RESOLUTION NO. 2006-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A CONDITIONAL USE PERMIT AND DESIGN REVIEW BUBBLES CAR WASH

PROJECT NO. #EG-05-986 -- APN: 116-0090-016

- WHEREAS, Will Weitman (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone, Conditional Use Permit, 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 of Elk Grove more particularly described by Assessor Parcel Number 116-0090-016; and
- WHEREAS, CEQA Guidelines §15332, Class 32 exemption applies to applies to projects characterized as in-fill development that are consistent with general plan policies and designations, occur on project sites less than five acres substantially surrounded by urban uses, have no value as habitat, can be adequately served by utilities and public services, and would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- WHEREAS, the project involves a rezone from BP to SC, and a Conditional Use Permit and Design Review to construct and operate a 7,040 square foot car wash on a .61 acre site that is substantially surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species; and
- WHEREAS, the proposed project is consistent with the General Plan, Land Use Policy Map and Zoning Code requirements; and
- WHEREAS, all required services and access to the proposed parcels in compliance with the City's standards are available; and
- WHEREAS, no adverse environmental effects were identified during staff review of the development application and project site visit on February 16, 2006; and
- WHEREAS, no special circumstances exist that create a reasonable possibility that the activity may have a significant adverse impact on the environment; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on May 4, 2006 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 as illustrated in Exhibit A and the Site Plan and Elevations as illustrated in Exhibit B, based on the following findings:

CEQA

<u>Finding:</u> The proposed project is categorically exempt from the California Environmental Quality Act (CEQA Guidelines §15332).

Evidence: The Class 32 exemption (CEQA Guidelines Section 15332) applies to projects characterized as in-fill development that are consistent with general plan policies and designations, occur on project sites less than five acres substantially surrounded by urban uses, have no value as habitat, can be adequately served by utilities and public services, and would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project consists of a rezone from BP to SC, and a Conditional Use Permit and Design Review to construct and operate a 7,040 square foot car wash. The proposed Rezone is consistent with the General Plan designation for the site (Commercial), and an Environmental Impact Report (EIR) was prepared and certified for the General Plan. The project site contains disturbed grassland. The existing trees on the site are in poor condition and there are no structures on the site. The project site (.61-acres) is substantially surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species. The proposed project will be served by the Sacramento County Sanitation District-1, SMUD, and PG&E. Planning staff reviewed the proposed project and did not find any evidence that there is a reasonable probability that the project will have a significant adverse effect on the environment.

General Plan

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

<u>Evidence:</u> The General Plan identifies the site for Commercial use. The proposed project includes rezoning the parcel from Business Professional (BP) to Shopping Center (SC) (see Figure 5). As such, the proposed Rezone is consistent with the General Plan. Additionally, the project is consistent with the goals and policies of the General Plan for commercial development with the City of Elk Grove.

EXHIBIT A Conditions of Approval

Rezone

<u>Finding:</u> The proposed rezone is in the public interest (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan.

<u>Evidence</u>: The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Conditional Use Permit

<u>Finding:</u> The establishment, maintenance and operation of the use, building, or structure applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City (Zoning Code §110-30).

<u>Evidence:</u> Surrounding uses in the vicinity of the project site include a mix of commercial tenants. The project is consistent with the uses in the area. As such, it will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

Design Review (Non-Residential)

<u>Finding:</u> The proposed project is consistent with the Citywide Design Guidelines.

<u>Evidence:</u> The site plan, building elevations, and landscape plan have been reviewed in accordance with the Citywide Design Guidelines for non-residential land uses, and it is concluded that the project's architecture and site planning meet all applicable design requirements. The design of the proposed building takes into account the scale, style, and architectural vernacular of current existing reference buildings, and meets high aesthetic and design integrity standards. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

<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 site plan, building elevations, and landscape plans provide all design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity,

Bubbles Car Wash (EG-05-986)

EXHIBIT A Conditions of Approval

application of a consistent color palette throughout the project, and creation of outdoor public spaces. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: 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 similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

Evidence: The proposed car wash will provide all required design elements that would establish an attractive development and will be compatible with adjoining and nearby properties. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

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

Evidence: The proposed site layout of the car wash has been reviewed in accordance with the City-wide Design Guidelines, including site planning for nonresidential development. The proposed layout has been designed to avoid conflicts with vehicular, bicycle, or pedestrian modes of circulation.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of May 2006.

