

RESOLUTION NO. 2017-174

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE APPEAL OF THE PLANNING COMMISSION DENIAL OF BLUE WAVE CAR WASH (EG-16-039), THEREBY FINDING THE PROJECT EXEMPT FROM CEQA UNDER SECTION 15162 AND APPROVING A MINOR DESIGN REVIEW AND CONDITIONAL USE PERMIT LOCATED AT 9660 EAST STOCKTON BOULEVARD ASSESSOR PARCEL NUMBER 125-0030-029 PROJECT NO. EG-16-039A

WHEREAS, on June 1, 2017, the Planning Commission denied the Blue Wave Car Wash Project (EG-16-039); and

WHEREAS, on June 9, 2017, BlueWave Express Development, LLC (Appellant) filed an Appeal with the Elk Grove Office of the City Clerk appealing the Planning Commission's denial of the Blue Wave Car Wash Project ("Project"); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN 125-0030-029; and

WHEREAS, the City Council held a duly-noticed public hearing on July 26, 2017, as required by law to hear the Appeal and consider all of the information presented by staff, information presented by the appellant, Project proponent, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the Appeal and finds no further environmental review is required under CEQA for the Blue Wave Car Wash Project (EG-16-039A) under §15162 (Subsequent EIRs and Negative Declarations) of Title 14 of the California Code of Regulations based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: No subsequent environmental review is necessary for the Blue Wave Car Wash Project (EG-16-039A) pursuant to State CEQA Guidelines Section 15162 (Criteria for Subsequent EIRs and Negative Declarations are not met).

Evidence: 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 Project is exempt from CEQA pursuant to CEQA Guideline Section 15162 (Subsequent EIRs and Negative Declarations) of Title 14 of the California Code of Regulations. Potential environmental impacts were analyzed as part of the approved Environmental Impact Report and Mitigation Monitoring and Reporting Program for the Reynolds and Brown Plaza III project (EG-06-1051). The proposed Project consists of a Minor Design Review (MDR) and Conditional Use Permit (CUP) to construct and operate 2,900 square foot carwash building with associated parking, landscaping, and

lighting improvements, including deviations for building height and landscape island requirements. The previous EIR analyzed development of the site with commercial uses including a car wash. The proposed development would be substantially the same in terms of land disturbance, mass, and scale. The proposed car wash would be of similar size and intensity as the originally proposed use. The Project is subject to comply with the previously-approved MMRP including mitigating for the loss of wetland resources, and for the loss of native Oak trees. The Project does not represent a substantial change in the original Reynolds and Brown Plaza III project and no revisions to the previous EIR are required. The previous EIR adequately analyzed the potential impacts of developing the proposed Project site and none of the criteria which would necessitate additional environmental review have been met. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15162 and no further environmental review is required.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby grants the appeal, overturns the Planning Commission's denial of the Project and approves a Minor Design Review and Conditional Use Permit for the Project, as described in Exhibit A and illustrated in Exhibit B, subject to the conditions of approval in Exhibit C (all incorporated herein by this reference), based upon the following findings.

Minor Design Review

Finding #1: 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.

Evidence: The proposed plans have been reviewed in accordance with the General Plan, Zoning Code, and Citywide Design Guidelines. The proposed site plan meets all development standards related to setback, landscaping, lighting, parking, and special use regulations relating to drive-through facilities with the exception of the deviations for building height and landscaping approved through the design review process which improve the architecture and usability of the site and will not negatively impact surrounding properties. The drive-through lane provides minimum required queuing distance for vehicles, and does not interfere with any parking spaces or points of ingress and egress to the site. The proposed architecture achieves overall consistency with the City's Design Guidelines by utilizing a mixture of masonry, stucco columns, and corrugated metal tower elements, creating sufficient roofline variations, and incorporating enhanced elevations in areas of high visibility from State Route 99. The additional drive-through loop proposed in order to provide additional vehicle queuing for the Dutch Bros. Coffee business helps achieve consistency with General Plan Policy CI-13 related to minimum level of service for intersections and roadway segments by reducing the likelihood of customer vehicles blocking lanes on East Stockton Blvd.

Finding #2: 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.

Evidence: The proposed architecture, site design, and landscaping are suitable for the buildings and site plan, and will enhance the character of the neighborhood and community.

The proposed car wash building features a concrete masonry base construction with stucco columns and tower elements with a corrugated metal panel to give further aesthetic appeal. The building focuses superior design on elevations highly visible from State Route 99 to enhance the character of development along a major corridor through the City. The site has been designed to achieve consistency with Section 23.78 of the Zoning Code regulating drive-through facilities and provides sufficient vehicle stacking, landscape screening, and does not interfere with points of ingress and egress for the site or parking. The site and proposed access corridor provides 41 parking spaces which fulfills the parking demand of the proposed use and provides additional parking stalls for future development of the entire parcel. The additional drive-through loop for the Dutch Bros. Coffee business is designed to prevent vehicles from queuing onto East Stockton Blvd and to improve circulation of the site. Therefore, the proposed Project will enhance the character of the neighborhood and community.

Finding #3: The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

Evidence: The proposed building architecture and design theme is executed across all elevations and is consistent with the City's Design Guidelines and compatible with surrounding development. The building contains ground-face and split face concrete masonry with light tan colors accented with stucco columns and tower elements which help to give the building varied massing and drives attention to the entryway of the carwash for customers. A large corrugated and perforated metal panel acts as the main design feature and provides the building with additional aesthetic appeal and adds an additional material that is compatible with the overall building design. Areas of the building without these design features incorporate landscape trellises, and windows with awnings in order to activate all facades of the building. The building incorporates an overall design that is compatible with typical commercial development within the SC zoning district and is compatible with the nearby Dutch Bros. Coffee building which utilizes stucco cladding and subdued colors.

Finding #4: The proposed Project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Evidence: The proposed site plan layout has been reviewed in accordance with the Zoning Code and safely incorporates access points into the Project for vehicles, bicyclists, and pedestrians. The additional drive-through loop for the Dutch Bros. Coffee will improve existing vehicular queuing issues and improve safety on East Stockton Blvd. The Project includes an access driveway corridor that can safely accommodate vehicles, pedestrians, and bicycles to the proposed business. Therefore, the Project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Conditional Use Permit

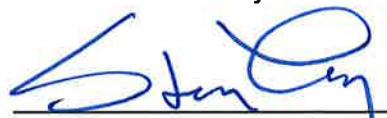
Finding #1: The proposed use is consistent with the General Plan and all applicable provisions of the Zoning Code.

Evidence: The General Plan land use designation for the subject property is Commercial and the zoning district is Shopping Center (SC). The proposed car wash use is a conditionally-allowed use within the SC zoning district. Thus, the issuance of a Conditional Use Permit for the proposed use would maintain consistency with the General Plan and Zoning Code. The Project is not near or adjacent to any residential uses and will not generate any noise impacts relating to the proposed use. The Project meets required standards of Chapter 23.78 of the Zoning Code regulating drive-through facilities in terms of setbacks, stacking, landscaping, and noise with exception to the deviations for building height and landscape islands which improve the usability of the site and does not negatively impacts adjacent property or uses. The additional drive-through lane for the Dutch Bros. Coffee promotes General Plan Policy CI-13 related to minimum level of service for intersections and roadway segments by reducing the likelihood of customer vehicles blocking lanes on East Stockton Blvd.

Finding #2: 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.

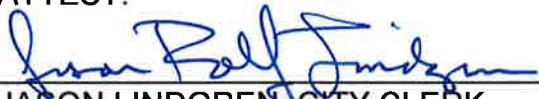
Evidence: The proposed 2,900 square foot carwash is appropriate for the size of the development and has been designed to provide adequate circulation and vehicle stacking distance for customers. The car wash meets all standards of Chapter 23.78 of the Zoning Code regulating drive-through facilities which improves the site design and improves circulation and safety of the site. The site is not located near any residential uses and will not generate any noise impacts relating to the operation of the carwash or vacuums. The Project has been designed to meet all criteria of the Citywide Design Guidelines and integrates a consistent design theme with varied materials, rooflines, and massing and provides visual interest. Therefore, the proposed Project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of July 2017.



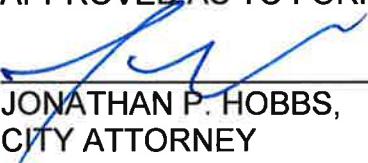
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit A**Blue Wave Car Wash (EG-16-039A)****Project Description****PROJECT DESCRIPTION**

The Applicant is requesting approval of a Minor Design Review (MDR) and Conditional Use Permit (CUP) to construct and operate 2,900 square foot carwash building with associated parking, landscaping, and lighting improvements, including deviations for building height and landscape island requirements.

- | The automatic car_wash requires the approval of a CUP within the Shopping Center (SC) zoning district, pursuant to Title 23 (Zoning) of the Elk Grove Municipal Code.

