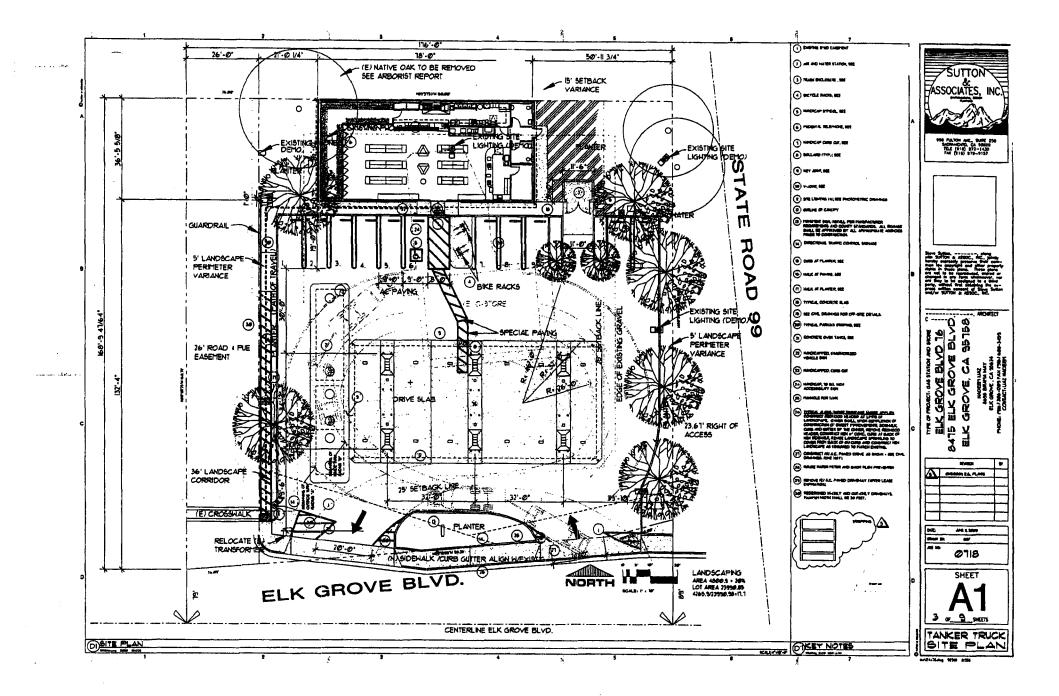
Sacramento County Water Agency:

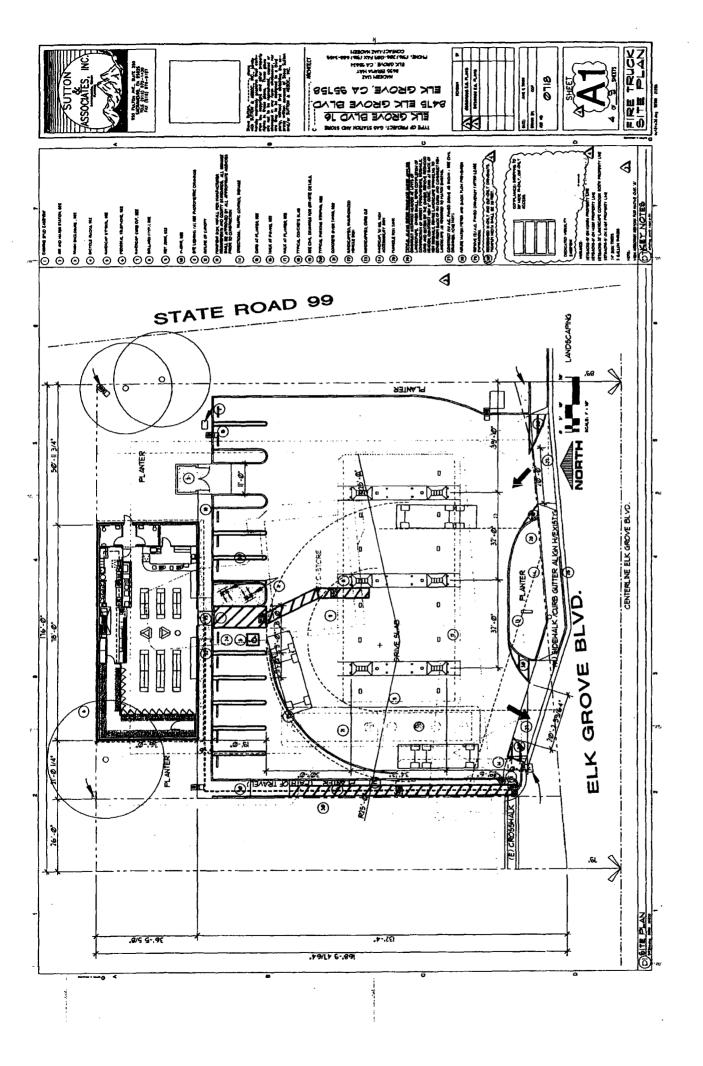
- ee) Prior to issuance of any building permits for the project, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Title 4 of the Sacramento County Water Agency (SCWA) Code.