RICK SOARES. MAYOR of the

OVED AS TO FORM:

CITY OF ELK GROVE

ATTEST:

ANTHONY B. MANZANETTI.

CITY ATTORNEY

	Conditions of Approval / Mitigation Measure	Timing/ <u>Implementation</u>	Enforcement/ Monitoring	Verification (date and Signature)
On-	Going	_		
1.	The development approved by this action is for a Rezone from BP to SC, and a Design Review and Conditional Use Permit to construct and operate a 7,040 square foot car wash as illustrated in the project plans dated March 15, 2006. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2.	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	
3.	This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
4.	The Conditional Use Permit, if not used for the purpose for which it was granted, shall expire three years from the City Council approval date or upon the expiration date of a valid building permit obtained after the grant of the conditional use permit, whichever date is last to occur.	Three years, commencing with the date of City Council approval.	Planning	
5.	CSD-1 will provide maintenance only in public right-of-ways and in minimum 20-foot wide easements dedicated to CSD-1 for the purpose of continuous access and maintenance.	On-Going	CSD-1	
6.	The Applicant shall provide for adequate size trash and recycle material storage and collection that will not provide for a nuisance. The Applicant shall maintain all trash and recycle material storage and collection that will not provide for a visible nuisance.	On-Going	Community Enhancement	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
7.	The Applicant will not allow any 'strictly prohibited signs' (ie 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 or implementation of the project.	On-Going	Community Enhancement	
9.	No more than three (3) car wash bays and no more than three (3) cars per wash cycle are permitted.	On-Going	Planning	
	r to Improvement Plans/Grading/Construction			
10.	The applicant shall record a notice stating that a Rezone, Conditional Use Permit, and Design Review were approved by the City Council on (TBD) for Assessor's Parcel Number 116-0090-016. The notice shall also state that the permit was granted subject to 22 conditions of approval, which run with the land and that a copy of these conditions is on file with the City of Elk Grove Development Services – Planning. The notice shall be recorded prior to issuance of any development permits or commencement of the use.	Prior to Issuance of any development permits	Planning	
11.	The Applicant shall dedicate all private aisles as an easement to allow access for services such as utility and emergency vehicles.	Prior to Improvement Plan Approval	Public Works	
12.	Applicant shall prepare and submit a drainage study and plan that includes but is not limited to: a pre- and post-project drainage analysis of the project and project impacts, and the proposed connections to the City Storm Drainage System with adequate supporting calculations. The project shall not cause a net loss of storage, nor an increase in velocity, of drainage water within the 100-year floodplain. The study shall incorporate the City of Elk Grove Drainage Capital Improvement Plan; be consistent with the ultimate upstream development in the General Plan, and	1st Improvement Plan Submittal	Public Works	

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
	any specific, area, or master plans; and shall conform to the City of Elk Grove Improvement Standards. The study shall further demonstrate that the lots shall be outside the 100-year frequency floodplain after improvements are constructed in accordance with the policies in the City Floodplain Management Plan. Study must be completed and stamped by a Professional Engineer, and determined by the City to be accurate, and adequate.			
13.	Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.	Improvement Plans	CSD-1	
14.	Each parcel and each building with a sewerage source shall have a separate connection to the CSD-1 sewer system.	Improvement Plans	CSD-1	
15.	The Applicant shall provide 8-inch sewer extension to existing 8-inch line approximately 100+/- east including sewer easement.	Improvement Plans	CSD-1	
16.	Sewer easements will be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access fro installation and maintenance.	Improvement Plans	CSD-1	
17.	Site landscape improvement plans shall be reviewed and approved by the City of Elk Grove, Departments of Planning and Public Works and shall meet the City's Zoning Code, Design Guidelines, and City's Water Conservation Ordinance.	Improvement Plans	Planning/Public Works/Landscape architect	
18.	The Applicant shall provide evidence to the Planning Department that Industrial Waste has been contacted regarding the project prior to the issuance of a building permit.	Prior to issuance of 1st Building Permit	Planning	
19.	At all street intersections, public or private, within one block of the proposed project, the Applicant shall install and/or replace street name signs in accordance	Prior to issuance of 1st Building Permit	Public Works	

