



**CITY OF ELK GROVE  
CITY COUNCIL STAFF REPORT**

**AGENDA TITLE:** A continued public hearing (from June 22, 2011) to consider an extension to the existing approvals for the previously approved Vineyard at Madeira Shopping Center Project (EG-11-016; APNs 132-2170-002 through 006)

**MEETING DATE:** July 27, 2011

**PREPARED BY:** Christopher Jordan, AICP, Planning Manager

**DEPARTMENT HEAD:** Taro Echiburú, Planning Director

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**PROJECT DESCRIPTION:**

**Location:** Southeast corner of Bruceville Road and Whitelock Parkway, APNs 132-2170-002 through 006  
**Planner:** Christopher Jordan, AICP  
**Applicant/Owner:** Taylor Village Sacramento Investment Partners, LP

**RECOMMENDED ACTION:**

Staff recommends that the City Council adopt a Resolution:

1. Finding no further California Environmental Quality Act (CEQA) review is necessary for the extension to the approvals for the Vineyard at Madeira Shopping Center project pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Division 6 of Chapter 3 of Title 14 of the California Code of Regulations (State CEQA Guidelines); and
2. Approving the extension of the project approvals for the Vineyard at Madeira Shopping Center project (EG-11-016) subject to the

findings and conditions of approval included in the proposed resolution (Exhibit A to Attachment 1).

## **BACKGROUND INFORMATION:**

On June 25, 2008, the City Council approved the Vineyard at Madeira Shopping Center project (the "Project"), a retail shopping center in the Laguna Ridge Specific Plan area. The Project included the following components:

1. Minor amendment to the Laguna Ridge Specific Plan (LRSP) changing the land use designation of 2.7 acres from RD-15 to SC;
2. Rezone of approximately 2.7 acres from Medium Density Residential (RD-15) to Shopping Center Commercial (SC) Zoning District;
3. Tentative Parcel Map to subdivide approximately 20 gross acres of land into six commercial parcels with an area of 16.5 net acres;
4. Conditional Use Permit to allow a Retail Discount Store and to allow Drive-Thru Services for a proposed business within 300 feet of residentially zoned property; and
5. Design Review for the proposed development, including a 10% reduction in the number of required parking spaces for the Retail Discount Store and approval of a Uniform Sign Program.

The Retail Discount Store in the original application and approvals was identified as a 148,000 square foot Target store. Since the approvals, Target has decided not to locate in this shopping center. In 2009, Wal-Mart submitted a proposal to locate at the site identified for Target with a store which was to be 99,999 square feet. Subsequent to the City's finding that this store was in substantial compliance with the original Target, litigation was filed challenging the approval and was ultimately set aside by the court, which indicated that the Wal-Mart project needed to be reviewed anew. Wal-Mart now owns the property where this store would have been located. While it is anticipated that a similar proposal will be submitted, to date there has not been an application filed with the Planning Department. However, so long as the original approvals remain active, any retailer complying with the original approvals could locate in the shopping center and be the major tenant.

Pursuant to Elk Grove Municipal Code Section 23.18.020, and Condition of Approval Number 4, the Design Review, Conditional Use Permit, and Uniform Sign Program approvals expire 36 months from the date of approval. However, Elk Grove Municipal Code Section 23.18.060 allows the approval of an extension to the Project approvals, with any single extension granted being limited to 12 months. Because the Project received its final approvals from the City Council, the Council is the appropriate hearing body for the extension.

The Parcel Map approved for the project was recorded in December 2008. A Subdivision Improvement Agreement was executed for improvements that are tied to recordation of the map. This agreement is still in effect. Therefore, because the Parcel Map has been recorded, an extension for the Tentative Parcel Map is not necessary.

The applicant's proposed extension request was continued from the May 25, 2011 and June 22, 2011 City Council meetings at the direction of Council to allow staff opportunity to develop additional conditions of approval for Council consideration that could be applied to the extension request. The resolution presented extends the project with the original findings and conditions of approval.

**ANALYSIS:**

As part of the project approvals in 2008, the project was conditioned to complete certain improvements for the project. These conditions of approval are provided for reference in Attachment 2. The applicant is not proposing any changes in the project design or requesting any changes to the conditions of approval.

Pursuant to Elk Grove Municipal Code Section 23.18.060, the "permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved. The extension may be granted only when the designated approving authority finds that the original permit findings can be made and that there are changing circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension."

Staff routed the extension request to various agencies and departments for review and comment. The following agencies identified additional conditions pertinent to the Project:

- Cosumnes CSD Fire
  - Each building shall be provided with a Fire Control Room
- Sacramento Area Sewer District
  - All structures along private drives shall have a minimum 10-foot setback from collector pipes
- Sacramento County Water
  - Destroy any on-site abandoned wells
  - Conduct a water use efficiency review prior to issuance of building permits
  - Provide efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing as a condition of service.

Staff has reviewed the original Project approvals for the Conditional Use Permit, Design Review, and Uniform Sign Program. All of the original permit findings can be made for the extension. The City can continue to make these same findings, as provided, because there is no proposed change in the Project or the Project site that warrant further analysis. Additionally, the applicant has made diligent efforts to pursue the exercise of the permit through the recordation of the Parcel Map in December 2008. Further work on the Project would have continued if not for the change in economic conditions as experienced throughout the region and nation since the fall of 2008.

#### Additional Conditions of Approval for EG-11-016

City Council indicated at the May 25, 2011 and June 22, 2011 meetings a desire to use the extension request as an opportunity to address previously-noted concerns from area residents related to the future construction and operation of the Retail Discount Store. These concerns included:

- Extended hours of store operation;
- Potential for parking of vehicles overnight at the shopping center;
- Store security;

- Potential sales of alcohol and firearms (note that State law regulates licensing for alcohol and firearms sales, which would include consultation with the City);
- Keeping the shopping center clear of trash; and
- Noise and fumes from delivery trucks.

Based on Council direction, staff has drafted the following conditions for consideration and included them in the draft resolution in Attachment A.

1. Hours of customer operation for the Retail Discount Store shall be limited to between 8:00 a.m. and 11:00 p.m. Monday through Saturday and 8:00 a.m. and 10:00 p.m. Sundays. This condition is consistent with the Applicant's letter of July 19, 2011, provided as Attachment 3.
2. No overnight parking of vehicles is allowed at the shopping center, including trucks and recreational vehicles.
3. The Retail Discount Store operator shall provide a delivery truck plan to the Planning Department prior to City issuance of a Certificate of Occupancy identifying truck delivery routes and parking plans at the site. The plan shall demonstrate ability to queue delivery trucks on the project site and in a location that minimizes idling of trucks (including use of any refrigerated trucks) near area residences.
4. The shopping center operator shall provide a security plan to the Police Department for review and approval prior to issuance of a Certificate of Occupancy for the Retail Discount Store.
5. The shopping center operator shall file a site maintenance plan with the Planning Department prior to issuance of a Certificate of Occupancy demonstrating plans for the ongoing maintenance of the appearance of the center, including maintaining the areas around shopping center buildings and parking areas free from debris and trash.

The hours of operation for deliveries do not need to be conditioned because Chapter 23.94 of the Elk Grove Municipal Code limits delivery hours to between 7:00 a.m. and 10:00 p.m.

## **ENVIRONMENTAL ANALYSIS:**

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed project is a project under CEQA.

The initial approval for this Project was found by the City Council to be exempt from CEQA review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Division 6, Chapter 3, Title 14 of the California Code of Regulations (State CEQA Guidelines). This exemption applies to projects that are consistent with the General Plan and Zoning regulations for the subject property and where there are no project-specific significant effects that are peculiar to the Project site. Staff prepared an initial study in order to determine whether the proposed Project caused any effects that were not previously analyzed in the General Plan Environmental Impact Report (GPEIR) and Laguna Ridge Specific Plan Environmental Impact Report (LRSP EIR), and the associated Mitigation Monitoring and Reporting Programs. The City concluded that there were no project-specific significant effects and therefore the Project qualified for the Section 15183 exemption. No further environmental review was required.

Staff has reviewed the proposed extension for the Project to determine the required level of review under CEQA. The proposed extension is exempt from CEQA pursuant to the same Section 15183 exemption that applied to the original approvals. There have been no changes in the on-site conditions and no changes are proposed for the Project. Therefore, this Project qualifies for the identified exemption and no further environmental review is required.

## **FISCAL IMPACT:**

The property is within the Laguna Ridge Community Facilities District (CFD 2005-1). Through that CFD, the project will pay its fair share of infrastructure and service costs.