- ff) Prior to the issuance of any building permits for the project, the project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator.

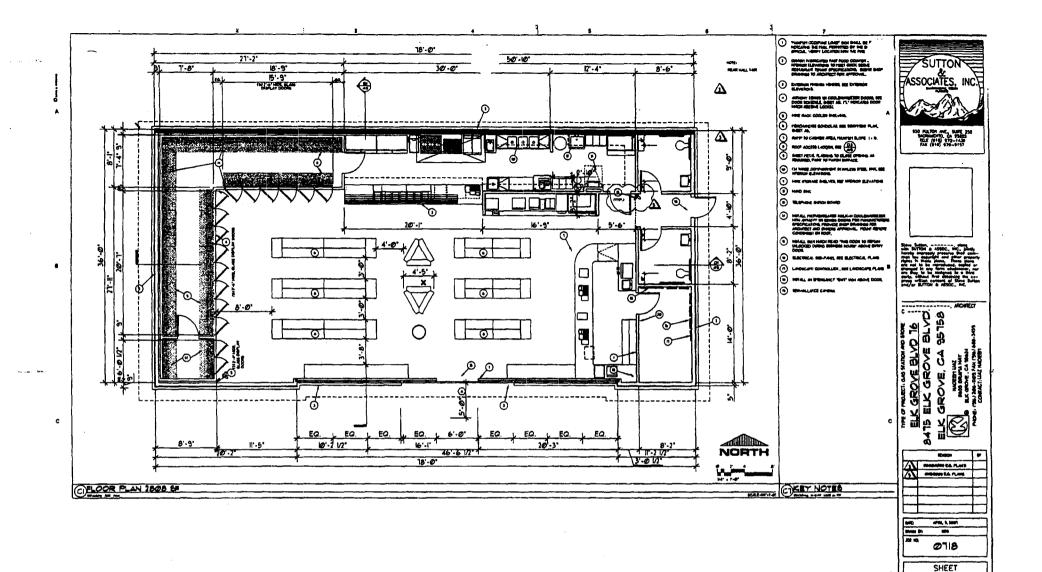