EXHIBIT A Conditions of Approval

	Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ <u>Monitoring</u>	Verification (date and Signature)
	with the City of Elk Grove Standard Details.			
20.	Prior to Building Permit, the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, recreation center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see www.elkgrovecity.org/services/finance-district/cfd-information.htm	Prior to issuance of 1st Building Permit	Finance	
21.	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 2006 Development Related Fee Booklet at: www.elkarovecity.ora/services/fee-information/fee-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 both the 2006 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 costs associated with your project.	Prior to issuance of 1st Building Permit	Finance	
Prio 22.	Tripo Occupancy Upon completion of the installation of the landscaping for the	Prior to	Planning/	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
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 approval/occupancy of the project.	Occupancy	Landscape Architect	

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.

- Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
- Dead-end streets in excess of 150 feet require approved emergency vehicle turnarounds.
- 3. 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:
 - i. DXF (Drawing Interchange file) any DXF version is accepted
 - ii. DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted
- 4. EGCSDFD approved traffic pre-emption devices of a type approved by the Elk Grove Fire Department shall be installed on all traffic signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the Elk Grove Fire Department.
- 5. All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
- 6. Commercial developments in excess of 10,000 square feet require looped fire mains of a minimum of 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.
- 7. 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.
- 8. 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 roadways shall be constructed to a 20-foot minimum width of three (3) inches AC over six (6) inches AB with good drainage.
- The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.
- 10. 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 Elk Grove Fire Department. All proposed traffic-mitigation plans shall be submitted to the Elk Grove CSD Fire Department for review and approval prior to installation.
- Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento Regional Fire/EMS Communications Center.

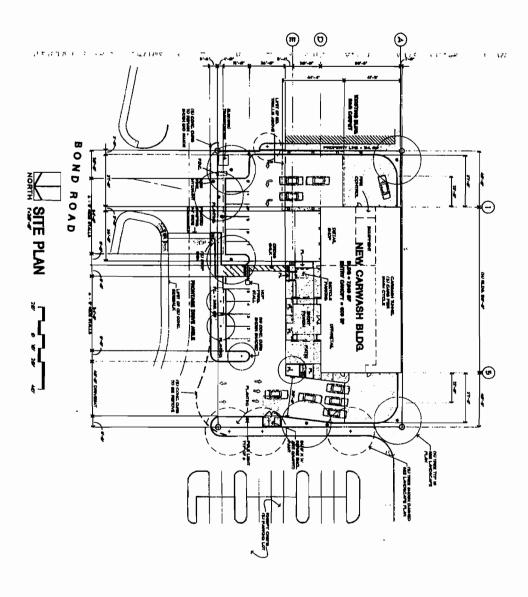
EXHIBIT A

Conditions of Approval

- 12. 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)
- 13. The Applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- 14. Any on site traffic calming devices and locations must be approved by Public Works prior to installation, including but not limited to speed bumps. (Public Works)
- 15. Any improvements, public or private, damaged in construction shall be replaced, by the Applicant, in-kind or with new improvement. (Public Works)
- 16. 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)
- 17. The internal circulation and access shall be subject to the review and approval of Public Works. (Public Works)
- 18. Improvement plan must be approved by Public Works prior to 1st Building Permit.
- 19. The Applicant shall submit and obtain City approval of plans and specifications for the construction of public improvements and all grading. The drainage system shall be designed in accordance with the accepted Drainage Study to accommodate runoff from the ultimate development and shall meet the City of Elk Grove Improvement Standards, construction standards, storm water design standards, and City of Elk Grove Flood Plain Management Plan and Ordinance in effect at the time of Improvement Plan approval. Street gutter flowlines shall be designed to be above the 10-year frequency flood elevation and above the 100-year frequency flood elevation pursuant to the Floodplain Management Plan. (Public Works)
- 20. All drainage courses and appurtenant access roads to be conveyed to the City shall be dedicated and conveyed in fee title as separate parcels. Underground pipelines and open channels shall be located in the public right-of-way or parcels to be conveyed to the City. Parcels to be conveyed shall be a minimum of 25 feet wide. The Applicant shall provide minimum 20 foot wide maintenance service roads along the entire water course(s) to be conveyed. No conditional easements shall be placed on these drainage parcels. (Public Works)
- 21. 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)
- 22. The Applicant shall prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be executed through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. These measures shall be consistent with the City's Improvement Standards and Land Grading and Erosion Control Ordinance. The SWPPP shall be submitted to the Central Valley Regional Water Quality Control Board for approval and to the City for review. During construction, the Applicant shall implement actions and procedures established to reduce the pollutant loadings in storm drain systems. The project Applicant shall implement Best Management Practices (BMPs) in accordance with the SWPPP and construct facilities in accordance the City of Elk Grove Improvement Standards including permanent on-site stormwater treatment facilities prior to discharge. (Public Works)
- 23. 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) will be filed to obtain coverage under the California State Water Resources General Construction Activity