**ATTACHMENTS:**

1. Resolution
  - a. Exhibit A – Conditions of Approval
2. 2008 Project Approval (City Council Resolution No. 2008-152)
3. Letter of July 19, 2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING AN EXTENSION TO THE PROJECT APPROVALS FOR VINEYARD AT  
MADEIRA (EG-07-123) PROJECT NO. EG-11-016  
ASSESSOR PARCEL NUMBERS: 132-2170-002 THRU 006**

**WHEREAS**, on June 25, 2008, the City Council of the City of Elk Grove (“City”) approved a Conditional Use Permit, Design Review, and Uniform Sign Program for Taylor Village Sacramento Investments Partners LP (the “Applicant”) for the Vineyard at Madeira project, file number EG-07-123 (the “Project”) by adoption of City Council Resolution No. 2008-152; and

**WHEREAS**, the proposed Project is located on approximately 20 gross acres located at the southeast corner of Bruceville Road and Whitelock Parkway, on real property particularly described at that time as Assessor’s Parcel Numbers (APN’s) 132-0050-074 and 132-0050-075 (the “Property”); and

**WHEREAS**, the project approvals also included a Tentative Parcel Map that was recorded in December 2008 and the new subject APNs are 132-2170-002 through 006; and

**WHEREAS**, the City, in approving the Project, determined that the Project is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Division 6, Chapter 3, Title 14 of the California Code of Regulations (State CEQA Guidelines); and

**WHEREAS**, the approval of the Project is set to expire, pursuant to Elk Grove Municipal Code Section 23.18.020 and condition of approval number four, 36 months after the date of approval, on June 25, 2011; and

**WHEREAS**, pursuant to Elk Grove Municipal Code Section 23.18.060, the City may approve a 12 month extension of the Conditional Use Permit, Design Review, and Uniform Sign Program; and

**WHEREAS**, on March 23, 2011 the Applicant filed an application for extension of the project approvals with the City; and

**WHEREAS**, the City Council is the appropriate authority to hear and take action on this Project because it was the approving authority for the original approvals; and

**WHEREAS**, the project has been routed to agencies and departments for review and comment and those agencies have recommended additional conditions of approval that are necessary to ensure consistency with adopted development standards that were enacted since the Project was originally approved in 2008; and

**WHEREAS**, the City Council considered the extension of the Project at duly-noticed public hearings on May 25, June 22, and July 27, 2011.



**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove finds that the requested extension to the project approvals for Vineyard at Madeira (the "Project") is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15183 based upon the following finding:

Finding:

The extension of the Vineyard at Madeira project is exempt from CEQA pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the State CEQA Guidelines.

Evidence:

The initial approval for this Project was found by the City to be exempt from CEQA review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Division 6, Chapter 3, Title 14 of the California Code of Regulations (State CEQA Guidelines). This exemption applies to projects that are consistent with the General Plan and Zoning regulations for the subject property and where there are no project-specific significant effects that are peculiar to the project site. Staff prepared an initial study in order to determine whether the proposed project caused any effects that were not previously analyzed in the General Plan Environmental Impact Report (GPEIR) and Laguna Ridge Specific Plan Environmental Impact Report (LRSP EIR), and the associated Mitigation Monitoring and Reporting Programs. The City concluded that there were no project-specific significant effects and therefore the project qualified for the Section 15183 exemption. No further environmental review was required.

Staff has reviewed the proposed extension for the Project to determine the required level of review under CEQA. The proposed extension is exempt from CEQA pursuant to the same Section 15183 exemption that applied to the original approvals. There have been no changes in the on-site conditions and no changes are proposed for the project. Therefore, this project qualifies for the identified exemption and no further environmental review is required.

**BE IT FURTHER RESOLVED** that the City Council of the City of Elk Grove approves the extension for the Project based upon the following findings and subject to the conditions of approval provided in Exhibit A.

**Extension of Prior Approval**

Finding:

The original permit findings can be made and there are changing circumstances or there has been diligent pursuit to exercise the permit that warrants the proposed extension.

Evidence:

In approving the Project, the City made certain findings regarding the Design Review and Conditional Use Permit. The City can continue to make these same findings, as provided below, because there is no proposed change in the Project and there have been no changes in the Project site that warrant further analysis. Additionally, the applicant has diligent efforts to pursue the exercise of the permit through the recordation of the Parcel Map in December 2008. Further work on the project would have continued

but for the change in economic conditions as experienced throughout the region and nation since the fall of 2008. Therefore, the City finds that the original findings approving the Project can be made, there are changing circumstances that warrant an extension of the Project approvals, and the Applicant has made efforts to pursue exercise of the permit.

### **Design Review**

Finding: A Design Review shall be granted only when the City Council makes all of the required 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 the buildings on the adjoining and nearby properties;
- d. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- e. For residential subdivision design review applications, the residential subdivision is well integrated with the City's street network, creates unique neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

### Evidence:

- a. The Project site plan has been reviewed in accordance with the provisions of the Citywide Design Guidelines for non-residential projects. As noted in the staff report, the proposed design of the project meets the applicable design requirements, and that the proposed deviations are appropriate in the context of the project as a whole;
- b. The streetscape corridor improvements, including landscape design, trellis features and walkways are consistent with the theme and standard for the Laguna Ridge Specific Plan. Smaller retail buildings have been clustered along the Whitelock Parkway, enhancing the pedestrian orientation of development. The combination of building setbacks, landscape setbacks and masonry walls ensure compatibility with the adjacent residential uses;
- c. The scale and massing of anchor tenant has been addressed through the use of variations in wall plane, the variety of colors and materials and the use of architectural features which add visual interest. The shopping has a unified design theme that is reflected in the architecture of the buildings, exterior colors, design of site improvements, landscape plan, lighting plan and uniform sign program;

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 the buildings on the adjoining and nearby properties;

- d. The location and design of driveways onto public streets and the internal circulation ensure safe vehicular access. The Project will add pedestrian walkways along its public street frontage. These public walkways are linked with interior walkways which connect buildings and provide a safe route of access through the parking lots and site. The site is adjacent to bike path along the Whitelock Parkway; and
- e. The Project is not a residential subdivision.

### **Conditional Use Permit**

Finding: The findings to approve a Conditional Use Permit are as follows:

- 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.

Evidence:

- a. The two aspects of the application which require a Conditional Use Permit are the drive-through facility and the Discount Retail Store. Both are proposed within the context of a retail shopping center which is consistent with the General Plan's commercial land use designation. The proposal is consistent with the zoning ordinance provisions with respect to uses, parking, building setbacks and other code regulations. The drive-through facility is a typical component of commercial development. The Conditional Use Permit for the Retail Discount Store (the anchor tenant) is due to the size of the building; the retail use is consistent with the General Plan land use designation; and;
- b. The proposed drive-through facility will not detrimental to the health, safety, peace morals, comfort or general welfare of people for the following reasons:
  - i. Adequate distance for vehicle stacking is provided;
  - ii. Drive-through is visible from a public street;
  - iii. The drive-through is approximately 100 feet from the nearest residential property line, minimizing any noise impacts; and
  - iv. The site provides a 10-foot landscape buffer and 6-foot masonry wall which separates the shopping center from the abutting residential property, reducing any impacts to residences.

The proposed Discount Retail Store will not detrimental to the health, safety, peace morals, comfort or general welfare of people for the following reasons:

- i. The Project features a high quality architectural design which creates visual interest and appeal;
- ii. Substantial landscaping is provided between the building and the abutting public streets, softening the appearance of the buildings;
- iii. Noise impacts from loading operations to adjacent residential properties will be reduced through the required construction of an 8-foot high masonry wall on a 2-foot high berm;
- iv. The retail use will provide convenient shopping to the residents in the surrounding neighborhood, reducing their travel and providing shopping within walking distance; and
- v. The retail use proposed will provide substantial tax revenue to the city, supporting necessary public services to the general public.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 27<sup>th</sup> day of July 2011.

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STEVEN M. DETRICK, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

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JASON LINDGREN, CITY CLERK

\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

**EXHIBIT A**

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1. The action approved by this Resolution is for a 12 month extension (for the date of initial approval) of the approvals for the Vineyard at Madeira project, EG-07-123, as provided in City Council Resolution 2008-152, extending until June 25, 2012.	On-Going	Planning	
2. The project shall comply with all conditions of approval described in City Council Resolution 2008-152 and those conditions provided herein.	On-going	Planning	
3. Hours of customer operation for the Retail Discount Store shall be limited to between 8:00 a.m. and 11:00 p.m. Monday through Saturday and 8:00 a.m. and 10:00 p.m. Sundays	On-Going	Planning	
4. No overnight parking of vehicles is allowed at the shopping center, including trucks and recreational vehicles	On-Going	Planning	
5. The Applicant shall destroy all abandoned wells on the proposed project site in accordance with requirements of the Sacramento County Environmental Health Division. The Applicant shall clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, the Applicant shall use water from agricultural wells for grading and construction.	Improvement Plan	Sacramento County Water Agency	
6. All structures along private drives shall have a minimum 10-foot setback (measured horizontally from edge of collector pipe to edge of structure) so that SASD can properly maintain the sewer line. During the submission of the improvement plans, the Applicant shall demonstrate that this condition is met.	Improvement Plan	Sacramento Area Sewer District	
7. The Applicant shall conduct a water use efficiency review and submit the findings to the Water Agency for review and approval prior to Building Permit issuance	Building Permit	Sacramento County Water Agency	