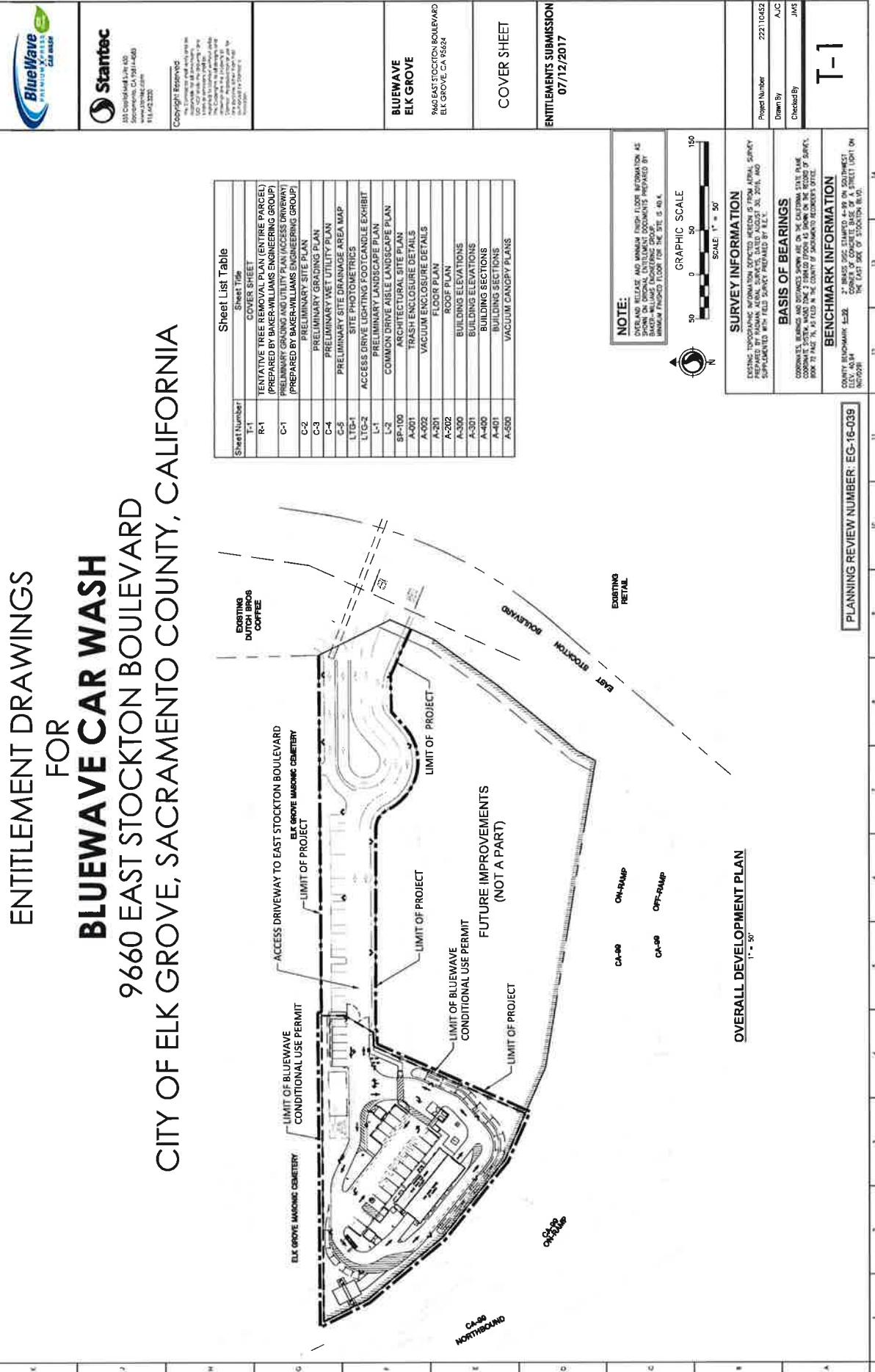
ENTITLEMENT DRAWINGS

FOR

BLUEWAVE CAR WASH

9660 EAST STOCKTON BOULEVARD

CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA



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1300 Clay Street, Suite 1400
Sacramento, CA 95814-4640
916.452.3220

Cooper's Report

Report prepared by Cooper's Group, Inc.
for the Bluewave Car Wash Project.
The report contains information concerning
the proposed development and its impact
on the adjacent property and the public
right-of-way. The report also includes
recommendations for the protection of
the public interest and the environment.

Sheet List Table

Sheet Number

Sheet Title

T-1	COVER SHEET
R-1	TENTATIVE TREE RETENTION PLAN (ENTIRE PARCEL) (PREPARED BY BAKER-WILLIAMS ENGINEERING GROUP)
C-1	PRELIMINARY GRADING AND UTILITIES PLAN (ACCESS DRIVEWAY) (PREPARED BY BAKER-WILLIAMS ENGINEERING GROUP)
C-2	PRELIMINARY SITE PLANNING
C-3	PRELIMINARY GRAVING PLAN
C-4	PRELIMINARY SITE DRAINAGE AREA MAP
C-5	SITE PHOTOMETRICS
LTS-1	ACCESS DRIVE LIGHTING STUDY/CANDLE EXHIBIT
L/G-2	PRELIMINARY LANDSCAPE PLAN
L-1	COMMON DRIVE AISLE LANDSCAPE PLAN
L-2	ARCHITECTURAL SITE PLAN
SP-100	ARCHITECTURAL SITE PLAN
A-100	TRASH ENCLOSURE DETAILS
A-002	VACUUM ENCLOSURE DETAILS
A-201	FLOOR PLAN
A-002	ROOF PLAN
A-300	BUILDING ELEVATIONS
A-301	BUILDING SECTIONS
A-400	BUILDING SECTIONS
A-401	BUILDING SECTIONS
A-500	VACUUM CANOPY PLANS

ENTITLEMENTS SUBMISSION

07/12/2017

NOTE:
OVERLAND RELIEF AND MINIMUM FLOOR FLOOR INFORMATION ARE
SHOWN ON THE TOPOGRAPHIC SURVEY DOCUMENTS PREPARED BY
MINIMUM FLOOR FOR THE SITE IS 40'.
GRAPHIC SCALE
50 50 50 150
SCALE 1' = 50'



SURVEY INFORMATION

EXISTING TOPOGRAPHIC INFORMATION DEPICTED HEREON IS FROM Aerial SURVEY
SITES 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, AND
1011. SURVEYS ARE NOT FOR PUBLIC RECORD. SURVEYS ARE NOT FOR PUBLIC RECORD.

BASIS OF BEARINGS

COORDINATES, bearings and horizontal distances are in the UTM Zone 10 NAD 1983 StatePlane California 2 FIPS 1060 ft. The survey was conducted by JMS.

BENCHMARK INFORMATION

COUNTY BENCHMARK: 22-105, SPEC STAMPED 4-99 ON SOUTHEAST
CORNER OF CONCRETE BASE OF A STREET LIGHT ON
THE ASL DAY OF SURVEY, 1983.

PLANNING REVIEW NUMBER: EG-16-039

T-1

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SHEET R-1

look 06 00 42

REVIEWS

TENTATIVE TREE REMOVAL PLAN

CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA
SCALE: 1'-40'

ELK GROVE BOULEVARD

EIK GROVE MASONIC CEMETERY
125-0030-014

TENTATIVE TREE REMOVAL PLAN PLAZA III

CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA
RECEIVED NOVEMBER 12, 2016
RECORDED NOVEMBER 12, 2016

ELK GROVE, LLC
125-0030-010

ELK GROVE MASONIC CEMETERY
125-0030-014

HUME
125-0050-008

125-0030-010

125-0030-014

APPROPRIATE LOCATOR
OF PLATE ON MAP

125-0030-010

SCALES 1"-00' 40'-00' 80'-00'

GRAPHIC SCALE: 1"-00'

U.S. HIGHWAY 99

EAST

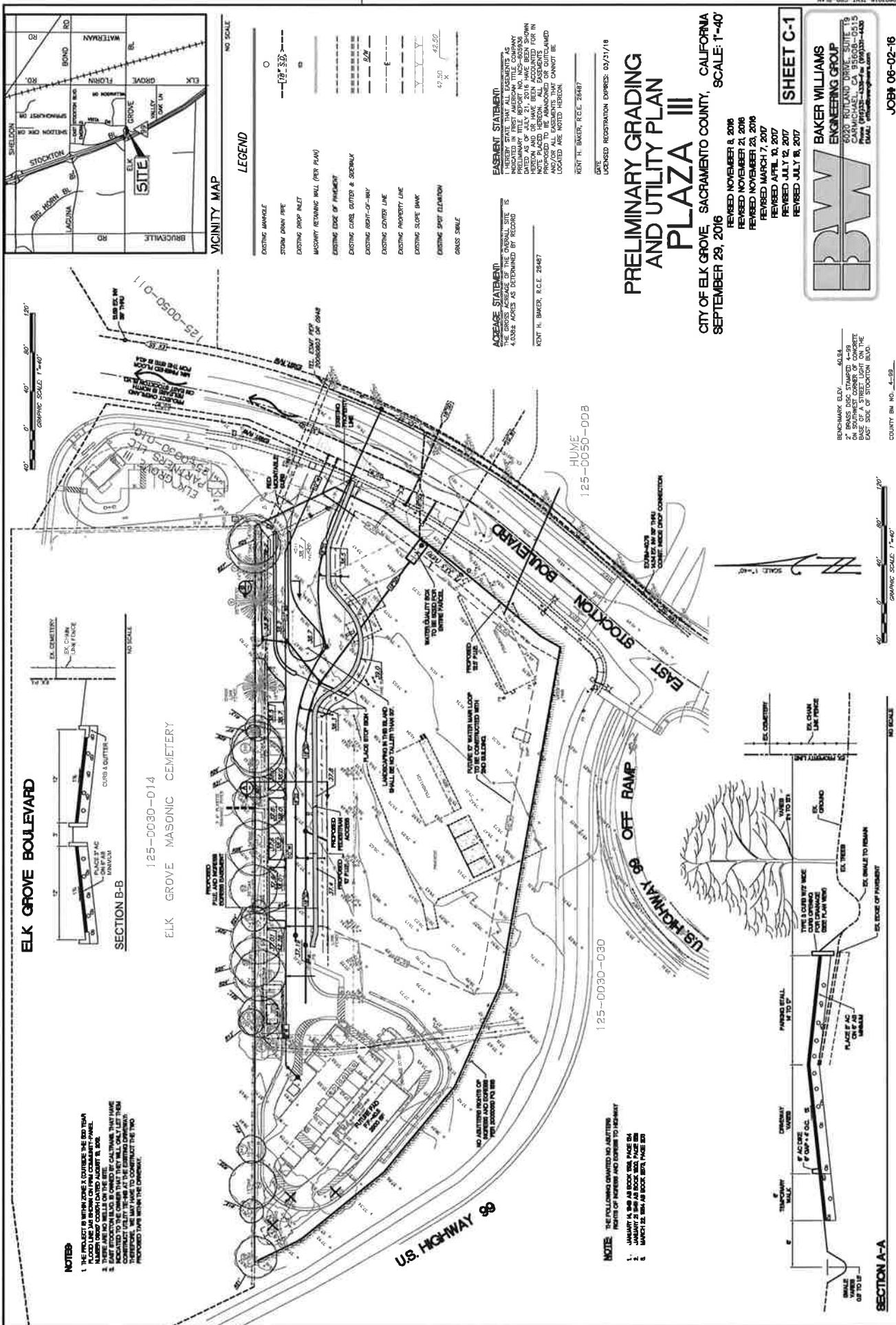
OFF RAMP

STOCKTON

BOLLELMARO

ELK GROVE BOULEVARD

ELK GROVE



NOTES
THE PROJECT IN WHICH ZONE X (OUTSIDE THE 100 YEAR FLOOD LINE) IS LOCATED ON FIRM CHAMBERS-PANEL NUMBER DRAFT COPIED DATED AUGUST 8, 2002.
THERE ARE NO WELL ON THE SITE.
EAS INTRUDING INTO LAND OWNED BY CALTRANS, THAT HAVE BEEN LOCATED TO THE OWNER THAT THEY WILL ONLY LET THEM CONSTITUTE, UNTIL WE GET THE EASING DEEDS.
WE MAY HAVE TO PAY FOR THE EASING DEEDS.
INTERESTED IN BUYING THE PROPERTY, BUT THE TWO