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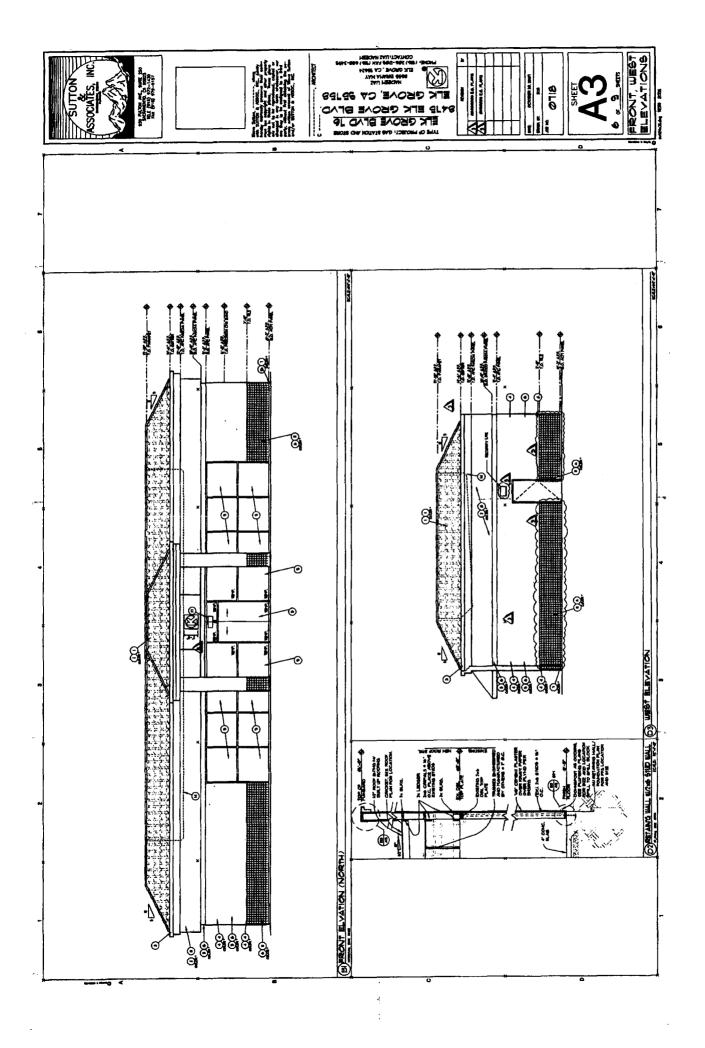
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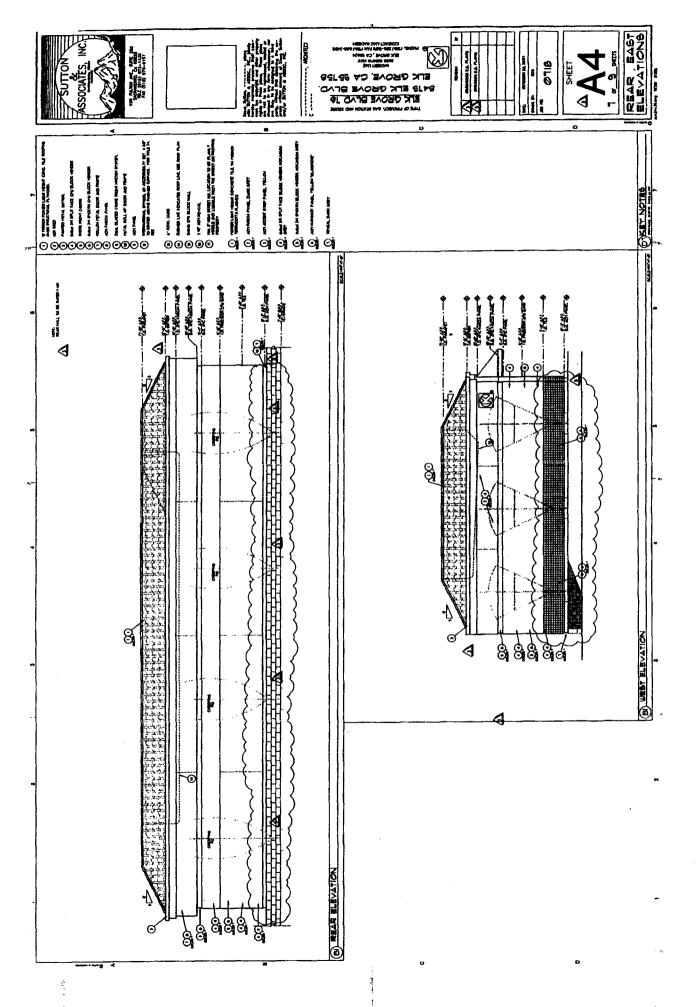