The Vineyard at Madeira (EG-11-016)  
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<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
8. Prior to and in conjunction with approval of Building Permits, the Applicant shall provide efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing.	Building Permit	Sacramento County Water Agency	
9. Each building shall be provided with a Fire Control Room	Building Permit	Cosumnes CSD Fire	
10. The Applicant shall provide up to 10 percent of the parking lot as a park-and-ride facility for future transit service.	Occupancy	E-Tran	
11. The Retail Discount Store operator shall provide a delivery truck plan to the Planning Department prior to City issuance of a Certificate of Occupancy identifying truck delivery routes and parking plans at the site. The plan shall demonstrate ability to queue delivery trucks on the project site and in a location that minimizes idling of trucks (including use of any refrigerated trucks) near area residences	Occupancy	Planning/Public Works	
12. The shopping center operator shall provide a security plan to the Police Department for review and approval prior to issuance of a Certificate of Occupancy for the Retail Discount Store	Occupancy	Police	
13. The shopping center operator shall file a site maintenance plan with the Planning Department prior to issuance of a Certificate of Occupancy demonstrating plans for the ongoing maintenance of the appearance of the center, including maintaining the areas around shopping center buildings and parking areas free from debris and trash	Occupancy	Planning	

RESOLUTION NO. 2008-152

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING  
A LAGUNA RIDGE SPECIFIC PLAN AMENDMENT, TENTATIVE PARCEL MAP,  
CONDITIONAL USE PERMIT, AND DESIGN REVIEW FOR VINEYARD AT MADEIRA  
PROJECT NO. EG-07-123, APNS: 132-0050-074 AND 132-0050-075**

**WHEREAS**, Taylor Village Sacramento Investments Partners LP (the "Applicant") filed an application with the City of Elk Grove ("City") for a Laguna Ridge Specific Plan Amendment, Tentative Parcel Map, Conditional Use Permit, and Design Review, all of which hereinafter is referenced as the "Project"; and

**WHEREAS**, the proposed Project is located on approximately 20 gross acres located at the southeast corner of Bruceville Road and Whitelock Parkway, on real property particularly described as APNs: 132-0050-074 and 132-0050-075 (the "Property"); and

**WHEREAS**, the amendment to the Laguna Ridge Specific Plan would change the land use designation of approximately 2.5 acres from RD-15 to Shopping Center; and

**WHEREAS**, the Tentative Parcel Map would create 6 commercial parcels and also provides for dedication of land for public purposes and right-of-way; and

**WHEREAS**, the Conditional Use Permit would allow the operation of a drive-through facility within 300 feet of a residential property and allow the construction of a building for a Retail Discount Store; and

**WHEREAS**, the Design Review approval would allow the development of a retail shopping center containing about 189,000 square feet of floor area on a 16.5 net acre site; 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 Planning Commission considered the Project at a duly-noticed public hearing on June 5, 2008; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission forwarded the Project to the City Council with a recommendation for approval by a 5-0 vote; and

**WHEREAS**, the City has determined that the Vineyard at Madeira Project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15183 of the State CEQA Guidelines; and

**WHEREAS**, the Design Review application includes a 10% reduction in the number of parking spaces required for the Target store and also includes a Uniform Sign Program.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby approves:

1. Laguna Ridge Specific Plan Amendment, as shown on Exhibit A; and
2. Tentative Parcel Map, Conditional Use Permit and Design Review in accordance with the conditions of approval, as shown on Exhibit B.

### **California Environmental Quality Act (CEQA)**

#### Finding:

The proposed Vineyard at Madeira project is exempt from CEQA.

#### Evidence:

CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides that projects which are consistent with a Community Plan, General Plan or Zoning for which an EIR has been certified “shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” In order to determine whether the proposed project caused such effects, staff prepared an Initial Study pursuant to CEQA. The results of the study concluded that the environmental impacts of the project were properly addressed in the previously certified Environmental Impact Report for the Laguna Ridge Specific Plan and its associated Mitigation Monitoring and Reporting Plan, to which the proposed project is subject. Therefore, CEQA Guidelines Section 15183 applies to this project and no further environmental review is necessary.

### **Laguna Ridge Specific Plan Amendment**

Finding: The findings to approve an amendment to the Specific Plan are as follows:

- a. Significant changes to the character of the community have occurred subsequent to the adoption of the Specific Plan which warrants amendments as requested;
- b. The requested amendment would benefit the Specific Plan Area and/or the City;
- c. The amendment is consistent with the General Plan;
- d. The amendment will not adversely affect adjacent property owners and can be property serviced;
- e. Where applicable, the physical constraints of the property area are such that the requested amendment is warranted.

#### Evidence:

- a. The area and configuration of the existing commercial land use designation was predicted on an assumed development of a shopping center anchored by a grocery store. Market conditions have demonstrated that a grocery store is not



feasible. A larger commercial site is needed to accommodate a larger retail anchor tenant.

- b. The amendment benefits the Specific Plan Area and the City by providing retail services at a location convenient to residents of the area, reducing the need to drive greater distances. The commercial development will provide additional jobs and sales tax revenue to the city.
- c. The amendment is consistent with the General Plan, as described previously in the staff report.
- d. The amendment will not adversely affect adjacent property owners. Compatibility with adjacent uses is provided through a combination of building setbacks, walls, and perimeter landscaping. The conditions of approval ensure that adequate public utilities will be provided to the development.
- e. The amendment is not based on physical constraints but based on highest and best land use for the site.

## **Design Review**

Finding: A Design Review shall be granted only when the City Council makes all of the required 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 the buildings on the adjoining and nearby properties;
- d. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- e. For residential subdivision design review applications, the residential subdivision is well integrated with the City's street network, creates unique neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

## Evidence:

- a. The project site plan has been reviewed in accordance with the provisions of the Citywide Design Guidelines for non-residential projects. As noted in the staff report, the proposed design of the project meets the applicable design

requirements, and that the proposed deviations are appropriate in the context of the project as a whole.

- b. The streetscape corridor improvements, including landscape design, trellis features and walkways are consistent with the theme and standard for the Laguna Ridge Specific Plan. Smaller retail buildings have been clustered along the Whitelock Parkway, enhancing the pedestrian orientation of development. The combination of building setbacks, landscape setbacks and masonry walls ensure compatibility with the adjacent residential uses.
- c. The scale and massing of the Target store has been addressed through the use of variations in wall plane, the variety of colors and materials and the use of architectural features which add visual interest. The shopping has a unified design theme that is reflected in the architecture of the buildings, exterior colors, design of site improvements, landscape plan, lighting plan and uniform sign program.  
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 the buildings on the adjoining and nearby properties.
- d. The location and design of driveways onto public streets and the internal circulation ensure safe vehicular access. The project will add pedestrian walkways along its public street frontage. These public walkways are linked with interior walkways which connect buildings and provide a safe route of access through the parking lots and site. The site is adjacent to bike path along the Whitelock Parkway.
- e. The project is not a residential subdivision.

### **Conditional Use Permit**

Finding: The findings to approve a Conditional Use Permit are as follows:

- 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.

Evidence:

- a. The two aspects of the application which require a Conditional Use Permit are the drive-through facility and the Discount Retail Store. Both are proposed within the context of a retail shopping center which is consistent with the General Plan's commercial land use designation. The proposal is consistent with the zoning ordinance provisions with respect to uses, parking, building setbacks and other code regulations. The drive-through facility is a typical

component of commercial development. The Conditional Use Permit for the Retail Discount Store (Target) is due to the size of the building; the retail use is consistent with the General Plan land use designation.

- b. The proposed drive-through facility will not detrimental to the health, safety, peace morals, comfort or general welfare of people for the following reasons:
- i. Adequate distance for vehicle stacking is provided;
  - ii. Drive-through is visible from a public street;
  - iii. The drive-through is approximately 100 feet from the nearest residential property line, minimizing any noise impacts; and
  - iv. The site provides a 10-foot landscape buffer and 6-foot masonry wall which separates the shopping center from the abutting residential property, reducing any impacts to residences.

The proposed Discount Retail Store will not detrimental to the health, safety, peace morals, comfort or general welfare of people for the following reasons:

- i. The project features a high quality architectural design which creates visual interest and appeal;
- ii. Substantial landscaping is provided between the building and the abutting public streets, softening the appearance of the buildings;
- iii. Noise impacts from loading operations to adjacent residential properties will be reduced through the required construction of an 8-foot high masonry wall on a 2-foot high berm;
- iv. The retail use will provide convenient shopping to the residents in the surrounding neighborhood, reducing their travel and providing shopping within walking distance; and
- v. The retail use proposed will provide substantial tax revenue to the city, supporting necessary public services to the general public.

### ***Tentative Parcel Map***

**Finding:** Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative parcel map if it makes any of the following findings:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.


- g. That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Evidence:** The above Findings #a. through #g. do not apply to the proposed Tentative Parcel Map for the following reasons:

- a. The proposed map is consistent with the Elk Grove General Plan as noted above. The proposed map is consistent with the Laguna Ridge Specific Plan, as amended. The design and improvement of the proposed subdivision is consistent with the General Plan in that it divides the site for commercial development.
- b. The design or improvement of the proposed subdivision for commercial development is consistent with the General Plan and Laguna Ridge Specific Plan. The required road improvements and right-of-way dedication is consistent with the Circulation Element of the General Plan and the Circulation Plan for Laguna Ridge Specific Plan.
- c. The site is physically suitable for commercial development in that it is a flat site with access to two arterial streets.
- d. The Laguna Ridge Specific Plan Environmental Impact Report determined that potential environmental impacts from the design of the subdivision or the proposed improvements will be mitigated to less than significant levels with implementation of the proposed Mitigation Measures and Conditions of Approval, and that a Statement of Overriding Considerations will be adopted by the City Council for those impacts that cannot be mitigated to less than significant levels.
- e. The Environmental Impact Report prepared for the project determined that no potentially serious health problems were identified from the project.
- f. No conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision has been identified.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 25<sup>th</sup> day of June 2008.

