

<u>Conditions of Approval/ Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<i>On-going</i>			
<p>1. The action approved is for the Development Plan Review for the Elk Grove Promenade as described in the May 31, 2007 staff report and as illustrated on the following exhibits, received May 18, 2007:</p> <ul style="list-style-type: none"> • 30x42 Site Plan, black and white • 11x17 Site Plan, color • 30x42 Circulation Plan • 11x17 North Crosswalk Exhibit • 11x17 Crosswalk from Promenade Parkway • 30x42 Exterior Elevations, pages A311-1 through A311-12 • 30x42 Macy's Architectural Representation • 30x 42 JC Penney's Architectural Representation • 30x42 Barnes and Noble Architectural Representation • 30x42 Target Architectural Representation • 11x17 Day, Night Views, Building Renderings (6) • 30x42 Building Rendering, Illustrative Tenant Storefront • 11x17 Grand Entrance Landscape Rendering • 30x42 Overall Site Plan, Landscape Sheet Key • 30x42 Planting Plan, Sheets L4.01 through L4.37 (37) • 30x42 Plant List and Details • 11x17 Tree Removal Plan • 30x42 Photometric Plan • 30x42 Lighting Plan • 30x42 Lighting Fixtures • 30x42 The Green, color • 30x42 Seating Amenity Plan • 11x17 Composite Plan, Amenities • 8.5x11 Bike Locker Cut Sheet • 11x17 Central Park Rendering • 11x17 Central Park Rendering • 30x42 Grading and Drainage Plan, Pages GR-1 and GR-2 • 11x17 Signage Program, Pages 1 through 27 	On-Going	Planning	

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Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.			
2. The Applicant or Successors in Interest (hereby referred to as the Applicant) shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning	
3. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
4. The Applicant is notified that this property is part of the Lent Ranch Special Planning Area (SPA) project (EG-00-038). This project is subject to all applicable mitigation measures and conditions of approval from the Lent Ranch SPA project.	On-Going	Planning	
5. The designed fire flow for the area is 3,000 GPM for 4-hours. Due to the size of the anchor stores, mitigation measures may be required to compensate for the required fire flow.	On-Going	CCSD Fire	
<i>Prior to Approval of Improvement Plans</i>			
6. The applicant shall submit landscape improvement plans (planting and irrigation) which incorporates the Vested Zoning Code, SPA, and Water Conserving Landscape Requirements. Plans shall be submitted to Planning and Public Works for review and approval.	Prior to Approval of On-site Improvement Plans	Public Works, Planning	
7. The applicant shall provide for separate connections to the County Sanitation District's sewer system for each building or parcel with a sewage source to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction. GGP may provide common grease/sewer traps.	Prior to Approval of On-site Improvement Plans	CSD-1	

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8. The applicant shall provide an approved sewer study to CSD-1 prior to approval of submittal of improvement plans for plan check to CSD-1. The sewer study shall demonstrate the quantity of discharge and any “flow through sewage” along with appropriate pipe sizes and related appurtenances from this subject and other up-stream areas, and shall be done in accordance with the Districts’ “Minimum Sewer Study Requirements” of April 3, 2006. The Study shall be based on a “no-shed shift” standard without advance approval of the District.	Prior to Submittal of Improvement Plans	CSD-1	
9. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required. On and off-site sewer lines will be required as determined by the required sewer point of service connection.	Prior to Approval of On-site Improvement Plans	CSD-1	
10. An on-site collection system will be required for all pipes carrying waste from two or more buildings or sewage sources and shall consist of 8-inch (min.) pipes in public easements. Off-site installations may also be required as determined by the sewer study.	Prior to Approval of On-site Improvement Plans	CSD-1	
11. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1 in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance.	Prior to Approval of On-site Improvement Plans	CSD-1	
12. CSD-1 will provide maintenance only in public right-of-ways or in minimum 20-foot wide easements dedicated to CSD-1 for the purpose of continuous access maintenance.	Prior to Approval of On-site Improvement Plans	CSD-1	
13. The subject property owner(s) and subsequent unit buyers shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be the responsibility of successors in interest in future land transfers and	Prior to Approval of On-site Improvement Plans	CSD-1	