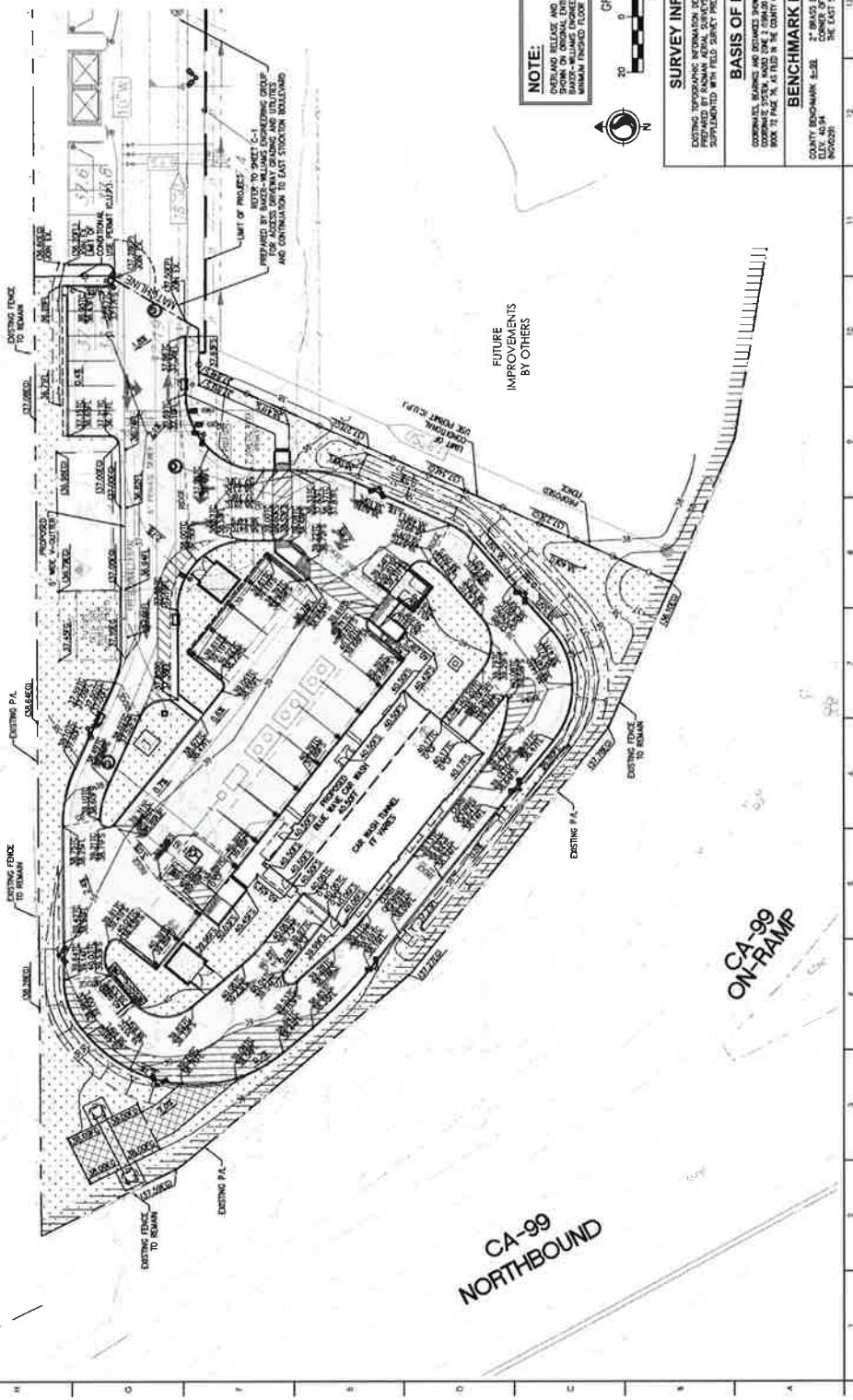


1550 California St. Ste. 100
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(415) 963-3200

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ELK GROVE MASONIC CEMETERY



BLUEWAVE
ELK GROVE
9460 EAST STOCKTON BOULEVARD
ELK GROVE, CA 95624

PRELIMINARY
GRADING PLAN
ENTITLEMENTS SUBMISSION
03/07/2017

NOTE:
OVERLAND TELLAGE AND MINIMUM FRESH TURF INFORMATION AS
APPLIED TO THE PROPOSED GRAVESITES AND UTILITIES
FOR ACCESS, HIGHWAY GRADING AND UTILITIES
AND CONTINUATION TO EAST STOCKTON BOULEVARD

GRAPHIC SCALE
SCALE: 1" = 20'

SURVEY INFORMATION

EXISTING SURVEYING INFORMATION DERIVED FROM AN AERIAL SURVEY
PERFORMED BY AERIAL SURVEY INC. IN 2010, AND
SUPPLEMENTED WITH FIELD SURVEY PERFORMED BY ALC.