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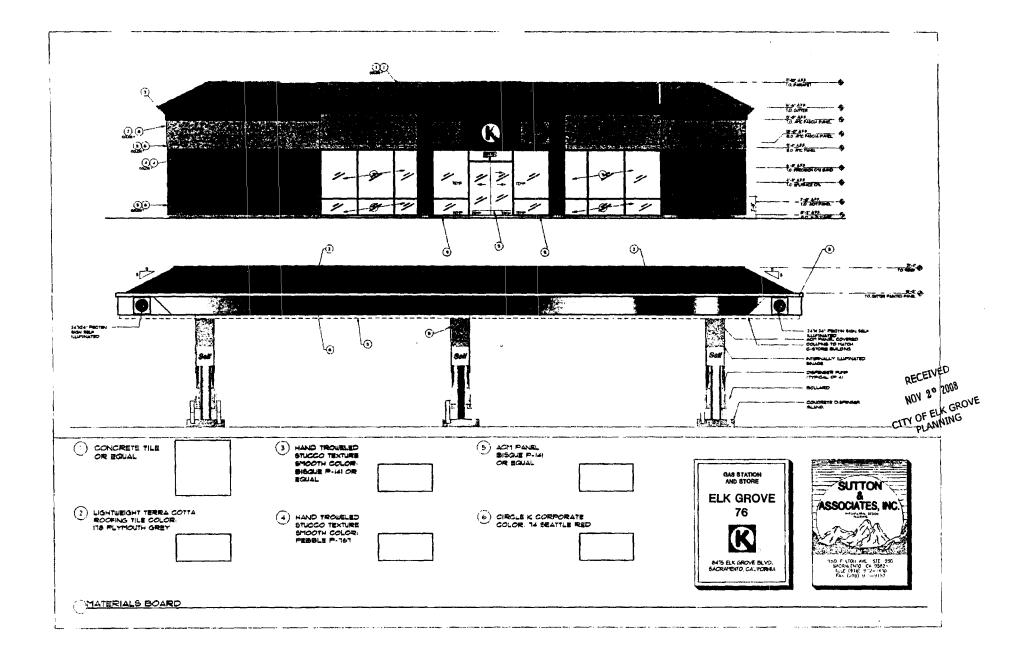
EQUIPMENT PLAN

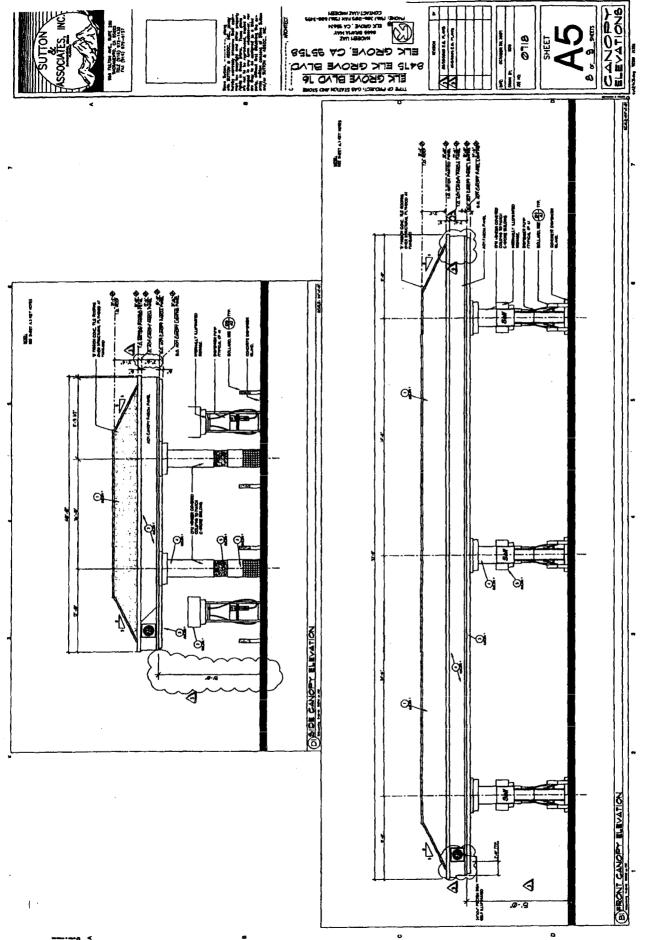