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK


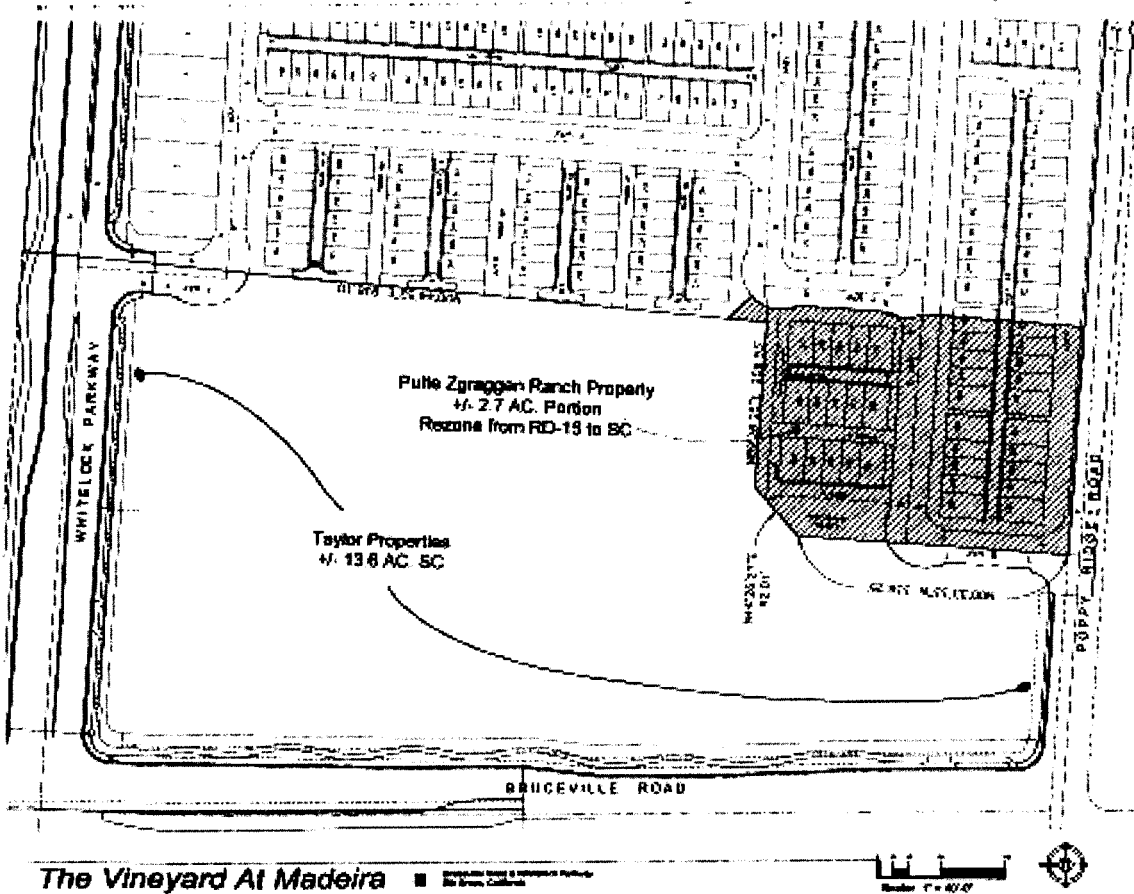
APPROVED AS TO FORM:  
  
\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

EXHIBIT A



The Vineyard At Madeira

PROPOSED LOTS TO BE DEVELOPED  
EXISTING LOT LINES

Scale: 1" = 400'



Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
<b>On-Going</b>			
<p>1. The development approved by this action consists of the following:</p> <ul style="list-style-type: none"> <li>a. Laguna Ridge Specific Plan Amendment,</li> <li>b. Rezone from RD-15 to SC,</li> <li>c. Tentative Parcel Map to create 6 commercial lots</li> <li>d. Conditional Use Permit for Retail, Discount Store</li> <li>e. Conditional Use Permit for a drive-through at Building #2 (Drug Store/Pharmacy)</li> <li>f. Design review for all development including:               <ul style="list-style-type: none"> <li>i. 10% reduction in required parking for Building #1 Parcel, and</li> <li>ii. Uniform Sign Program.</li> </ul> </li> </ul> <p>This approval is described in the staff report and associated Exhibits and Attachments dated June 5, 2008.</p>	On-Going	Development Services, Planning	
<p>2. The Applicant, and any future heirs, successors or 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.</p>	On-Going	Planning	
<p>3. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
4. The Tentative Parcel Map, Conditional Use Permit and Design Review approvals are 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 approval	Planning	
5. If there are any discrepancies between the approved Tentative Parcel Map, Conditional Use Permit or Design Review Exhibits and the conditions of approval, the conditions of approval shall supersede the approved tentative map.	On-Going	Planning	
6. Construction and building activities shall comply with the Noise Standards of Section 23.60.040 of the Zoning Ordinance.	On-Going	Planning	
7. The Applicant is notified that this property is part of the Laguna Ridge Specific Plan (LRSP) project (EG-00-062). This project is subject to all applicable mitigation measures and conditions of approval from the LRSP project.	On-Going	Planning	
8. The Applicant shall record the Laguna Ridge Specific Plan Mitigation Monitoring and Reporting Program for all parcels included in this project, 132-0050-074 and -075. Prior to the issuance of any grading permits, comply with, record, and pay fees for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP fee of \$10,000 has been paid, no grading, building, sewer connection, water connection, or occupancy permit from the City will be approved.	On-Going	Planning	
9. 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	

Conditions of Approval / Mitigation Monitoring and Reporting Program

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
10. Buildings 2, 3, 4, 5 and 6 shall have Whitelock Parkway address. These addresses shall be illuminated and shall comply with the addressing guidelines.	Ongoing	Cosumnes CSD Fire Department	
11. Building 1 the proposed Target Store shall have a Bruceville address. The addressing for this building shall be illuminated and comply with the addressing guidelines.	On-Going	Cosumnes CSD Fire Department	
12. The entrance off of Whitelock Parkway, Bruceville Road and Poppy Ridge Road shall have a minimum turning radius of 50 feet outside and 25 feet inside in both directions for responding emergency vehicles.	On-Going	Cosumnes CSD Fire Department	
13. The turning radius for emergency vehicles shall have a minimum 50 feet outside and 25 feet inside throughout the entire new project.	On-Going	Cosumnes CSD Fire Department	
14. The hours of operation for the drive-up/drive-thru facility at Building #2 shall be from 7 am to 10 pm, if it is located within 100 feet of a residential property line. If the use is located greater than 100 feet from a residential property line then there are no restrictions on the hours of operation. The speaker system shall emit no more than 50 decibels.	On-Going	Planning	
15. Maximum floor area for restaurant use in the shopping center shall not exceed 18,904 square feet.	On-Going	Planning	
<b>Prior to Improvement Plan Approval and/or Issuance of Grading Permits</b>			
16. 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 Plan Checking for review and approval.	Improvement Plans	Planning/City Landscape Architect	



Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
17. The trees along the eastern property line adjacent to the 8-foot wall and along the Poppy Ridge Road shall be planted 20 feet on center.	Improvement Plans	Planning/City Landscape Architect	
18. The Applicant shall prepare and submit the project on-site drainage study in accordance with the drainage study of the latest edition approved Laguna Ridge Specific Plan Supplemental Master Drainage Plan for Local Drainage Area B and to the satisfaction of Public Works.	1 <sup>st</sup> Improvement Plan Submittal or Prior to Issuance of Grading Permit(s)	Public Works	
19. 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 Approval and Prior to Issuance of Grading Permits	Public Works	
20. The Applicant shall provide a maintenance agreement for stormwater quality control treatment device(s) to the satisfaction of Public Works.	Prior to Approval of Improvement Plans and Prior to Issuance of Grading Permits	Public Works	
21. The Applicant shall design and improve the driveways on Whitelock Parkway, Bruceville Road and Poppy Ridge Road in accordance with Section 4-10 of the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Improvement Plans	Public Works	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
22. Access to the site driveways shall be as follows <ul style="list-style-type: none"> <li>• Western Whitelock Parkway driveway – right-in / right-out</li> <li>• Eastern Whitelock Parkway driveway – right-in / right-out / left-in / left-out</li> <li>• Northern Bruceville Road driveway – right-in / right-out</li> <li>• Southern Bruceville Road driveway – right-in / right-out / left-in (the northbound left-turn movement into the existing development on west side of Bruceville Road, as shown on the ultimate striping plan, will be evaluated during future plan review for ultimate striping)</li> <li>• Poppy Ridge Road driveway – right-in / right-out / left-in / left-out</li> </ul>	Improvement Plans	Public Works	
23. All median islands to be constructed within public right-of-way shall be either landscaped or decorative concrete/hardscaped to the satisfaction of Public Works.	Improvement Plan	Public Works	
24. 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 and to the satisfaction of Public Works. Streetlight identification numbers as assigned by Public Works during the first plan review shall be added to plans.	Improvement Plans	Public Works	
25. The Applicant shall provide trees along Whitelock Parkway behind Building 6 as shown and called out on the attached Figure 1.	Improvement Plans	Public Works, Planning	
26. The Applicant shall provide pedestrian connectivity along the eastern property boundary. The connection shall be landscaped and provide secure access for	Improvement Plans	Public Works, Planning, Police	