EXHIBIT A Conditions of Approval

- Storm Water Permit. Permits are issued by the State Water Resources Control Board, which can provide all information necessary to complete and file the necessary documents. Applicant shall comply with the terms of the general construction permit, the City of Elk Grove Municipal Code, and the NPDES Waste Discharge Requirements for the Elk Grove Municipal Storm Sewer Discharges. (Public Works)
- 24. 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)
- 25. 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)
- 26. The Applicant or its successor in interest shall pay drainage Capital Improvement Plan fees in effect at the time of building permit application. The Applicant may pay a reduced fee due to the construction of Capital Improvement Plan drainage structures in lieu of full payment of fees when so stated in a separate credit or reimbursement agreement. (Public Works)
- 27. 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)





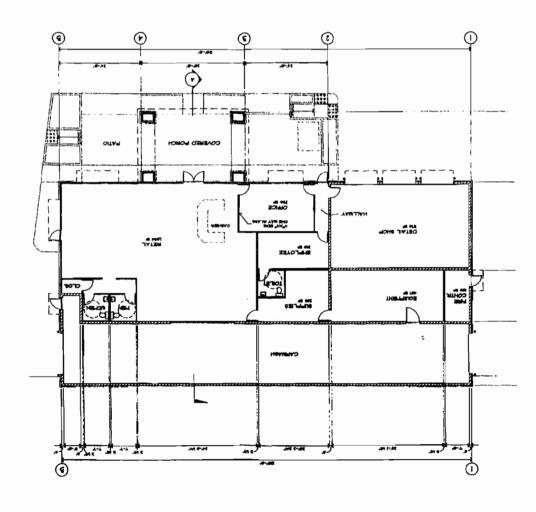
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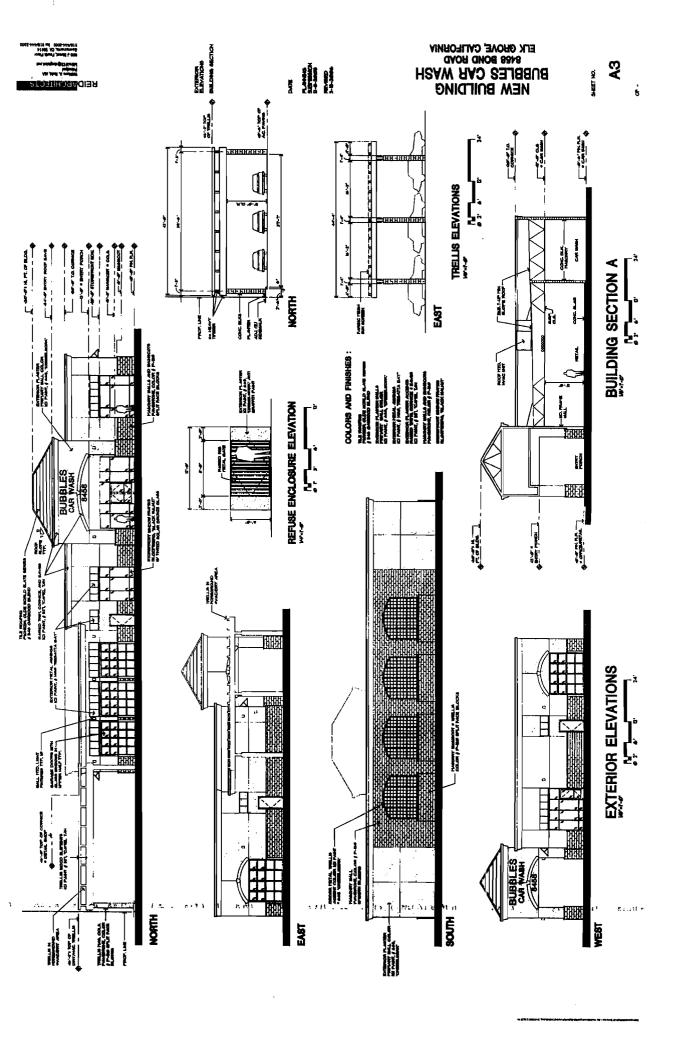
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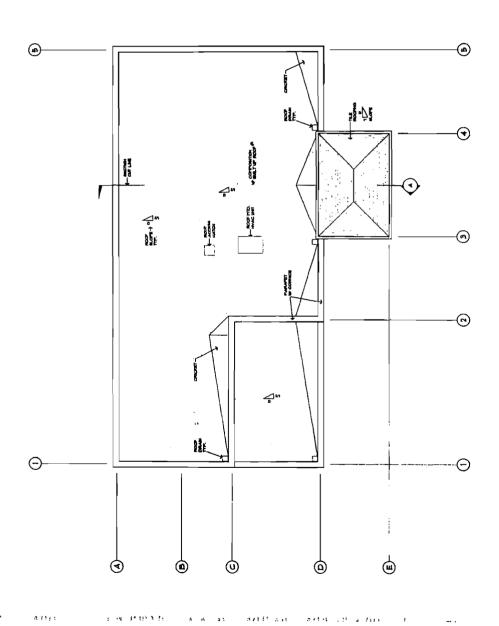