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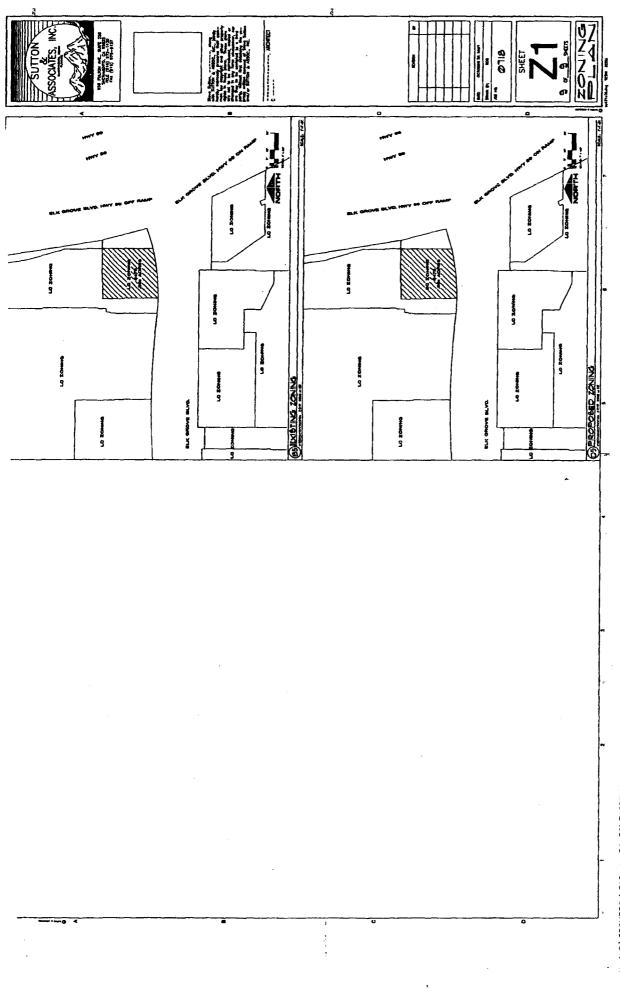
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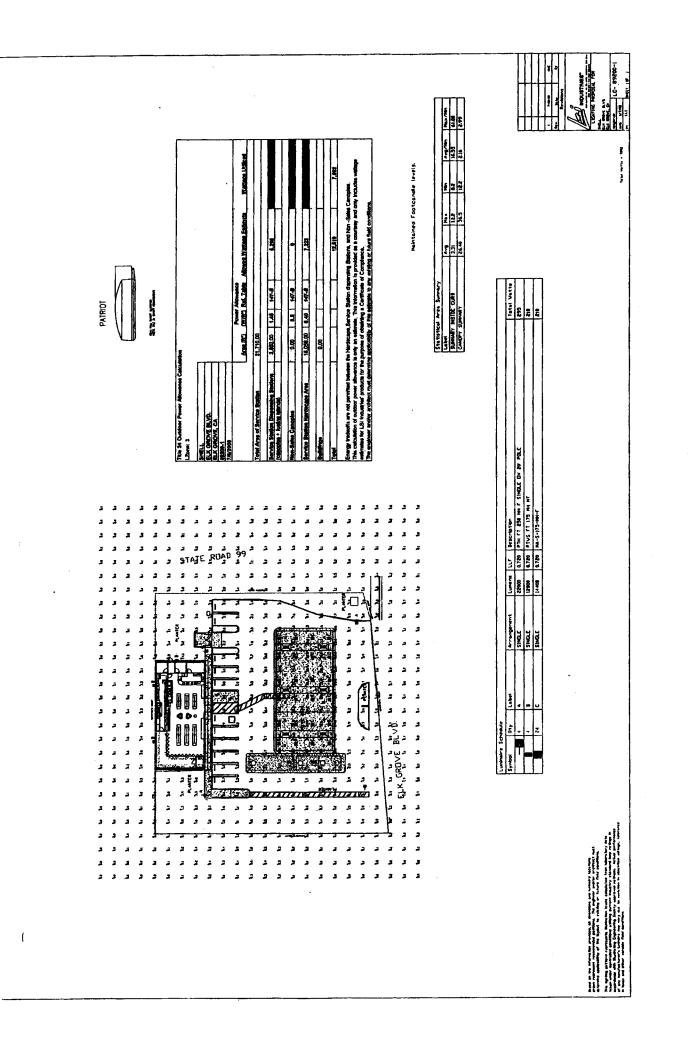