Conditions of Approval / Mitigation Monitoring and Reporting Program

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
pedestrians while maintaining the noise attenuation functions of the masonry wall. The access will be subject to approval of the Police Chief and will not be required if an acceptable solution is not possible.			
<b>Prior to Final Map Approval</b>			
27. The Applicant shall provide a reciprocal access and parking agreement between the parcels of this development.	Prior to Final Map	Public Works	
28. The Applicant shall provide Business Owner's Association bylaws (CC&R's) which address, at a minimum, common area ownership, maintenance, and joint access for review and acceptance by Public Works.	Prior to Final Map	Public Works	
29. The Lot Line Adjustment establishing Parcel 1 shown on the tentative map shall be completed prior to recordation of the Final Map.	Final Map	Public Works	
30. All streets shall be dedicated with a minimum of 40 feet of right of way. If a street is identified, on the tentative map, with less than 40 feet of right-of-way, additional right-way shall be dedicated from either behind the back of curb or back of sidewalk.	Final Map	Public Works	
31. The Applicant shall dedicate, design and improve the northern half section of Poppy Ridge Road, 19' from the approved centerline to the back of curb. Improvements will be based on a 38-foot back of curb to back of curb residential-collector street with separated sidewalk. All improvements shall be in accordance with the City of Elk Grove Improvement Standards, the Laguna Ridge Specific Plan and to the satisfaction of Public Works.	Final Map	Public Works	
32. The Applicant shall dedicate, design and improve the intersection of Poppy Ridge Road / Bruceville Road along the property's frontages in a 2-way stop interim	Final Map	Public Works	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>condition. The interim intersection shall be based upon an expanded collector / thoroughfare intersection in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Design of the interim improvements will be confirmed during improvement plan review.</p>			
<p>33. The Applicant shall dedicate, design and improve the easterly half section of Bruceville Road, 48' from the approved centerline to the back of curb in accordance with the City of Elk Grove Improvement Standards, the Laguna Ridge Specific Plan and to the satisfaction of Public Works. The Bruceville Road Phase II Improvement Plans shall be revised to accommodate the right-turn pocket/bus turn out to the southerly most driveway north of Poppy Ridge Road. Design of the interim improvements will be confirmed during improvement plan review.</p>	<p>Final Map</p>	<p>Public Works</p>	
<p>34. The Applicant shall dedicate a pedestrian easement within the landscape corridors along the project's frontages Bruceville Road and Poppy Ridge Road to the satisfaction of Public Works.</p>	<p>Final Map</p>	<p>Public Works</p>	
<p>35. The Applicant shall dedicate a 12.5-foot Public Utility Easement not less than 8 feet from back of curb within the landscape corridor adjacent to the commercial center along Bruceville Road, Whitelock Parkway and Poppy Ridge Road to the satisfaction of Public Works.</p>	<p>Final Map</p>	<p>Public Works</p>	
<p>36. The Applicant shall install appropriate off-site road transitions for Poppy Ridge Road, including all necessary signing and striping, to the satisfaction of Public Works. Transitions will be evaluated and locations determined during Improvement Plan review.</p>	<p>Final Map</p>	<p>Public Works</p>	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
37. The Applicant shall dedicate a visibility easement for all driveways along Whitelock Parkway, Bruceville Road and Poppy Ridge Road per Section 4-14 of the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Final Map	Public Works	
38. Improvement plans for off-site public improvements shall be approved by Public Works prior to recordation of final map.	Final Map	Public Works	
39. The project area shall annex into Street Maintenance Assessment District No. 1 to fund a portion of the additional costs for long-term roadway maintenance related to serving new development. The annexation process can take several months, so 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 <a href="http://www.elkrovecity.org/finance/financial-planning-division/assessment-other-dist-info.htm">www.elkrovecity.org/finance/financial-planning-division/assessment-other-dist-info.htm</a>	Final Map	Finance	
40. Connection to the District's sewer system shall be required to the satisfaction of the District. District Design Standards apply to sewer construction.	Final Map	Sacramento Area Sewer District	
41. Each parcel with a sewage source shall have a separate connection to the District public sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel shall have a separate connection to a private on-site sewer line or the District public sewer line.	Final Map	Sacramento Area Sewer District	
42. Private sewer service laterals will not be permitted to connect directly to the 15-inch diameter trunk sewer line nor the 12-inch diameter force main in Bruceville Road.	Final Map	Sacramento Area Sewer District	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
43. In order to obtain sewer service, construction of District sewer infrastructure may be required. Off site sewer lines may be required as determined by the required sewer studies.	Final Map	Sacramento Area Sewer District	
44. Sewer easements may be required. All sewer easements shall be dedicated to the District, in a form approved by the District Engineer. All District sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. The District will provide maintenance only in public right-of-ways and in easements dedicated to the District.	Final Map	Sacramento Area Sewer District	
45. Demonstrate the existence of, and if needed, abandon the existing easement along the subject property's west boundary and grant the District a sewer access and maintenance easement centered along the existing pipeline near the property's west boundary. Easements from adjoining parcels are not required. All District sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance. All sewer easements shall be dedicated to the District, in a form approved by the District Engineer.	Final Map	Sacramento Area Sewer District	
46. The subject project owner(s) and successors in interest thereof, shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives (such as stamped/colored/decorative concrete, concrete pavers, etc.) within these easements damaged by District maintenance and repair operations, including landscaping, channelizations, lighting, fountain area, sidewalk, and any other appurtenances conflicting therein. This requirement shall be set forth in easement	Final Map	Sacramento Area Sewer District	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. The District will only replace asphalt and standard concrete roadway/driveway disturbed due to maintenance/repair of its sewer line. If the repair is of decorative or stamped concrete, the District will only replace with standard concrete.</p> <p>47. The District requires their sewers to be located a minimum of 10 feet (measured horizontally from edge of pipe to edge of pipe) from all potable water lines. Separation of sewer line from other parallel utilities, such as storm drain and other 'dry' utilities (electrical, telephone, cable, etc.) shall be a minimum of 7 feet (measured horizontally from the center of pipe to the center of pipe). Any deviation from the above separation due to depth and roadway width must be approved by the District on a case by case basis. Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.</p>	<p>Final Map</p>	<p>Sacramento Area Sewer District</p>	
<p><b>Prior to Acceptance of Public Improvements</b></p>			
<p>48. 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 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</p>	<p>Prior to Acceptance of Public Improvements</p>	<p>Public Works</p>	

Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
spreadsheet, with complete data for all streetlights installed, on the record drawing CD.			
<b>Prior to Issuance of Building Permits</b>			
49. Applicant shall submit architectural, site plan improvements (hardscape, sidewalks, trellis, etc), exterior lighting plans, signs, and walls to determine consistency with applications and conditions of approval. No building permits shall be issued until this determination has been made by the Planning Director.	Prior to building permit issuance	Planning	
50. Signage on Building 2 and 3 shall have backlit halo illumination as shown on exhibits ELV.3 and ELV.4 respectively. In addition to backlit halo illumination, should signage on Building 2 and 3 include text, lettering or graphics with internally illuminated translucent faces, then the faces shall include a matte finish.	Prior to building permit issuance/ongoing	Planning	
51. The initial building permit submittal shall include construction plans for a masonry soundwall along the eastern property line. The minimum height of the wall shall be 6 feet. The height of the wall shall be 10 feet for a distance of approximately 410 feet from the PUE of Poppy Ridge Road. The overall 10-foot height shall consist of a 2-foot high berm and an 8-foot high wall. No buildings shall be occupied until the wall has been constructed.	Prior to building permit issuance	Planning	
52. The site plan submitted with the building permit shall provide a minimum 25-foot setback from Poppy Ridge Road, as measured from the back of curb.	Prior to building permit issuance	Planning	
53. The treatment of the wall surfaces for Building #1 (Target), as described in the elevations dated received May 27, 2008 shall be revised as follows: "For the Building 1/Target primary wall surfaces to	Prior to building permit issuance	Planning	



Conditions of Approval / Mitigation Monitoring and Reporting Program

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>receive painted finishes, as an alternate to cement plaster as called out in Exhibits ELV.1, ELV.1.1, and MAT.1, the concrete fill-up wall surfaces may receive a heavy textured paint/texcoat type finish, specifically TK Products Heavy Texture Finish or equivalent, with colors to match those called out on Exhibits ELV.1, ELV.1.1, and MAT.1. The raised Target sign wall to the right of the main Target entry and the architectural pop-out wall features located along the rear and right side elevations of the building shall be finished in painted cement plaster as called out in Exhibits ELV.1, ELV.1.1, and MAT.1."</p>			
<p>54. The project may be constructed in phases, with one or more buildings in each phase. Each phase of the project shall have adequate parking, access, and utilities.</p>	<p>Prior to building permit issuance</p>	<p>Planning</p>	
<p>55. Free-standing monument signs, including the monument sign located along Whitelock Parkway, shall have opaque non-illuminated tenant panel backgrounds with individual push-through acrylic letters with a matte finish intended to minimize excess illumination and glare, as shown in Figure 2.</p>	<p>Prior to building permit issuance for the monument signs</p>	<p>Planning</p>	
<p><b>Prior to Certificate of Occupancy</b></p>			
<p>56. Upon completion of the installation of the landscaping for the project and or each building, 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.</p>	<p>Occupancy</p>	<p>Planning/City Landscape Architect</p>	