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divisions and by language approved by the District. Surface enhancements include, but are not limited to, non-asphaltic paving, landscaping, lighting, curbing, and all non-driveable street appurtenances.			
14. CSD-1 requires their sewers to be located 10 feet from other parallel utilities (water, drain, electrical, etc). The applicant shall prepare a utility plan that will demonstrate that this condition is met.	Prior to Approval of On-site Improvement Plans	CSD-1	
15. The applicant shall dedicate a standard 12.5 foot Public Utility Easement for underground facilities and appurtenances adjacent to all public ways, and/or Irrevocable Offer of Dedication.	Prior to Approval of On-site Improvement Plans	PG&E	
<i>Prior to Issuance of Building Permits</i>			
16. Architectural review for buildings not included in this project shall complete a Development Plan Review prior to issuance of building permits for the subject building. Per Section 5 of the Lent Ranch SPA, the Planning Director shall be the approving authority for buildings up to 25,000 square feet and the Planning Commission shall be the approving authority for buildings over 25,000 square feet. Buildings subject to this condition include: <ul style="list-style-type: none"> • All proposed Restaurants • Cinema • Home Store/Retail • Any other future proposed building not shown on the approved site plan. 	Prior to Issuance of Building Permits for the subject building	Planning	
17. The applicant shall design, dedicate, acquire property as needed, and construct all improvements as set forth in the Development Agreement between the City of Elk Grove and M&H Realty Partners, Elk Grove Town Center, LP., ETAL	Prior to issuance of building permits/ Prior to final certificate of occupancy	Public Works, Planning	

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18. The applicant shall design, dedicate, acquire property as needed, and construct all improvements Promenade Parkway, Kammerer Road, Lent Ranch Parkway, Bilby Road and Road A. Improvements shall include all utility and street improvements, including traffic signals and signage at all designated intersections. Off site improvements necessary to conform or tie into the existing improvements shall be improved at the applicants cost.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
19. The applicant shall design, dedicate, and construct the proposed off site storm drainage detention basin and piping, the off-site wastewater pumping facilities and piping and the needed off-site water transmission main to the satisfaction of Public Works, CSD-1, and SCWA, respectively.	Prior to final certificate of occupancy	Public Works, Planning	
20. All improvements shall be designed and constructed in accordance with the City of Elk Grove Improvement Standards and as further defined and clarified by the Director of Public Works' letter to Louis Bucksbaum dated October 30, 2006.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
21. The applicant shall dedicate public pedestrian easements and Public Utility easements within the landscape corridor adjacent to the all of the publicly dedicated streets. Width of easements shall be a minimum of 12.5-feet to the satisfaction of the Director of Public Works.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	
22. Where proposed City Facilities (storm drainage, signal loops) bisect or encroach upon the applicant's property within the DDP, easements shall be dedicated to the City for access and maintenance over and upon said facilities. Width and extent of easement shall be as determined by standards and the Director of Public Works.	Prior to final certificate of occupancy	Public Works, Planning	
23. The applicant shall design and improve the landscape corridors on Promenade Parkway, Lent Ranch Parkway and Kammerer Road in accordance with City Standards. These corridors shall be maintained by the adjacent property owner.	Prior to issuance of building permits/Prior to final certificate of occupancy	Public Works, Planning	

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24. Separated sidewalks shall be constructed on both sides for the full length of Promenade Parkway, Bilby Road and Lent Ranch Parkway adjacent to all parcels (including non-participants and undeveloped parcels) north of Kammerer Road. Kammerer Road sidewalk shall be constructed on the north side, at a minimum, from Promenade Parkway to the western boundary of the Lent Ranch SPA.	Prior to issuance of building permits/ Prior to final certificate of occupancy	Public Works, Planning	
25. The applicant shall design and improve all medians with landscaping in accordance with City Standards. All service connections and controllers shall be located within an easement or within ROW.	Prior to issuance of building permits/ Prior to final certificate of occupancy	Public Works, Planning	
26. Major's A through F shall be treated as individual buildings in regards to fire sprinkler and alarm systems.	Prior to Issuance of Building Permit	CCSD Fire	
27. The applicant shall provide the CCSD Fire Department with a site plan showing points of fire access during construction. The site plan will include grid lines to enable responding personnel to locate the emergency.	Prior to Issuance of Building Permit	CCSD Fire	
28. Per Ordinance 37-2002 section 1003.2.2 number 11 and CBC 504, buildings with common walls, area separation, and/or adjust walls shall be considered one building. Restaurants 2, 3, and 4 are examples.	Prior to Issuance of Building Permit	CCSD Fire	
29. Prior to building permit, 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 the new development. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Levy Street Maintenance Assessments. For further information on this District, see www.elkgrovecity.org/finance/financial-planning-division/assessment-of-the-district-info.htm .	Prior to Issuance of Building Permit	Finance	