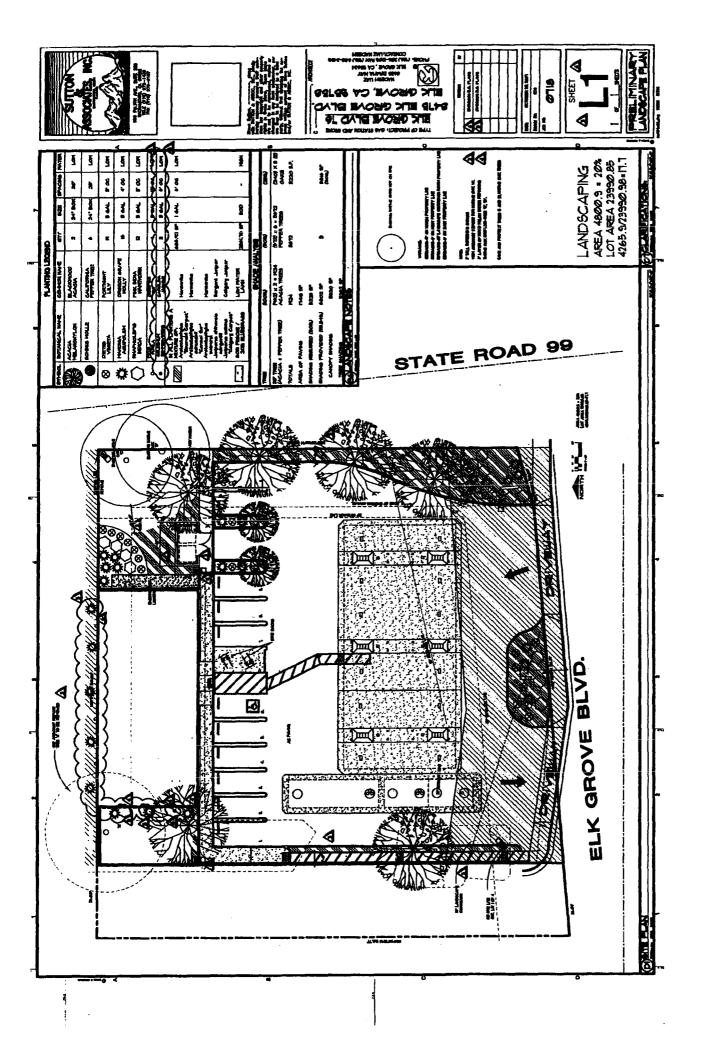


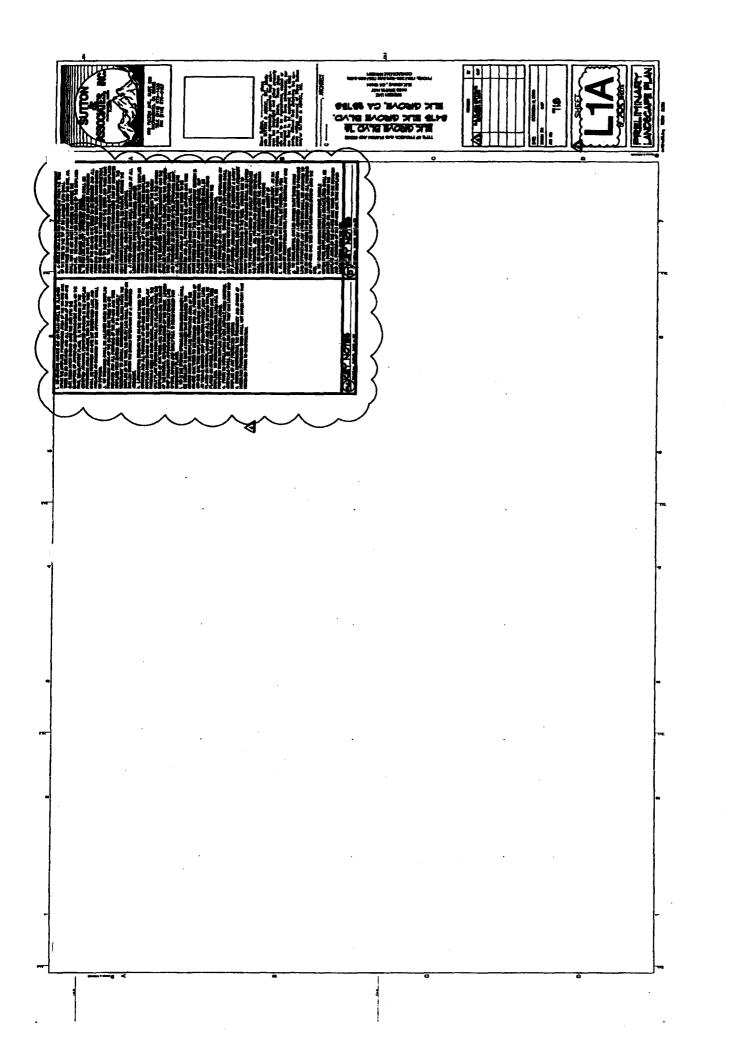


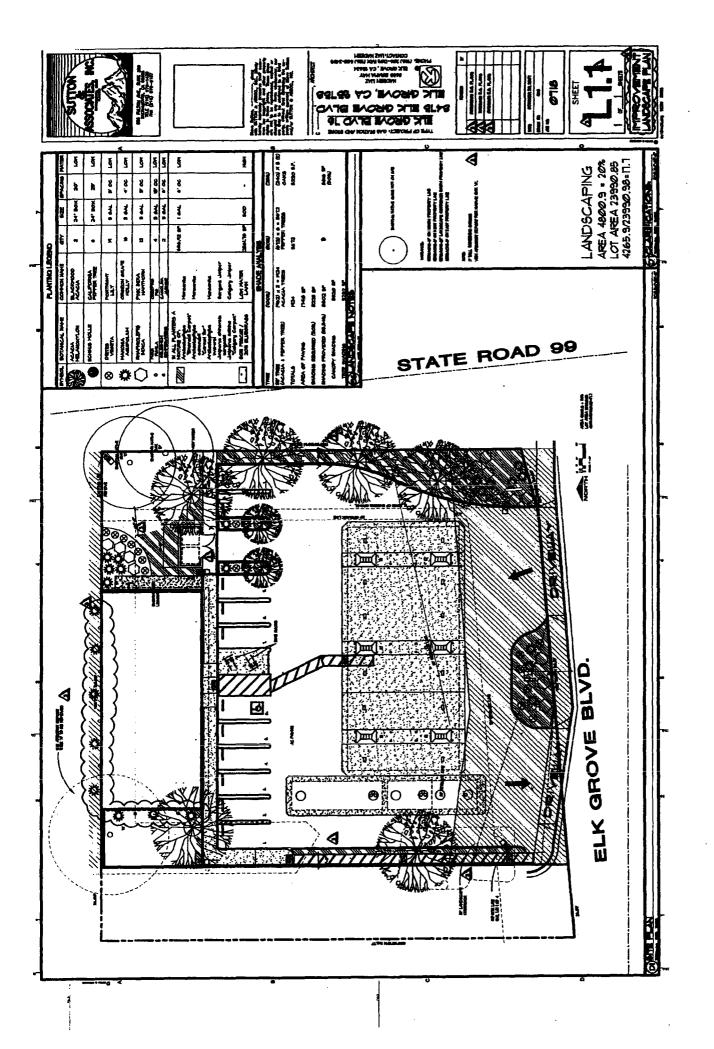


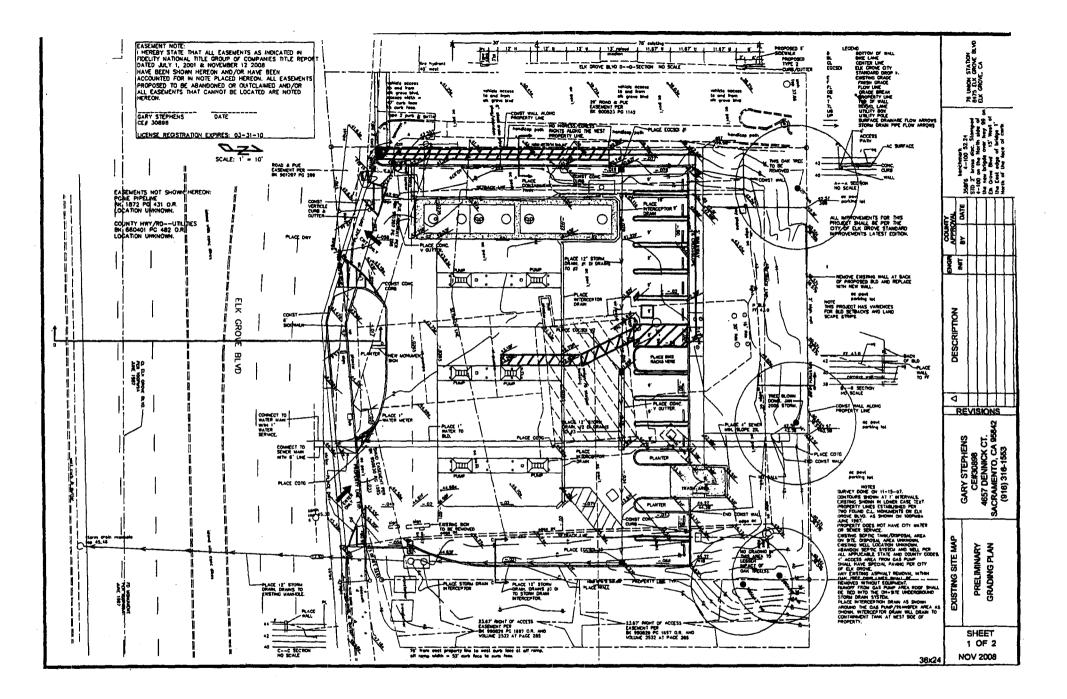