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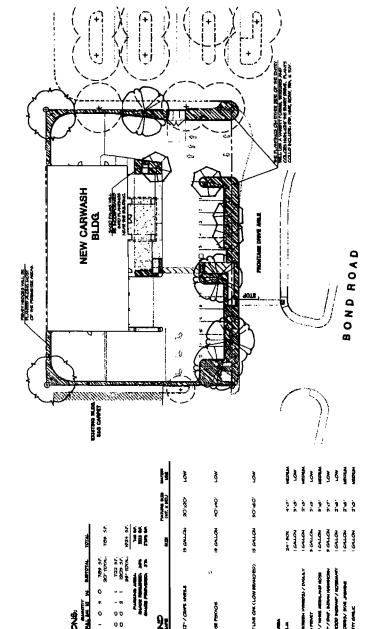
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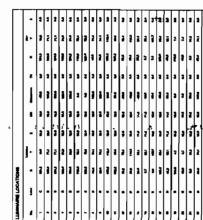
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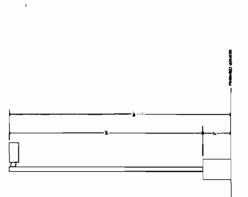
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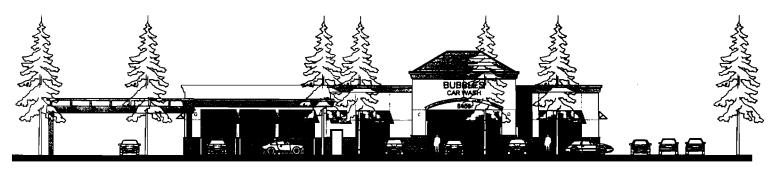






PHOTOMETRIC SITE PLAN

POLE LIGHT ELEVATION



PROPOSED BUBBLES CARWASH

VIEW FROM BOND ROAD

REVISIONS	BUBBLES CARWASH	DRAWN	SCALE	WILLIAM A, REID, AIA Sacraturia, CA 99014	,DB NO.	SHEET NO
	8458 BOND ROAD	DATE		ARCHITECTS 910444-5000 bad10444-5000	2611	
	ELK GROVE, CA 95624			bread@reid-arch com		REVIRON

CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-145

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

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 24, 2006 by the following vote:

AYES 5: COUNCILMEMBERS: Soares, Scherman, Briggs, Cooper, Leary

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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

CITY OF EVEL