**Conditions of Approval / Mitigation Monitoring and Reporting Program**

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
57. 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.	Occupancy	Planning/City Landscape Architect	
58. The Applicant shall install a 36-foot landscape corridor adjacent to Bruceville Road to the satisfaction of Public Works.	Prior to Occupancy	Public Works	
59. The Applicant shall install a 25-foot landscape corridor adjacent to Whitelock Parkway to the satisfaction of Public Works.	Prior to Occupancy	Public Works	
60. The Applicant shall install a 10-foot landscape corridor adjacent to Poppy Ridge Road to the satisfaction of Public Works.	Prior to Occupancy	Public Works	
61. All required site improvements, including but not limited to landscaping, sidewalks, walls, hardscape, parking lot paving and striping, lighting, shall be completed prior to the occupancy of any building, except as provided by Condition #48 above.	Prior to Occupancy	Planning	
62. The Applicant shall ensure that the CC&R's for the project limit the hours of illumination for building signs not to exceed 10:00 PM for buildings exposed to Whitelock Pkwy. (Buildings 4, 5 and 6).	Prior to Occupancy	Planning	
63. The Applicant shall ensure that the CC&R's for the project shall limit the hours of trash/refuse collection/pick-up for Buildings 2, 3, 4, 5 and 6 to be limited to morning hours only. (not later than 12 noon).	Prior to Occupancy	Planning	

General Information and Compliance Items:

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

- a. 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. 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)
- i. The Applicant may be eligible for reimbursement for the design and construction of infrastructure included in fee programs and/or financing districts as set forth in the respective programs and/or districts. In order to ensure eligibility for reimbursement, the Applicant must follow the policies and procedures in the latest version of "REIMBURSEMENT POLICIES AND PROCEDURES FOR PRIVATELY CONSTRUCTED PUBLIC FACILITIES", which is available from the Public Works Department. (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)
- l. 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)

#### **Sacramento Area Sewer District**

- q. Any use of District sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping. (SASD)
- r. Developing this property will require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information. (SASD)

**Finance**

- s. The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. For further information on development related fees, see the 2008 Development Related Fee Booklet at:  
[www.elkgrovecity.org/finance/financial-planning-division/df-information.htm](http://www.elkgrovecity.org/finance/financial-planning-division/df-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 2008 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages).

**Elk Grove Community Services District Fire**

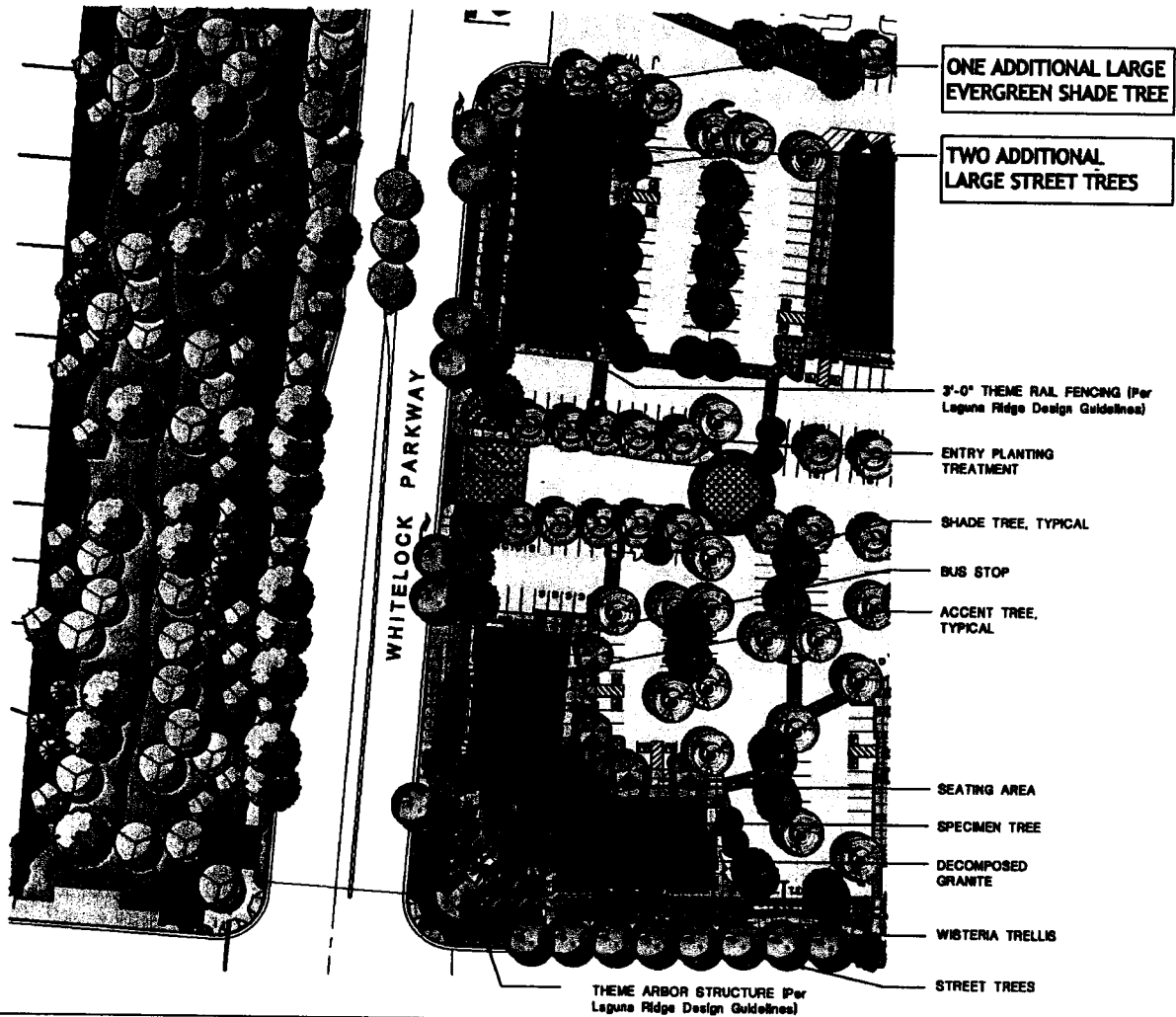
- t. Dead-end streets in excess of 150 feet require emergency vehicle turn-around.
- u. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
- v. All civil engineering plans are required to be submitted in an electronic format. When 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 shall be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will not 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:
- a. DWG (Applies to AUOCAD drawing file) any AutoCAD DWG version is accepted
- w. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
- x. 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.
- 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 flow or the application of mitigating efforts to meet fire flows above this minimum.
- 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.
- aa. 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.
- bb. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
- cc. 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.

dd. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls tree wells and/or all other traffic calming devices 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.

**Sacramento Regional County Sanitation District**

- ee Developing this property will require payment of sewer impact fees. SRCSD impact fees shall be paid prior to the issuance of building permits. The applicant should contact the Sewer fee Quote Desk at 916-876-6100 for sewer fee information.
- ff SRCSD will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served." There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for the payment of the appropriate SRCSD fees.

FIGURE 1: Improvement Plan Addition of Trees on Whitelock Parkway  
Condition of Approval 25