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30. Prior to building permit the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, recreation center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see www.elkgrovecity.org/finance/financial-planning-division/cfd-information.htm .	Prior to Issuance of Building Permit	Finance	
<i>Prior to Certificate of Occupancy</i>			
31. The Applicant shall provide a minimum of 158 bicycle parking spaces for customers, in well illuminated, highly visible locations, evenly distributed throughout the property.	Prior to Certificate of Occupancy	Planning	
32. The Applicant shall participate in the City's Transportation Management Association (TMA) and provide for onsite transportation coordination, as a job duty of an employee of the onsite mall management team. Participation in the TMA may include commuter benefits to employees, parking spaces for car and vanpool, and participation in other programs as appropriate.	Prior to Certificate of Occupancy	Transit Services	
33. The Applicant shall provide a bus shelter, bench, trash receptacle, and information panel at all proposed bus stop locations on Promenade Parkway.	Prior to Certificate of Occupancy	Transit Services	
34. Upon completion of the installation of the landscaping project, the project landscape architect/designer shall certify that the installed landscape complies with all City Water Conserving Landscape Requirements. Certification shall be accomplished by completion of a Certificate of Conformance on a form	Prior to Certificate of Occupancy	Planning	

Conditions of Approval

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provided by the City. Failure to submit a complete and accurate Certificate of Conformance will delay final approval/occupancy of the project.			
35. The Applicant shall provide a pedestrian pathway within the landscaped area on the northern property boundary to provide connection with the parcel immediately north of the project site.	Prior to Certificate of Occupancy	Planning, Public Works	

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 site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan. (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 improvements, public or private, damaged in construction shall be replaced, by the applicant, in-kind or with new improvement. (Public Works)
- d. 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)
- e. The applicant shall dedicate a 12.5 foot public utility easement for underground and appurtenances adjacent to all public streets. (Public Works)
- f. All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standard. (Public Works)
- g. Improvement plan must be approved by Public Works prior to 1st Building Permit.
- h. Any use of CSD-1 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. (CSD-1)
- i. If a lifting and/or pumping station is required to serve this project, the applicant shall install all necessary infrastructures (electrical power and wiring, telemetry, piping, manholes, wells, gates, etc.) for complete operation of the facility at full development and final maximum service capacity as identified in applicable approved sewer studies. The only exception to this requirement is the pump size, which shall be installed in accordance with the initial designed service capacity. (CSD-1)
- j. If interim sewer infrastructure (such as sewer pipes, manholes, and lifting and/or pumping stations) is required to serve this project, the applicant shall be responsible for the cost to CSD-1, to decommission, and abandon such interim sewer infrastructure. The mechanism to capture these costs shall be approved and accepted by CSD-1 prior to recordation of the Final Map or approval of Improvement Plans for plan check to CSD-1, whichever comes first. (CSD-1) We want to discuss this condition.
- k. Trunk sewer design and construction may be reimbursed by CSD-1 under the terms of a Reimbursement Agreement. Collector sewer design and construction may also qualify for reimbursement under the terms of a Collector Sewer Reimbursement Agreement. Prior to initiating design of any sewer facility, contact CSD-1 for details. It will be necessary to schedule a meeting to discuss reimbursement requirements with appropriate CSD-1 staff prior to any design. Failure to strictly comply with the provision of the CSD-1 Ordinances may jeopardize all sewer reimbursement. (CSD-1)
- l. Developing this property will require the payment of sewer impact fees. (CSD-1)
- m. The applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information. Impact fees for CSD-1 shall be paid prior to filing and recording the Final Map or issuance of Building Permits, whichever is first. (CSD-1)
- n. Gas service may be available to this project if desired. The developer should contact PG&E's Service Planning Department at (916) 386-5112 as soon as possible to coordinate construction so as not to delay the project. (PG&E)

- o. Dead-end streets in excess of 150 feet require emergency vehicle turn-around. (CCSD Fire Department)
- p. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code. (CCSD Fire Department)
- q. 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 will be submitted on Windows/DOS formatted diskettes, zip disks, or on compact disk (9CD). E-mailed copies will not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below (CCSD Fire Department):
 - a. DXF (Drawing Interchange file) any DXF version is accepted
 - b. DWG (Applies to AUTOCAD drawing file) any AutoCAD DWG version is accepted
- r. All commercial building, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system. (CCSD Fire Department)
- s. 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. (CCSD Fire Department)
- t. 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. 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. (CCSD Fire Department)
- u. 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. (CCSD Fire Department)
- v. CCSDFD approved traffic pre-emption devices of a type approved by the Cosumnes Fire Department shall be installed on all traffic signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the Cosumnes Fire Department. (CCSD Fire Department)
- w. Required fire alarm systems shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center. (CCSD Fire Department)
- x. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Cosumnes Fire Department and the water purveyor having jurisdiction. (CCSD Fire Department)
- y. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells, and/or other traffic calming devices is subject to standards outlined by the Cosumnes Fire Department. All proposed traffic-mitigation plans shall be submitted to the Cosumnes CSD Fire Department for review and approval prior to installation. (CCSD Fire Department)