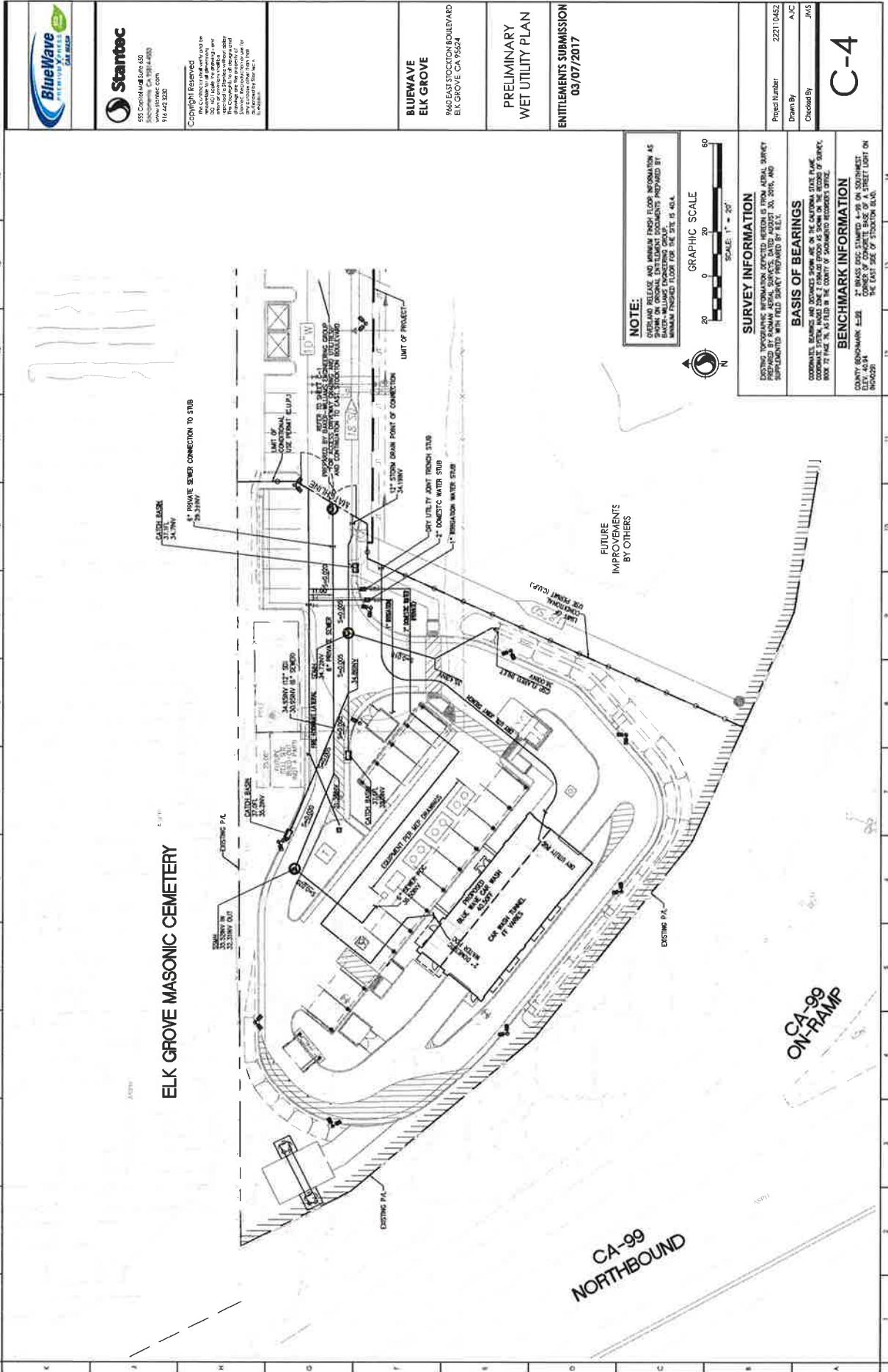
BASIS OF BEARINGS

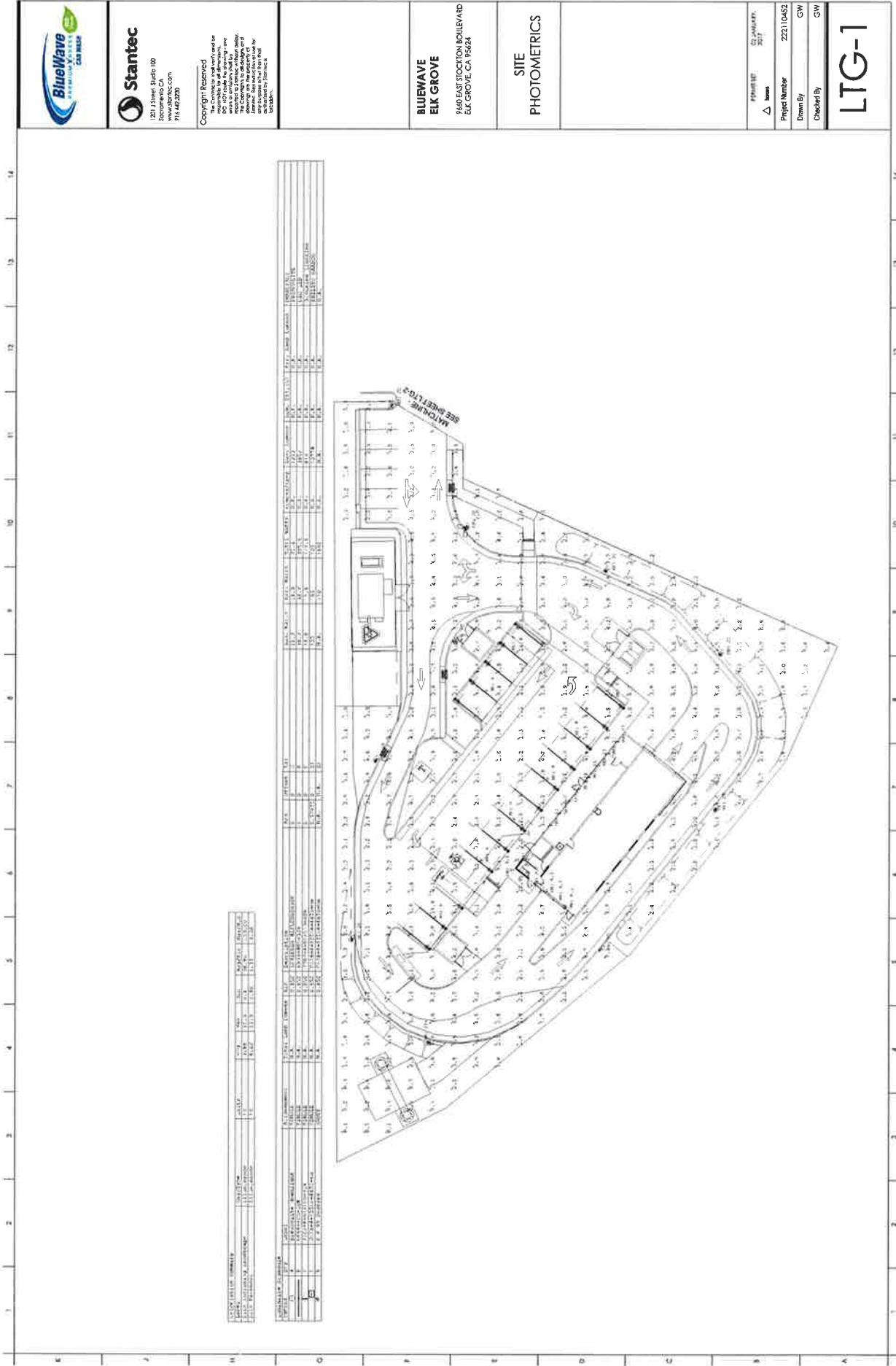
COORDINATE SYSTEM: WGS 84, 2 SPAN OF SPOTS AT 30' ON THE
EAST END OF THE PROPERTY. NO ADJUSTED SURVEY AS OF THE DATE OF SURVEY.
BOOK 71 PAGE 76 AS FILED IN THE COUNTY OF SACRAMENTO RECORDS OFFICE.

BENCHMARK INFORMATION

COUNTY BENCHMARK: S-32
2 BRADS FENCE STUMPTED 4'-0" ON SOUTHWEST
CORNER OF PROPERTY. 30' FROM THE EAST END OF THE PROPERTY.

C-3







 Stantec

VISUAL INPUT **NOT TO SCALE**

ENTITLEMENTS SUBMISSION
07/12/2017

ACCESS UNIT
FOOTCANDLE EXHIBIT
222110452
AJC
JMS

LTC-2

ACCESS DRIVE LIGHTING STUDY PLAN

z



Stantec

PROJECT CONTACTS

Dinner
BLE GROVE III PARTNERS, LLC
1200 CONCORD AVENUE SUITE 200
CONCORD CA 94520
CONTACT DREW WICKEL,
(925) 674-8400

SHEET INDEX

SP-100 SITE PLAN TRASH ENCLOSURE DETAIL
A-001 VACUUM ENCLOSURE DETAIL
A-002 FLOOR PLAN
A-201 BUILDING ELEVATIONS
A-301 BUILDING ELEVATIONS
A-401 BUILDING ELEVATIONS

SITE INFORMATION

146,356.7 S F (1.06 ACRES)
125-0030-0026 (WESTERN PORTION)

PROJECT DESCRIPTION

ARCHITECT
BIMTEK ARCHITECTURE INC.
183 N McDOWELL BLVD SUITE 250
PEPPERDINE, CA 90514
ATTN GARY SEALING \ MANUEL AGUIRRE
(707) 765-9800 FAX (EXT. 722)
(707) 765-9800 FAX

CODE ANALYSIS

CODE ANALYSIS

PROPOSED CUP AREA:
CROSTING ZONING
PROPOSED LAND USE:
MILITARY FACILITY
BL. 100, Twp. 100
46,158 S.F. (105 AC) (BUREAU C.P. AREA ONLY)
S.C. SHIPPING CENTER
T.D. - SOURCE FOR MASH
V-B

**BLUEWAVE
ELK GROVE**

ENTITLEMENTS

SITE PLAN NOTES

THE PAY STATION WILL INCLUDE A SPEAKER, BUT THE SOUND LEVEL WILL BE IN ACCORDANCE WITH CITY REQUIREMENTS (50 DECIBEL MAX.)

△

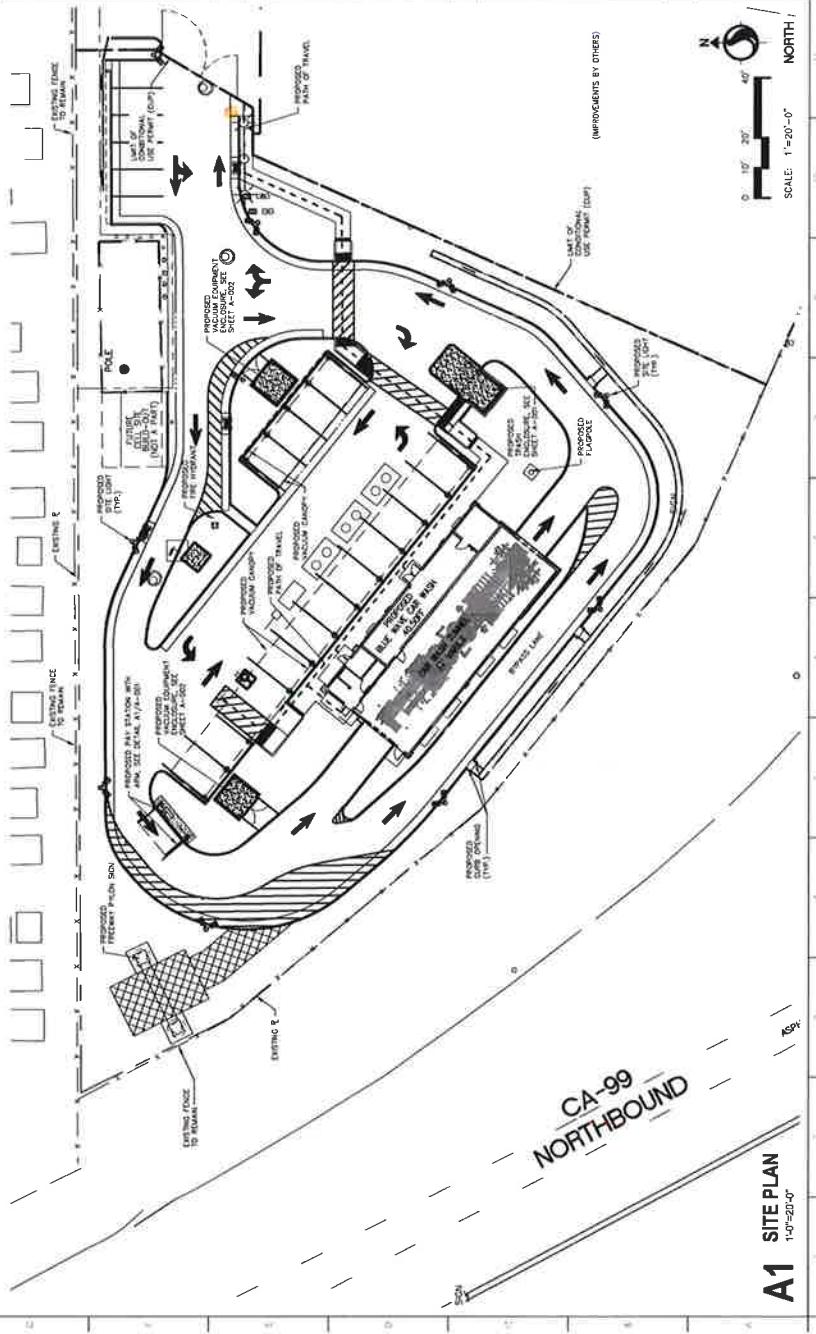
Project Number	2222 10452
Drawn By	RRM
Checked By	GMS