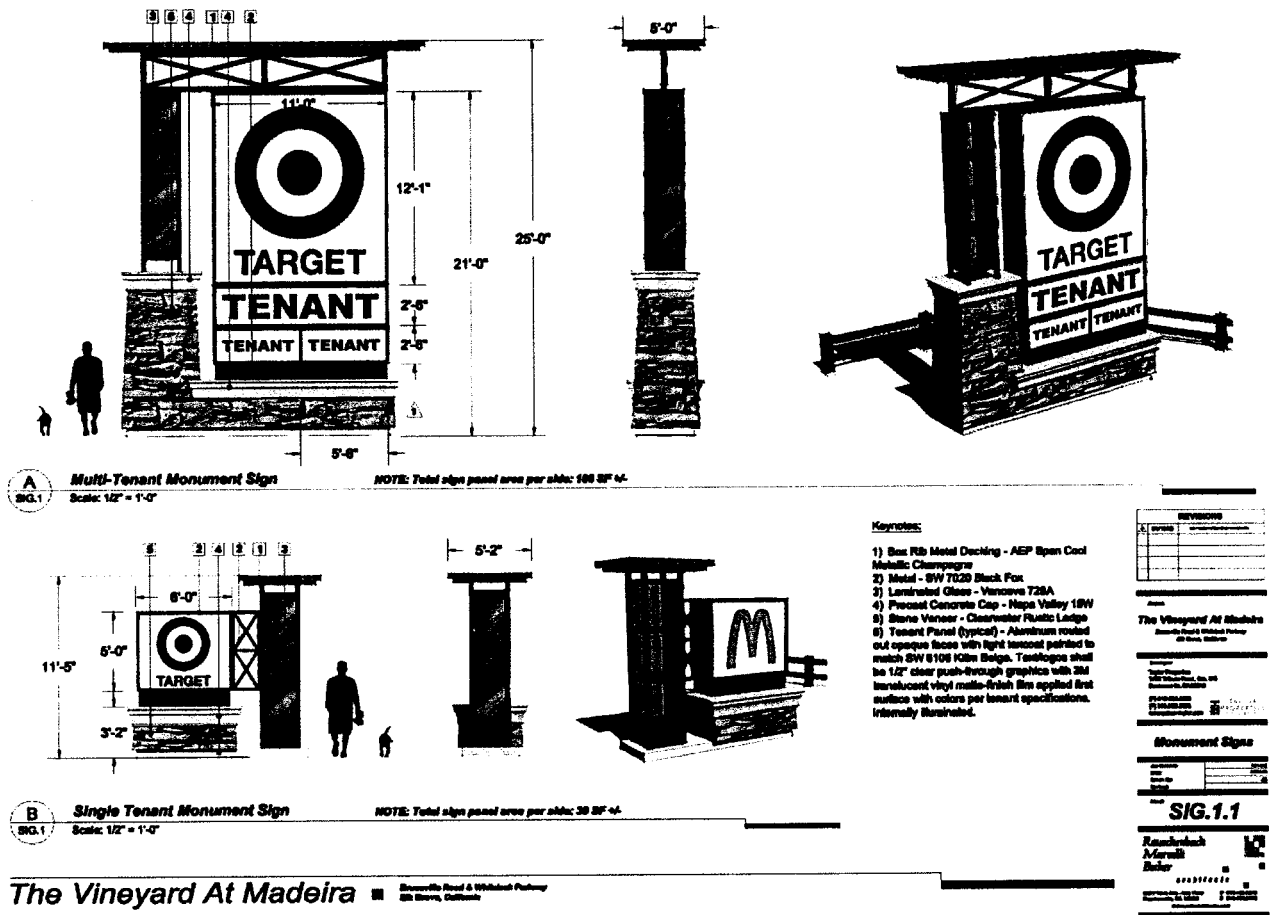


*The Vineyard At Madeira*

■ Bruceville Road & Whitelock Parkway  
Elk Grove, California

  
NORTH  
NOT TO SCALE

FIGURE 2: Free-Standing Monument Signs  
Condition of Approval 55





**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-152**

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 June 25, 2008 by the following vote:*

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

**NOES:**       **COUNCILMEMBERS:**     *None*

**ABSTAIN :**   **COUNCILMEMBERS:**     *None*

**ABSENT:**     **COUNCILMEMBERS:**     *None*

  
\_\_\_\_\_  
**Susan J. Blackston, City Clerk**  
**City of Elk Grove, California**



Four Embarcadero Center | 17th Floor | San Francisco, CA 94111-4109  
415-434-9100 office | 415-434-3947 fax | [www.sheppardmullin.com](http://www.sheppardmullin.com)

Writer's Direct Line: 415-774-2985  
[afriedman@sheppardmullin.com](mailto:afriedman@sheppardmullin.com)

Our File Number: 15CM-150758

July 19, 2011

Brett S. Jolley, Esq.  
Herum Crabtree  
2291 West March Lane, Suite B-100  
Stockton, CA 95207

Re: Friends of Madeira v City of Elk Grove, et al.  
Sacramento Superior Case No. 34-2009-80000332-CU-WM-GDS

Dear Mr. Jolley:

This letter follows our meeting held at the Elk Grove City Hall on the afternoon of July 6, 2011. The meeting was attended by you and representatives from your client, the Friends of Madeira, myself and Amelia Neufeld on behalf of Walmart Stores, Inc., Kim Whitney with Capital Projects Group on behalf of the developer, and the City's Planning Director, Taro Echiburu. We thank you and your clients for participating in that meeting. The dialogue between the parties was largely informative and productive.

During that meeting, you presented several demands of your clients that are preconditions to any settlement of the pending litigation. Your clients also raised several questions about the nature of the proposed shopping center, and requested some additional items of information. This letter responds to your clients' demands directed at Walmart. Mr. Whitney will respond separately as to those questions and requests for information that were directed at him as the developer's representative.

With respect to Walmart's proposed store, your clients demand: (1) that Walmart limit the store's hours of operation from 8 a.m. to 10 p.m.; (2) that similar reasonable limits are placed on the hours of delivery of goods to the store; and (3) that Walmart limit the amount of sales floor space that may be used for the sale of groceries to 10% of the store's size. Walmart responds as follows.

First, Walmart will agree to limit its hours of operation to between 8 a.m. and 11 p.m., Monday through Saturday, and from 8 a.m. to 10 p.m. on Sunday. These hours of operation are identical to Target's standard operating hours.

Second, as a further accommodation, Walmart will agree to limit deliveries of goods to the store to the same hours of operation described above.

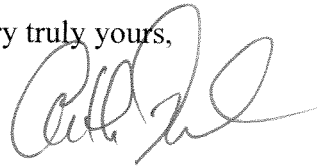
Brett Jolley, Esq.  
July 19, 2011  
Page 2

Finally, however, Walmart cannot agree to your client's proposed use restriction regarding the sale of groceries. The Laguna Ridge Specific Plan specifically contemplates grocery sales on the property. In fact, Target's Conditional Use Permit ("CUP") authorized the use of 10% of Target's 148,000 square foot store, or 14,800 square feet, to the sale of groceries. Walmart's proposed use of 20,576 square feet of its 99,585 square foot store for the sale of groceries will not result in any new, significant environmental impacts.

Although your clients expressed their concern that Walmart's additional floor space devoted to the sale of groceries would result in greater daily traffic runs than the previously approved Target store, that concern in fact is unfounded. According to the methodologies and criteria set forth in the Institute of Transportation Engineer's publication, Trip Generation, 8<sup>th</sup> Edition, Target's 148,200 square foot store would have generated 8,483 daily trips. In contrast, Walmart's proposed store will generate a total of 5,291 daily trips— or 3,192 fewer daily trips than the approved Target store. We welcome the opportunity to meet again with your clients to discuss this evidence.

As this letter demonstrates, Walmart is prepared to respond in good faith, but within reason, to your clients' stated concerns regarding the Project. We look forward to your response.

Very truly yours,



Arthur J. Friedman

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:5AJF1403738166.1

cc: Kim Whitney  
Taro Echiburu



*Incorporated July 1, 2000*

8401 Laguna Palms Way  
Elk Grove, California 95758

**CITY OF ELK GROVE**

Telephone: (916) 683-7111  
Fax: (916) 627-4400  
www.elkgrovecity.org

## **City of Elk Grove – City Council NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that on **Wednesday, May 25, 2011 at the hour of 6:00 p.m.**, or as soon thereafter as the matter may be heard, the Elk Grove City Council will conduct a public hearing at City Hall in the Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, to consider the following matter:

### **Vineyard at Madeira – Extension of Prior Project Approval – EG-11-016**

On June 25, 2008, the City Council approved the Vineyard at Madeira Shopping Center project, a retail shopping center in the Laguna Ridge Specific Plan area. The Design Review and Conditional Use Permit approvals for the project are set to expire on June 25, 2011 (36 months after the original approval) pursuant to EGMC 23.18.020 and Condition of Approval #4. On March 23, 2011, the Applicant applied for a 12-month extension of the project approvals. City regulations (EGMC 23.18.060) allow for extensions of up to 12 months.

**OWNER/APPLICANT:**

Taylor Village Sacramento Investments  
c/o John Glikbarg  
121 Spear Street, #250  
San Francisco, CA 94105

**LOCATION/APN:** The project site is located at the south-east corner of Bruceville Road and Whitelock Parkway in the Laguna Ridge Specific Plan, APNs 132-2170-002 thru 006.

**ZONING:** SC – Shopping Center

**ENVIRONMENTAL:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Division 6, Chapter 3, Title 14 of the California Code of Regulations (State CEQA Guidelines).

Information or questions regarding this item should be referred to Christopher Jordan, AICP, Planning Manager (916-478-2222) or to the office of Development Services – Planning, 8401 Laguna Palms Way, Elk Grove, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 8401 Laguna Palms Way, Elk Grove, CA, 95758, at or prior to the close of the public hearing.

**This meeting notice is provided pursuant to Section 23.14.040 of the City's Zoning Code.**

Dated/Published: May 13, 2011

JASON LINDGREN  
CITY CLERK, CITY OF ELK GROVE

**NOTICE OF CONTINUED PUBLIC HEARING**

**CITY COUNCIL**

**CITY OF ELK GROVE**

**NOTICE IS HEREBY GIVEN** that the May 25, 2011 public hearing of the City Council of the City of Elk Grove to consider the *Vineyard at Madeira – Extension of Prior Project Approval (EG-11-016)* has been continued to June 22, 2011 at the hour of **6:00 p.m.**, or as soon thereafter as the item can be heard, in the Council Chamber, 8400 Laguna Palms Way, Elk Grove, California.