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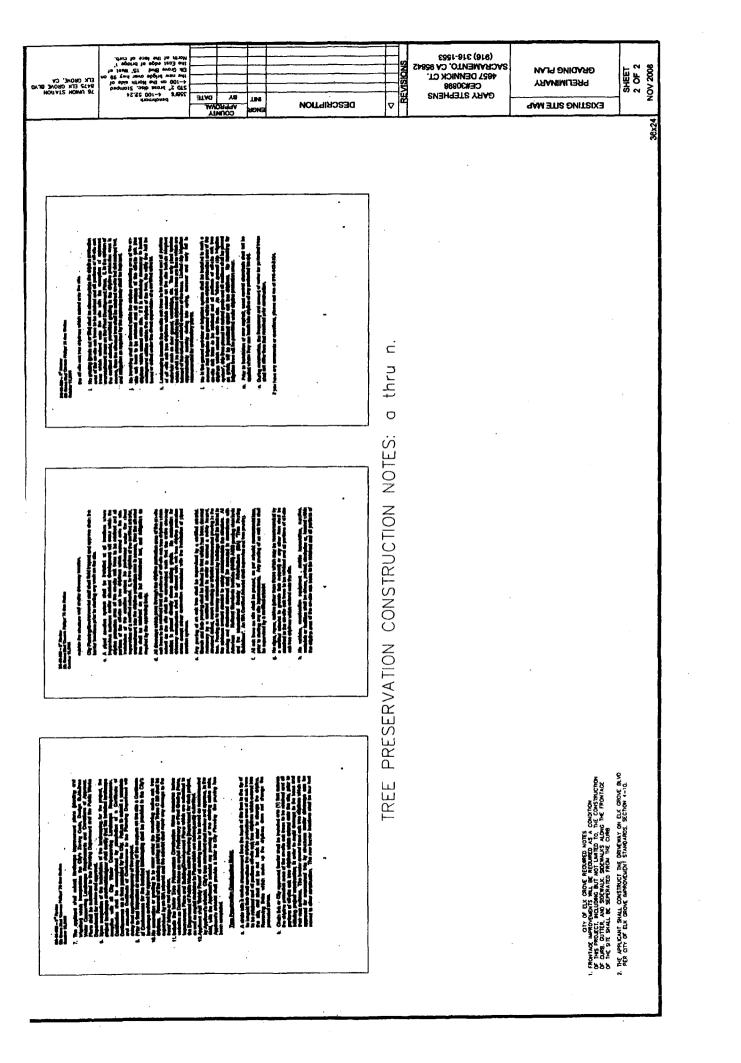




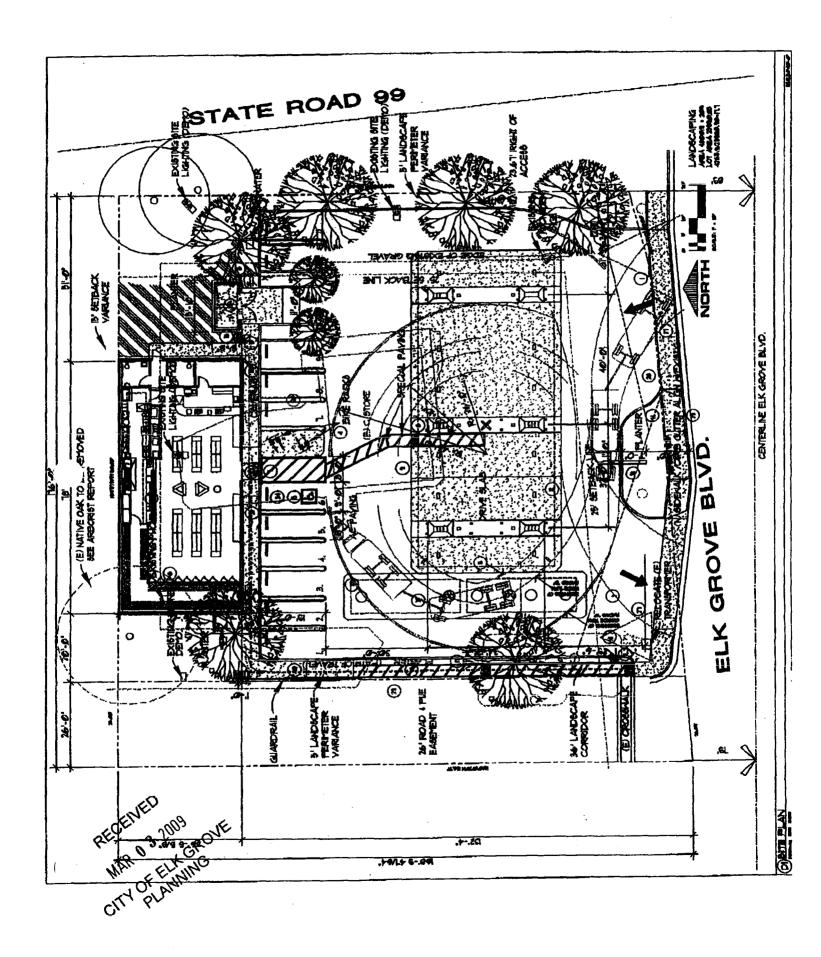












## CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-84

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 April 22, 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