SP-100

SITE PLAN

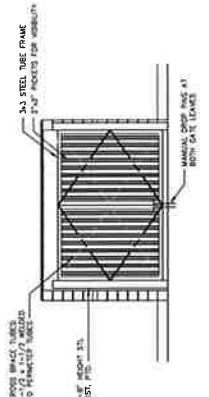
SITTE BIAN

SIE PLAN

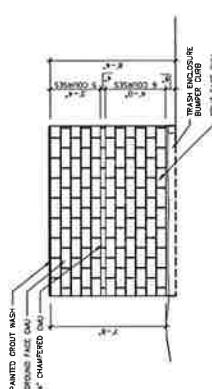




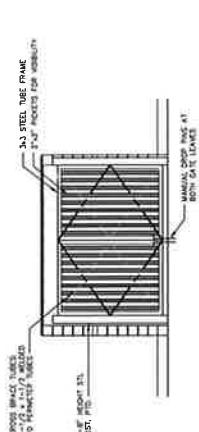
1201 SHEET STUDIO 100
SACRAMENTO, CA 95814-2827
(916) 449-0000 (W) (916) 449-0000 (F)



F1 TRASH ENCLOSURE HINGE DETAIL
 $1/4=1'-0"$



F6 TRASH ENCLOSURE SIDE ELEVATION
 $1/4=1'-0"$



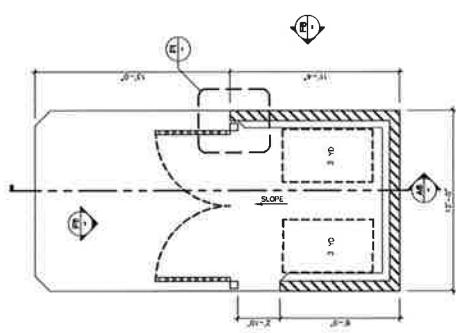
F11 TRASH ENCLOSURE FRONT ELEVATION
 $1/4=1'-0"$

BLUEWAVE
ELK GROVE
9660 EAST STOCKTON BLVD.
ELK GROVE, CA 95624

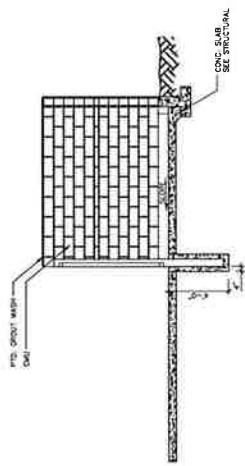


C1 PAYSTATION ELEVATION
 $1/8=1'-0"$

ENTITLEMENTS



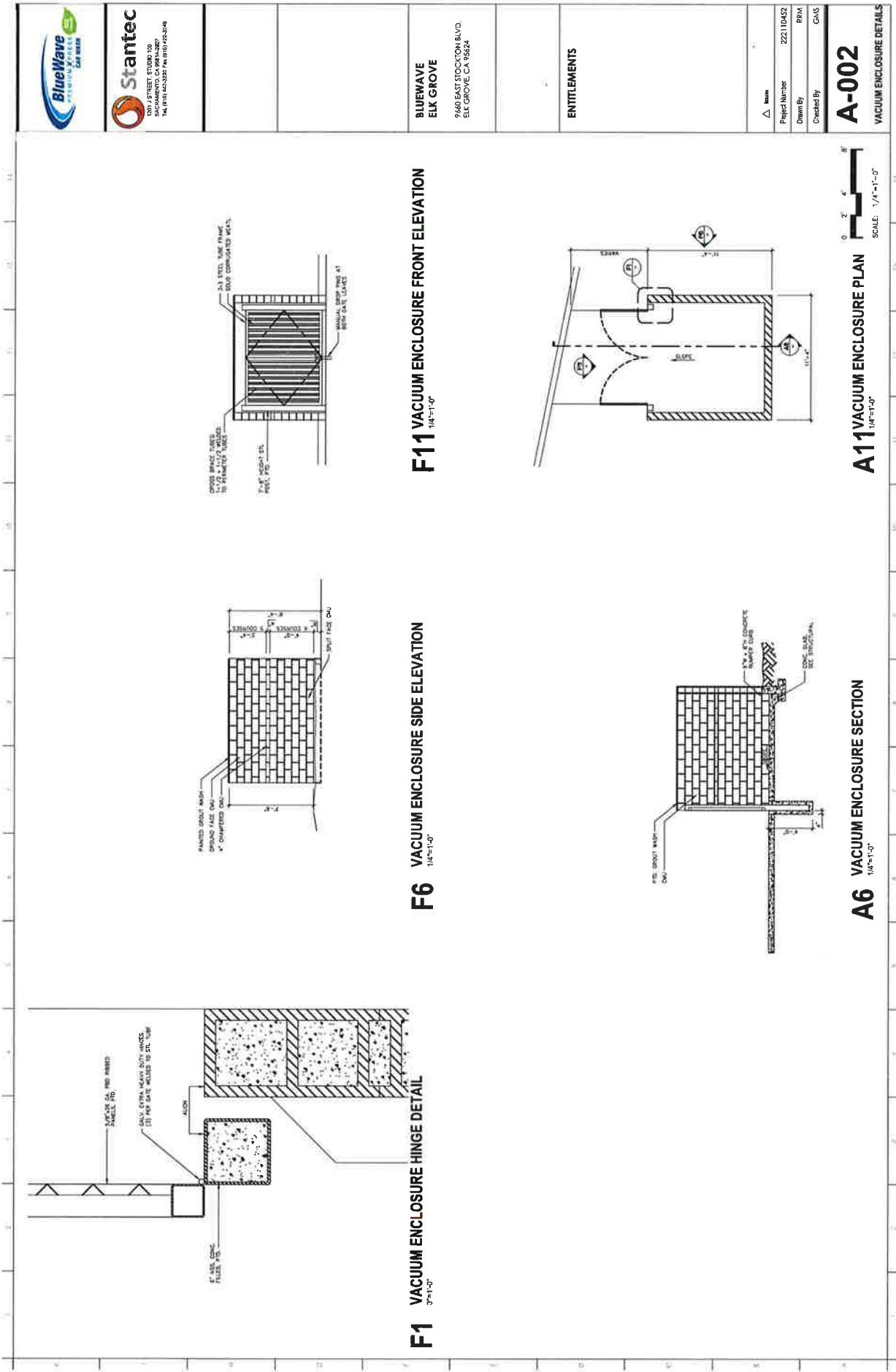
A6 TRASH ENCLOSURE SECTION
 $1/4=1'-0"$



A-001
TRASH ENCLOSURE DETAILS
 $1/4=1'-0"$
SCALE: $1/4=1'-0"$

A1 PAYSTATION PLAN
 $1/8=1'-0"$

△	Leave
Project Number	22211432
Drawn By	RJM
Checked By	GAS





Stantec

1201 STREET, SUITE 100
SACRAMENTO, CA 95814-2927
TEL: (916) 447-3026 FAX: (916) 447-3029

BLUEWAVE
ELK GROVE

9640 EAST STOCKTON BLVD.
ELK GROVE, CA 95624

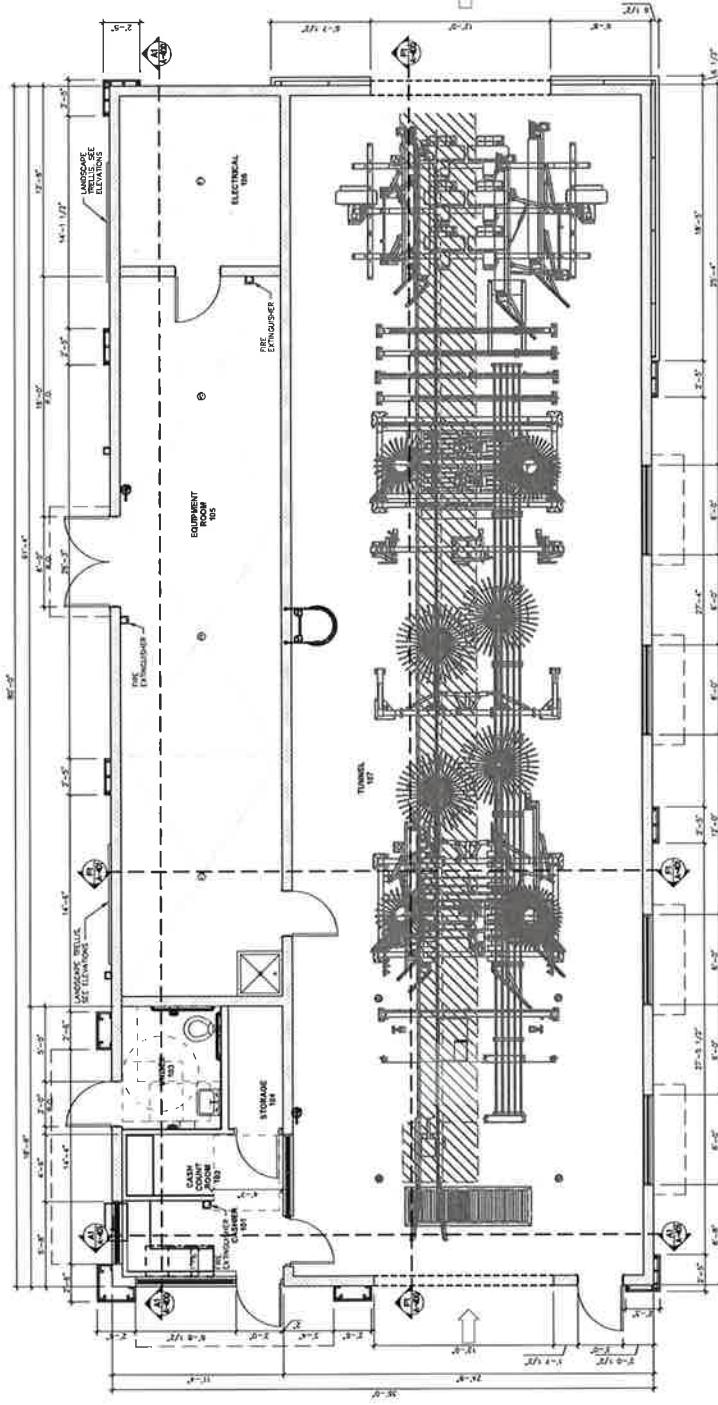
ENTITLEMENTS

A-201
FLOOR PLAN



NORTH

SCALE: 1/4"=1'-0"



A-1
FLOOR PLAN
1/4"=1'-0"



