

RESOLUTION NO. 2011-151

**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: 132-2170-001 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 132-2170-001 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 approval 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:

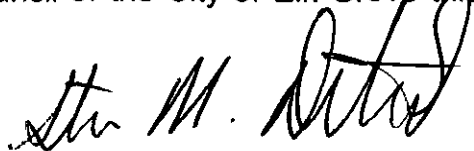
- a. The two aspects of the application which require a Conditional Use Permit are the drive-through facility and the Discount Retail Store. Both are proposed within the context of a retail shopping center which is consistent with the General Plan's commercial land use designation. The proposal is consistent 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 27th day of July 2011.



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

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JENNIFER ALVES, ASSISTANT CITY
ATTORNEY

EXHIBIT A

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>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.</p> <p>This extension does not authorize or permit any substantial modification to the anchor store, located at parcel 1, from what the Council considered and approved in 2008.</p>	On-Going	Planning	
<p>2. The project shall comply with all conditions of approval described in City Council Resolution 2008-152 and those conditions provided herein.</p>	On-going	Planning	
<p>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.</p>	On-Going	Planning	
<p>4. No overnight parking of vehicles is allowed at the shopping center, including trucks and recreational vehicles. The Applicant shall install conspicuous signage at the shopping center advising that overnight parking is prohibited. This signage shall be posted in a form acceptable to the Police Department.</p>	On-Going	Planning/Police	
<p>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.</p>	Improvement Plan	Sacramento County Water Agency	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
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	
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 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	
11. 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	

Conditions of Approval / Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>12. 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</p>	Occupancy	Planning	

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-151**

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


I, Jason Lindgren, 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 July 27, 2011 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


**Jason Lindgren, City Clerk
City of Elk Grove, California**