Posted: May 26, 2011

/s/ JASON LINDGREN  
CITY CLERK of the City of Elk Grove

# **NOTICE OF CONTINUED PUBLIC HEARING**

## **CITY COUNCIL**

### **CITY OF ELK GROVE**

**NOTICE IS HEREBY GIVEN** that the June 22, 2011 public hearing of the City Council of the City of Elk Grove (originally continued from May 25, 2011) to consider the *Vineyard at Madeira – Extension of Prior Project Approval (EG-11-016)* has been continued to July 27, 2011 at the hour of **6:00 p.m.**, or as soon thereafter as the item can be heard, in the Council Chamber, 8400 Laguna Palms Way, Elk Grove, California.

Posted: June 23, 2011

/s/ JASON LINDGREN  
CITY CLERK of the City of Elk Grove



*Incorporated July 1, 2000*

8401 Laguna Palms Way  
Elk Grove, California 95758

**CITY OF ELK GROVE**

Telephone: (916) 683-7111  
Fax: (916) 627-4400  
www.elkgrovecity.org

## **City of Elk Grove – City Council NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that on **Wednesday, July 27, 2011 at the hour of 6:00 p.m.**, or as soon thereafter as the matter may be heard, the Elk Grove City Council will conduct a public hearing at City Hall in the Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, to consider the following matter:

### **Vineyard at Madeira – Extension of Prior Project Approval – EG-11-016 Continued Public Hearing**

On June 25, 2008, the City Council approved the Vineyard at Madeira Shopping Center project, a retail shopping center in the Laguna Ridge Specific Plan area. The Design Review and Conditional Use Permit approvals for the project are set to expire on June 25, 2011 (36 months after the original approval) pursuant to EGMC 23.18.020 and Condition of Approval #4. On March 23, 2011, the Applicant applied for a 12-month extension of the project approvals. City regulations (EGMC 23.18.060) allow for extensions of up to 12 months.

This project was considered by the City Council at the May 25, 2011 meeting and continued to the June 22, 2011 meeting. The project was further continued to the July 27, 2011 meeting.

#### **OWNERS/APPLICANTS**

Taylor Village Sacramento  
Investments  
c/o John Glikbarg  
121 Spear Street, #250  
San Francisco, CA 94105

Wal Mart Real Estate Business  
Trust  
PO Box 8050  
Bentonville, AR 72716

**LOCATION/APN:** The project site is located at the south-east corner of Bruceville Road and Whitelock Parkway in the Laguna Ridge Specific Plan, APNs 132-2170-002 thru 006.

**ZONING:** SC – Shopping Center

**ENVIRONMENTAL:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Division 6, Chapter 3, Title 14 of the California Code of Regulations (State CEQA Guidelines).

Information or questions regarding this item should be referred to Christopher Jordan, AICP, Planning Manager (916-478-2222) or to the office of Development Services – Planning, 8401 Laguna Palms Way, Elk Grove, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.



If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 8401 Laguna Palms Way, Elk Grove, CA, 95758, at or prior to the close of the public hearing.

**This meeting notice is provided pursuant to Section 23.14.040 of the City's Municipal Code.**

Dated/Published: July 15, 2011

JASON LINDGREN  
CITY CLERK, CITY OF ELK GROVE

APN	OWNER	OWNER_ADDRESS	City	State	Zip
132-1960-036-0000	ALIDA M ROCHON	2561 BLACK HAWK LN	LINCOLN	CA	95648
132-1960-034-0000	ANGEL L PEREZ	7540 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1420-072-0000	ATISH S NARAYAN	10075 ROJELIO CT	ELK GROVE	CA	95757
132-1960-009-0000	BARBARA C NETO	7621 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-017-0000	BURKHARDT FAMILY 1989 TRUST	36179 SAN PEDRO DR	FREMONT	CA	94536
132-1960-026-0000	CHARMAINE PERLMAN	7608 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-008-0000	DAVID C/MELANIE J THIMGAN 2002 REVOCABLE TRUST	7617 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-002-0000	DENNIS K RAMONDINI REVOCABLE TRUST	7555 CHATSWORTH CIR	ELK GROVE	CA	95757
132-0050-085-0000	DONAHUE SCHRIBER REALTY GROUP L P	5694 MISSION CENTER RD 602 800	SAN DIEGO	CA	92108
132-1960-024-0000	DORTHA L GOULD	7616 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-037-0000	ELAINE MACKO	7528 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-001-0000	ELIZABETH W STEPHENS	7551 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1420-001-0000	ELK GROVE COMMUNITY SERV DIST	8820 ELK GROVE BLVD STE 3	ELK GROVE	CA	95624
132-1960-004-0000	ERIC S SPEIER	9653 SOARING OAKS DR	ELK GROVE	CA	95758
132-1960-011-0000	FEDERICO TRUST	7629 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-035-0000	GARY/DAMARIS MANNING FAMILY TRUST	7536 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-021-0000	GORDON/ MARY LOU HONDORP LIVING TRUST	7628 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-003-0000	JAMES J / MYRTLE C BOGDAN 1997 REVOCABLE TRUST	7559 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-018-0000	JAMES R MENDENHALL	7640 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1420-071-0000	JANET S DAMON	10071 ROJELIO CT	ELK GROVE	CA	95757
132-1420-070-0000	JARROD BAKER	10070 ROJELIO CT	ELK GROVE	CA	95757
132-1960-033-0000	JEANINE ANDERSON REVOCABLE LIVING TRUST	7544 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-028-0000	JOAN C MASTERSON	7600 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-032-0000	JUDITH N LEE	7548 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-020-0000	KATHERINE R POWELL LIVING TRUST	PO BOX 2519	ELK GROVE	CA	95759
132-1960-010-0000	KENNETH R / SHARON L STOVER REVOCABLE TRUST	7625 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-027-0000	LINDA C HARGAN	7604 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-023-0000	LOUIS LINCOLN CHU	7620 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-030-0000	MCCALL LIVING TRUST 1987	7556 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-006-0000	MCCARGO FAMILY TRUST	7609 CHATSWORTH CIR	ELK GROVE	CA	95757
132-0720-033-0000	MONTEGO ELK GROVE LIMITED PARTNERSHIP	1801 I ST STE 202	SACRAMENTO	CA	95811
132-1960-019-0000	PETER C/NANCY D GAFFNEY 1994 TRUST	7636 CHATSWORTH CIR	ELK GROVE	CA	95757
132-0050-111-0000	PULTE HOME CORPORATION	4196 DOUGLAS BLVD 100	GRANITE BAY	CA	95746

132-0720-026-0000	REYNEN/BARDIS COMMUNITIES INCORP	9848 BUSINESS PARK DR	SACRAMENTO	CA	95827
132-1960-005-0000	RICHARD A BRISTOW	7605 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-025-0000	ROBERT A / SANDRA I RUFFINO FAMILY TRUST	7612 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-012-0000	ROBERT C / MARJORIE A SAMANIEGO REVOCABLE FAMILY	7633 CHATSWORTH CIR	ELK GROVE	CA	95757
132-0720-029-0000	SACRAMENTO MUNICIPAL UTILITY DISTRICT	PO BOX 15830	SACRAMENTO	CA	95852
132-1960-029-0000	SAREERAM FAMILY TRUST	7560 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-007-0000	SONJA J SHURR 1999 TRUST	7613 CHATSWORTH CIR	ELK GROVE	CA	95757
132-2170-005-0000	TAYLOR/VILLAGE SACRAMENTO INVESTMENTS PARTNERS LP	121 SPEAR ST STE 250	SAN FRANCISCO	CA	94105
132-1960-031-0000	VIRGINIA L/DONALD D MARLER TRUST	7552 CHATSWORTH CIR	ELK GROVE	CA	95757
132-2170-001-0000	WAL MART REAL ESTATE BUSINESS TRUST	PO BOX 8050	BENTONVILLE	AR	72716
132-1960-022-0000	ZEHNDER FAMILY TRUST	7624 CHATSWORTH CIR	ELK GROVE	CA	95757
132-0050-085-0000	RESIDENT	10054 BRUCEVILLE RD	ELK GROVE	CA	95757
132-0050-085-0000	RESIDENT	10054 BRUCEVILLE RD # 100	ELK GROVE	CA	95757
132-0050-085-0000	RESIDENT	10058 BRUCEVILLE RD	ELK GROVE	CA	95757
132-0050-085-0000	RESIDENT	10058 BRUCEVILLE RD # 100	ELK GROVE	CA	95757
132-0050-081-0000	RESIDENT	10060 BRUCEVILLE RD	ELK GROVE	CA	95757
132-0050-081-0000	RESIDENT	10062 BRUCEVILLE RD	ELK GROVE	CA	95757
132-0050-085-0000	RESIDENT	10064 BRUCEVILLE RD	ELK GROVE	CA	95757
132-0050-085-0000	RESIDENT	10064 BRUCEVILLE RD # 100	ELK GROVE	CA	95757
132-0050-085-0000	RESIDENT	10064 BRUCEVILLE RD # 140	ELK GROVE	CA	95757
132-2170-001-0000	RESIDENT	10075 BRUCEVILLE RD	ELK GROVE	CA	95757
132-1960-036-0000	RESIDENT	7532 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-004-0000	RESIDENT	7601 CHATSWORTH CIR	ELK GROVE	CA	95757
132-1960-020-0000	RESIDENT	7632 CHATSWORTH CIR	ELK GROVE	CA	95757
	MorganMillerBlair, Kristin Schenone	1331 North California Blvd., Ste. 200	Walnut Creek	CA	94596-4544