101 J STREET SUITE 100
SUITE 100
ELK GROVE, CA 95758
TEL: (916) 447-8000 FAX: (916) 447-2048

**BLUWAVE
ELK GROVE**

960 EAST STOCKTON BLVD.
ELK GROVE, CA 95624

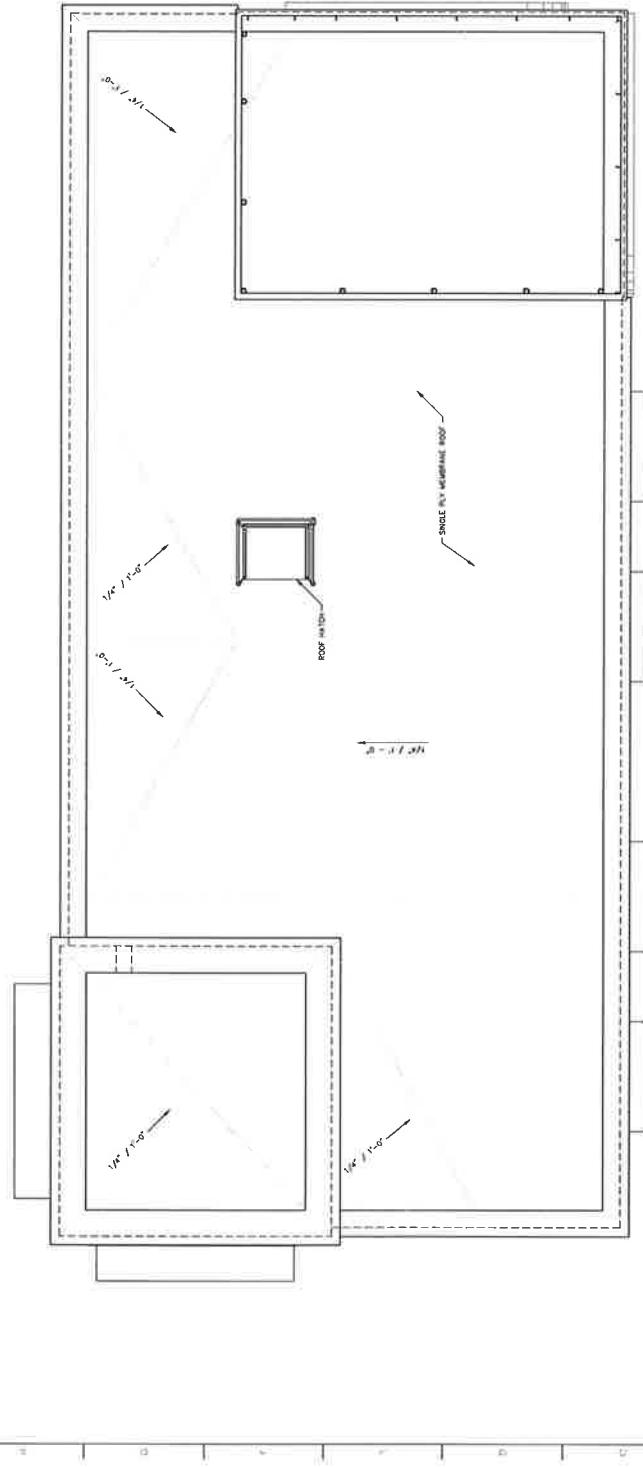
ENTITLEMENTS

△ **True North**
Project Number: 222110422
Drawn By: RM
Checked By: GAS

A-202
ROOF PLAN

N **True North**
Scale: 1/4"=1'-0"
PROJECT NORTH

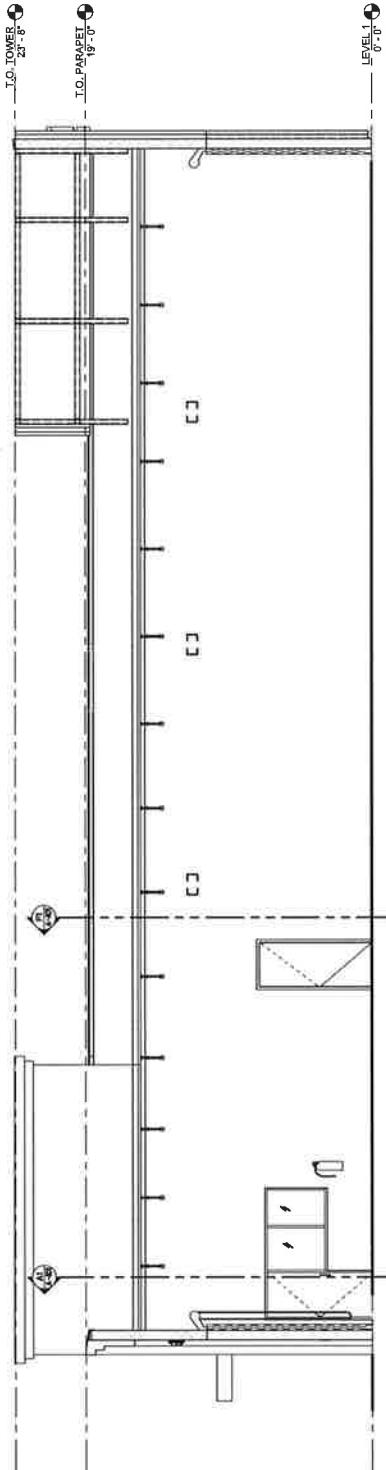
A1 ROOF PLAN
1/4"=1'-0"





Stantec

1201 J STREET SUITE 100
SACRAMENTO, CA 95814-2327
TEL: (916) 441-3230 FAX: (916) 441-3249

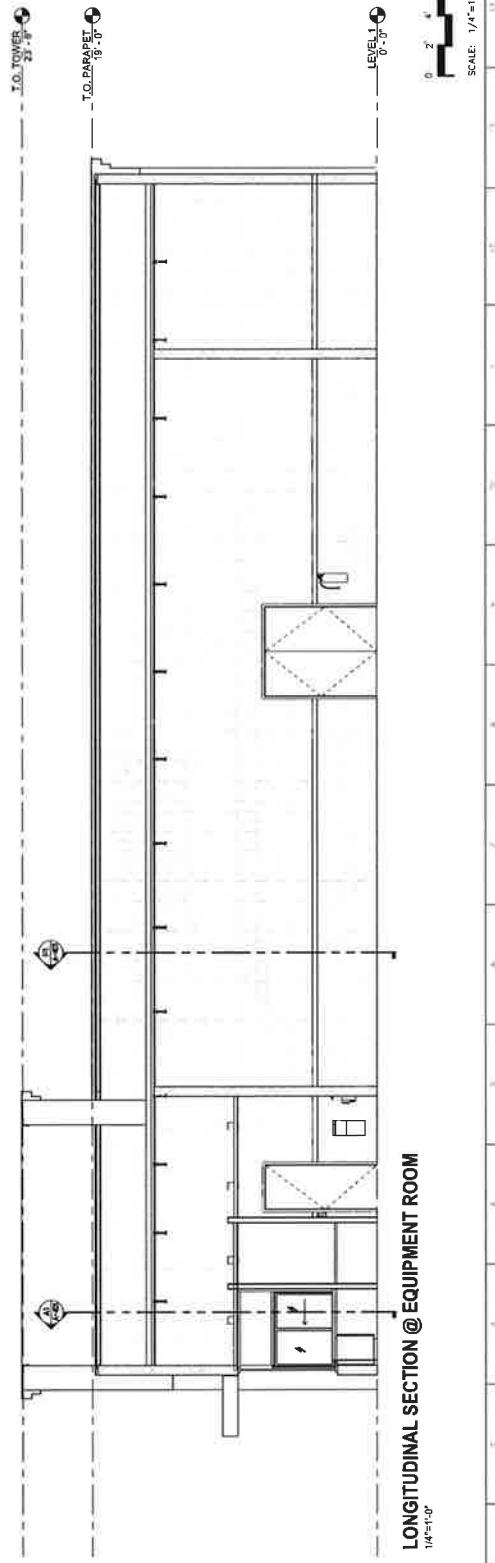


F1 LONGITUDINAL SECTION @ EQUIPMENT ROOM
1/4"-1'-0"

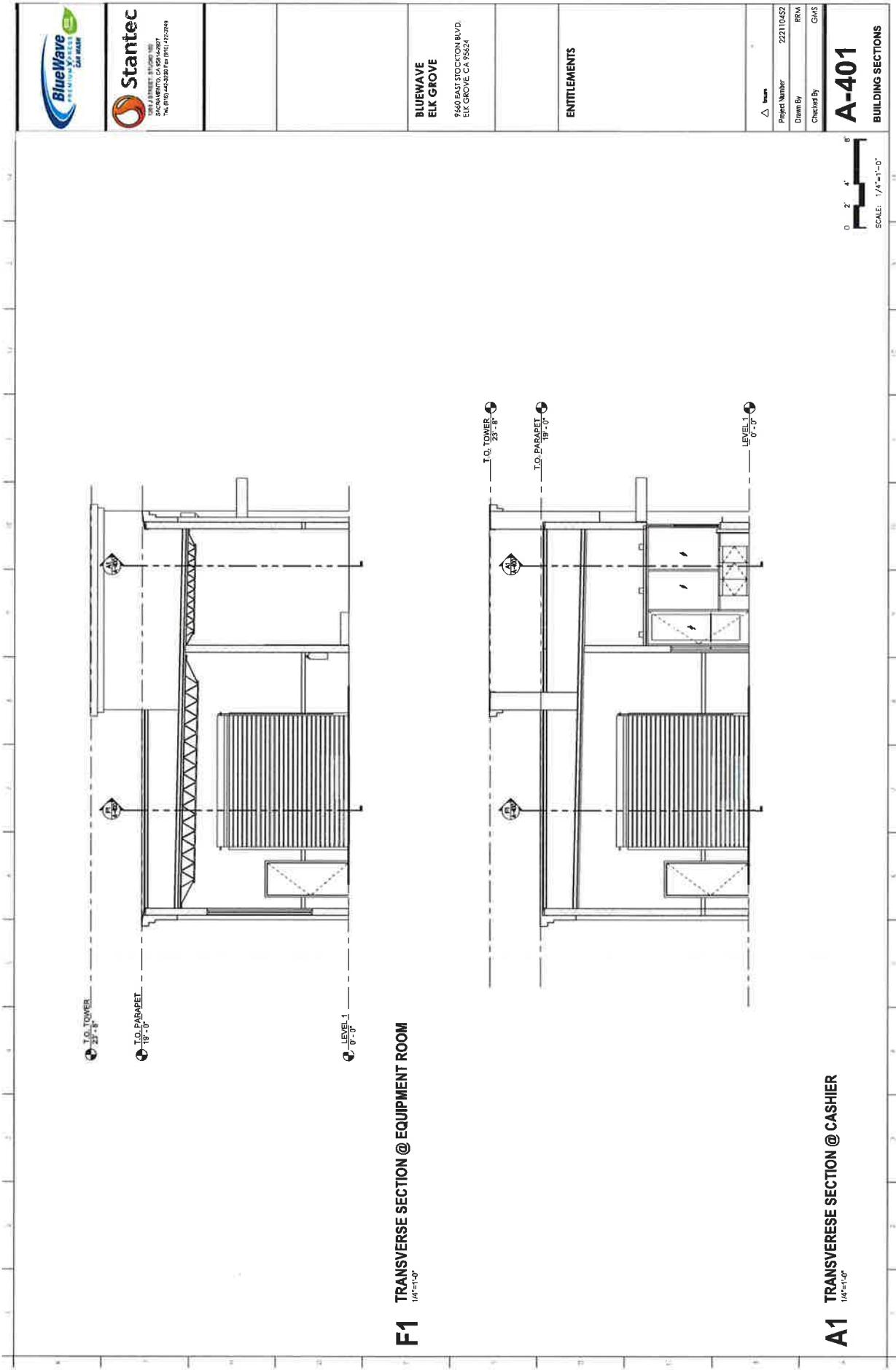
BLUEWAVE
ELK GROVE

960 EAST STOCKTON BLVD.
ELK GROVE, CA 95624

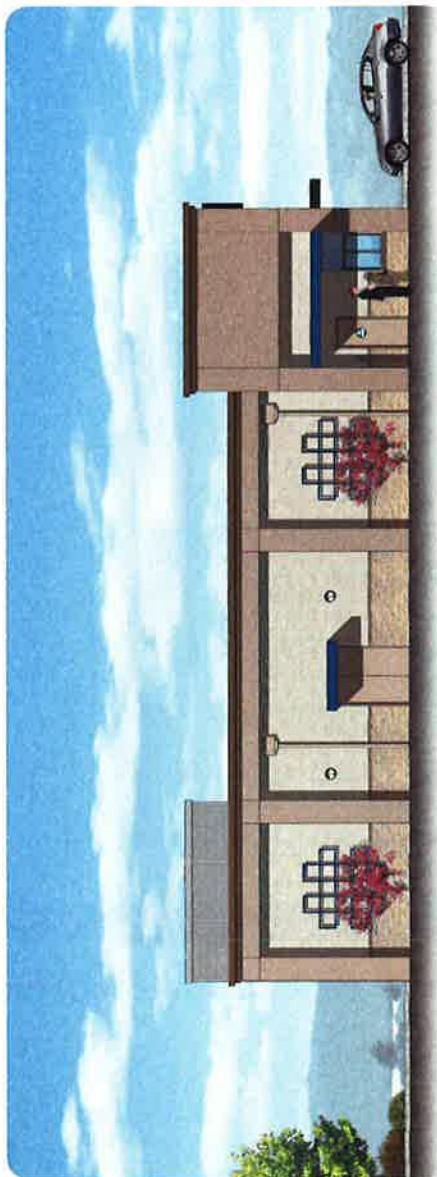
ENTITLEMENTS



A-400
BUILDING SECTION



Color Legend:



North Elevation



West Elevation

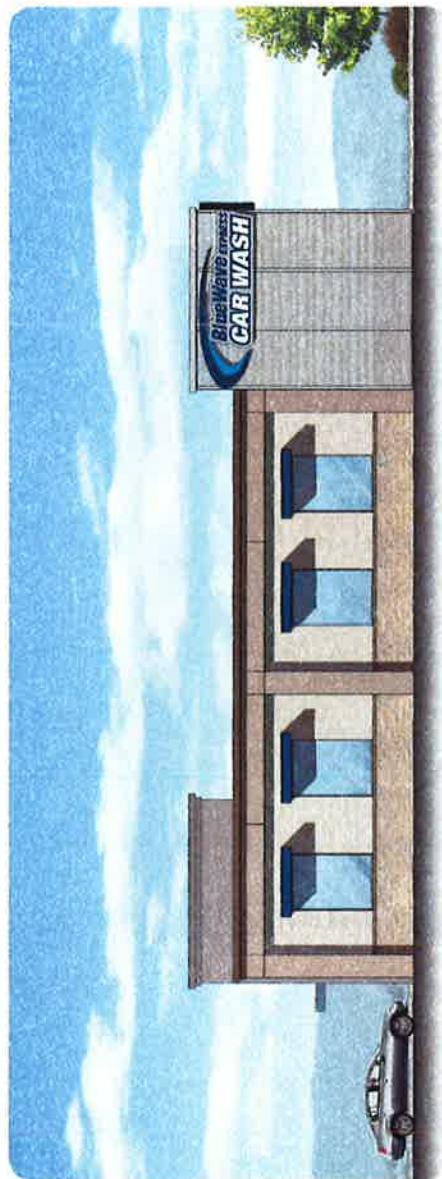


BlueWave
9660 East Stockton Blvd
Elk Grove, CA

Color Legend:



BlueWave
9660 East Stockton Blvd
Elk Grove, CA



South Elevation



East Elevation



Exhibit C
Blue Wave (EG-16-039A)
Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On Going				
1.	<p>The Blue Wave Car Wash (Project) located at 9660 East Stockton Blvd (APN: 125-0030-029) approved by this action is for a Minor Design Review and Conditional Use Permit for construction of a 2,900 square foot carwash building with associated parking, landscaping, and lighting improvements deviations for building height and landscape island requirements.</p> <p>Development and operation of the proposed Project shall be consistent with the Project Description and Project Plans as provided in Exhibits A and B, incorporated herein by this reference. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On Going	Planning	
2.	This action does not relieve the Applicant of the obligation to comply with all Elk Grove Municipal Code provisions, statutes, regulations, and procedures.	On Going	Planning	
3.	The Applicant/Owner or Successors in Interest (hereby referred to as the "Applicant") shall indemnify, protect, defend, and hold harmless the City, its officers, officials, agents, employees, and volunteers from and against any and all claims, damages, demands, liability, costs, losses or expenses including without limitation court costs, reasonable attorney's fees and expert witness fees arising out of this Project including challenging the validity of this application/permit or any environmental or other documentation related to approval of this Application.	On Going	Planning	

Exhibit C
Blue Wave (EG-16-039A)
Conditions of Approval

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
4.	The Minor Design Review and Conditional Use Permit will expire three years from the date of City Council approval unless exercised or extended pursuant to Chapter 23.18 of the Elk Grove Zoning Code.	On Going	Planning	
5.	During construction, the Project shall maintain a minimum of 24 feet of clear access (12' ingress and 12' egress) to and from the existing Dutch Bros. business. At no times shall construction-related activities obstruct the flow of traffic to and from the existing business.	On Going	Planning	
6.	The Applicant shall maintain all structures and features on site to avoid building and structure degradation, including without limitation, rust or other physical decay or degradation.	On-Going	Planning	
7.	As to any fee, dedication, reservation or exaction established by these conditions of approval that are subject to the Mitigation Fee Act, notice is hereby given pursuant to California Government Code Section 66020(d) that the 90-day period in which you may protest the fees set forth herein has begun to run as of the date of approval of this Project. Other limitations periods may apply. The City reserves all rights.	On Going	Finance	
8.	Except as otherwise specified or provided in these conditions, the Project shall conform to the development standards and design requirements adopted by the City, specifically including but not limited to the following: • The Elk Grove Zoning Code (Title 23 of the EGMC) • EGMC Chapter 19.12 (Tree Preservation and Protection) • EGMC Chapter 14.10 (Water Efficient Landscape Requirements) or the State Model Water Efficient Landscape Ordinance, whichever is more restrictive • Citywide Design Guidelines	On Going	Planning Engineering	

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9.	<p>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 the City. All street improvements shall include vertical curb and gutter. Specific locations on median(s) that require emergency vehicle access will be evaluated during review and acceptance of the Improvement Plans.</p> <p>Public sewer, water, and other utility infrastructure shall be designed and constructed in accordance with the standards of the appropriate utility.</p>	On Going	Engineering Public Works EGWD SASD SMUD PG&E	
10.	<p>The Applicant shall pay all applicable plan check fees, impact fees, or other costs as required by the City, the Cosumnes Community Services District (CCSD), Sacramento Area Sewer District (SASD), Elk Grove Water District (EGWD), or other agencies or service providers.</p>	On Going	Planning Engineering Building CCSD EGWD SASD	
11.	<p>Approval of this Project does not relieve the Applicant from the applicable requirements of subsequent permits and approvals, including but not limited to the following as may be applicable:</p> <ul style="list-style-type: none"> • Grading Permit and Improvement Plan • Building Permit and Certificate of Occupancy • Requirements of the Sacramento Metropolitan Air Quality Management District • Fire Permit • 404 Permit 	On Going	Planning Engineering Public Works Building CCSD EGWD SASD	

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12.	The proposed business location shall be fenced with locking gates during construction of the Project. The gates shall be locked when construction is not taking place. The fencing placement must be approved by the police department. This may prevent loitering in the empty parcels and vandalism to the project while it is under construction.	On-Going	Police Planning	
13.	There is currently a locking gate installed by the property owner that prevents access to the west side of the property where the proposed business is located. The business shall cooperate with the property owner of the adjacent parcels, and also cooperate with the requirements of the police department, in securing these gates at the close of business each day until the remaining parcels are developed. However, this shall not be required should the Applicant remove the existing gate.	On-Going	Police Planning	
14.	The entrance to the business shall be secured by a locking gate or cable that extends across the driveway entrance during non-business hours to prevent vehicles from entering the premises and loitering.	On-Going	Police Planning	
15.	The self-service vacuum machines shall be turned off during non-business hours.	On-Going	Police Planning	
16.	The hours of operation for the business shall be between 7:00 AM and 9:00 PM.	On-Going	Police Planning	

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Prior to Improvement Plan or Grading Plan Approval				
17.	The Planning Division shall be notified immediately if any prehistoric, archaeologic, or paleontological artifact is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. A note stating the above shall be placed on the Improvement Plans.	Improvement Plans	Planning	
18.	All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed. A note stating the above shall be placed on the Improvement Plans	Improvement Plans	Planning	
19.	The development approved by this action is subject to the Mitigation Monitoring and Reporting Program (MMRP) adopted as part of the project entitlement EG-06-1051. A deposit of \$5,000 for monitoring mitigation measures applicable to this development shall be paid to the City in order to assure MMRP compliance. If actual City monitoring costs exceed the initial estimate, a revised estimate and/or supplemental bill(s) will be submitted to the applicant.	Improvement Plans or Grading Permit, whichever occurs first	Planning	

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	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
20.	Prior to removal of any existing trees on the site, a pre-construction survey shall be conducted by a qualified biologist within 14 days prior to removal. Proof of this survey shall be submitted to the Planning Division for review and approval prior to any tree removal.	Prior to Site Disturbance	Planning	
21.	Applicant shall comply with Section 19.12 (Tree Preservation and Protection) of the EGMC in effect at the time of Improvement Plan review for the removal of native Oak trees proposed for removal on the preliminary grading and utility plan.	Improvement Plans or Grading Permit, whichever occurs first	Planning	
22.	The Applicant shall prepare and submit a drainage study to the satisfaction of the City and in accordance with City of Elk Grove Storm Drainage Master Plan, Improvement Standards, General Plan, and any other applicable drainage master plans or studies.	Improvement Plans or Grading Permit, whichever occurs first	Engineering Public Works	
23.	The Applicant shall prepare and submit a Post-Construction Stormwater Quality Control Plan in accordance with the City of Elk Grove Improvement Standards and most recent version of the Stormwater Quality Design Manual for the Sacramento Region. The Applicant shall also submit a separate maintenance plan describing proper maintenance practices for the specific treatment controls to be constructed.	Improvement Plans	Engineering Public Works	
24.	The Applicant shall execute a maintenance agreement with the City for stormwater quality control treatment devices to the satisfaction of the City.	Improvement Plans	Engineering	
25.	The Applicant shall obtain an easement(s) for any utility connections within the California Transportation Department (Caltrans) right-of-way. Easements shall be dedicated to the appropriate utility agency in a form acceptable to the specific Agency. If alternative utility connections are provided, no easement shall be required.	Improvement Plans	Engineering EGWD SASD	

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26.	Sewer easements shall be required to service the resultant parcel. All sewer easements will be dedicated to the SASD in a form approved by the District Engineer. All sewer easements will be at least 20-feet in width and requires continuous access for installation and maintenance. SASD will only provide maintenance in public right-of-ways and dedicated sewer easements.	Improvement Plans	SASD	
27.	In order to obtain sewer service for this Project, construction of onsite and offsite sewer infrastructure and easements will be required.	Improvement Plans	SASD	
28.	Developing this property shall require payment of sewer impact fees to both SASD and Regional San, in accordance with each District's Ordinances. Applicant should contact Permit Services Unit at SASD for sewer impact fee information.	Improvement Plans	SASD Regional San	
29.	Prior to the approval of Improvement Plans, the property owner(s) shall; (1) approve (a) the formation of a new or annexation to an existing community facilities district ("CFD"), and (b) an annual CFD special tax; or (2) deposit a sum of money, as determined by the Cosumnes Community Services District ("CCSD"), sufficient for the CCSD to fund a portion of the CCSD's cost of providing ongoing fire and emergency services, maintenance, operation, and repair and replacement of fire station facilities and fire and emergency equipment. Any costs for the formation of the new CFD or annexation into an existing CFD and approval of such annual special tax, or administration of the sum of money deposited to fund the CCSD's costs of providing ongoing fire and emergency services, shall be paid from the annual CFD special taxes or the sum of money deposited with the CCSD. In the event that the property owner(s) fails to approve an annual special tax or deposit a sum of money as provided for herein for such purposes for the CCSD, no approval of the Improvement Plan shall be provided.	Improvement Plans	CCSD Fire	

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30.	Dead end fire access lanes exceeding 150' shall be provided with an approved turnaround.	Improvement Plans	CCSD Fire	
31.	All exterior portions of the building shall be within 150' of a fire access lane.	Improvement Plans	CCSD Fire	
32.	Fire lanes shall have a minimum outside turning radius of 50' and a minimum inside turning radius of 25'.	Improvement Plans	CCSD Fire	
33.	Underground fire service mains shall be minimum 8".	Improvement Plans	CCSD Fire	
Building Permit				
34.	Prior to issuance of building permit, the Project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the Project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so Applicants should plan accordingly. The application fee and completed application for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see http://www.elkgrovecity.org/city_hall/departments/divisions/finance/mello_roos_cfd/	Building Permit	Finance	

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35.	Prior to issuance of building permits, the Project area shall annex into the Storm Water Drainage Fee Zone 2 to fund a portion of the additional costs for storm water drainage and run-off maintenance related to serving the new development. The annexation process can take several months, so Applicants should plan accordingly. The completed application for the annexation is due prior to the Resolution of Intention to Levy Storm Water Drainage Fee Zone 2 assessments. For further information on this District, see http://www.codepublishing.com/CA/elkgrove/#/ElkGrove15/ElkGrove1510.html#15.10 .	Building Permit	Finance	
36.	The driveway on East Stockton Boulevard shall be limited to right-in/right-out and left-in turn movements only.	Building Permit	Engineering	
37.	The Final Map for the Reynolds and Brown Plaza III project (EG-06-1051), shall be completed, approved, and recorded prior to the issuance of this Project's 1st Building Permit.	Building Permit	Engineering	
38.	The Lot Line Adjustment establishing the parcel shown on the site plan shall be completed prior to the issuance of this Project's 1st Building Permit.	Building Permit	Engineering	
39.	Any on-site traffic calming devices and locations shall be approved by the City prior to installation, including, but not limited to, speed bumps.	Building Permit	Engineering	
40.	The Applicant shall record a reciprocal access agreement between this Project and the existing Dutch Bros Coffee parcel (APN 125-0030-010), including but not limited to common area ownership, maintenance, and joint access to the satisfaction of the City.	Building Permit	Engineering	

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41.	The Applicant shall reconstruct any damaged curb, gutter, sidewalk and/or pavement caused by construction-related activities associated with the Project. If pavement replacement is necessary, as determined by the City, the Applicant may be required to grind, overlay, and/or slurry seal the damage portion(s) in accordance with the City Improvement Standards and to the satisfaction of Engineering. The Applicant shall schedule an inspection with the City to document the pre-construction condition of existing surface infrastructure adjacent to and near the Project.	Building Permit	Engineering	
42.	The Applicant shall reconstruct any existing ADA compliance improvements adjacent to the Project to meet current standards.	Building Permit	Engineering	
43.	An address monument sign showing the address of all buildings shall be provided at the driveway entrance on E. Stockton Blvd. Sign shall be illuminated and have minimum 6" numbers.	Building Permit	CCSD Fire	
44.	A hazardous materials inventory for all hazardous materials maintained on-site shall be provided to the Fire Department.	Building Permit	CCSD Fire	
45.	Provide documentation of a fire apparatus access easement agreement for the shared fire lane and agreement indicating who is responsible for maintenance/repairs of underground fire service mains.	Building Permit	CCSD Fire	
46.	Prior to any combustible materials being brought on-site, the required all-weather/paved fire access lane shall be installed and all required fire hydrants shall be installed and in service. Limited wood framing for the concrete foundation is not considered combustible materials that require the aforementioned fire lanes and fire hydrants.	Building Permit	CCSD Fire	

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47.	Trash enclosures shall provide natural surveillance and visibility to prevent ambush points and loitering areas. Trash enclosures shall be constructed of either a slotted metal gate to allow visibility into the enclosures, or be open at the bottom with a minimum twelve (12) inch vertical visibility not obstructed by landscaping.	Building Permit	Police Planning	
48.	Increase the exterior lighting to an average maintained luminance of four (4) foot candles on the pavement per EGMC Chapter 23.56 for the safety and security of staff and visitors.	Building Permit	Police Planning	
49.	No less than two signs shall be posted in the parking lot area that prohibits trespassing or loitering after business hours. These signs shall be in an area where they are clearly visible during nighttime hours, and they shall reference California Penal Code (CPC) Section 602 and Elk Grove Municipal Code (EGMC) 9.12.020 – Prohibited Loitering.	Building Permit	Police Planning	
50.	Roof mounted equipment shall be setback from the roof edge or placed behind a parapet or roof structure so they are not visible for motorists or pedestrians on E Stockton Blvd. All roof-mounted equipment shall be sized to be equal to or below (lower in height) the adjoining parapet or roof structure.	Building Permit	Planning	
Prior to Certificate of Occupancy				
51.	Upon completion of the installation of the landscaping, 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 will delay final approval/occupancy of the Project.	Certificate of Occupancy	Planning	

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52.	Provide documentation of a fire apparatus access easement agreement for the shared fire lane.	Certificate of Occupancy	CCSD Fire	
53.	Provide documentation of an easement agreement indicating who is responsible for maintenance/repairs of underground fire service mains.	Certificate of Occupancy	CCSD Fire	
54.	The access driveway to East Stockton Blvd on the approved plans shall be completed prior to issuance of a Certificate of Occupancy. Striping and signage for circulation at the driveway, including additional stacking as required by these conditions, shall be designed and constructed to the satisfaction of the City.	Certificate of Occupancy	Public Works Engineering	
55.	The Applicant shall design and construct additional vehicle stacking to serve the Dutch Bros Coffee parcel (APN 125-0030-010) as shown on the site plan and to the satisfaction of the City.	Certificate of Occupancy	Engineering	

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-174

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 26, 2017 by the following vote:

AYES: **COUNCILMEMBERS:** *Ly, Detrick, Hume, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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

