

RESOLUTION NO. 2001-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A VARIANCE TO ALLOW THE CALVINE SELF STORAGE EXPANSION PROJECT, CALVINE SELF STORAGE EG-01-141

WHEREAS, Lux Taylor, Jerry L. Wall and Melissa Wall (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Rezone from AR-5 zone to MP and a Variance from side yard setback requirement. (Assessor's Parcel Number 121-0140-017)

WHEREAS, Title I, Chapter 15, Article 2 of the City of Elk Grove Zoning Code establishes the City Council as the appropriate authority to hear and decide all Zoning Amendments, after a recommendation by the Planning Commission; and

WHEREAS, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on August 9, 2001 and recommended City Council approval of the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE HEREBY RESOLVES AS FOLLOWS:

1. Adopt the Mitigated Negative Declaration prepared for the Calvine Self Storage expansion project and direct staff to file a Notice of Determination.
2. Approve the Variance from 25 feet to 7-½ feet side yard setback, based on the following findings and conditions.

FINDINGS

1. **Finding:** The applicant has shown that because of a special circumstances peculiar to the subject property, including size, shape, topography, location, or surroundings; ... the strict application of the requirements of this Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

Evidence: Existing storage facilities in the City of Elk Grove have similar site designs as the proposed project which include reduced setbacks between the storage facility and adjacent residential uses. Allowing the proposed project to

reduce the required setback from adjacent residential uses would be consistent with existing storage facility designs in the City. For this reason, the Zoning Code deprives the subject property of privileges enjoyed by other properties under identical zone classifications.

Along with this, the applicant received a letter from the adjacent property owners, William and Helen Bodden, supporting the project as proposed. This letter creates a unique circumstance for the proposed project different from other properties under the MP zoning designation.

2. Finding: The grant of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Evidence: Other property owners under the MP zoning designation are subject to the development standards of the Zoning Code. The Calvine Self Storage sideyard setback variance will, therefore, not be granting a special privilege which other property owners do not experience.

CONDITIONS

1. Prior to issuance of building permits, the property owner shall pay development impact fees in accordance with the Elk Grove / West Vineyard Public Facilities Financing Plan Development Impact Fee Program including any authorized adjustments and updates thereto.
2. Prior to issuance of building permits, grant the City of Elk Grove right-of-way on Calvine Road based on a 108-foot standard pursuant to City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation.
3. Prior to the issuance of building permits, grant the City of Elk Grove an Irrevocable Offer of Dedication of right-of-way for a future urban interchange along Calvine Road to the satisfaction of the Department of Transportation.
4. Prior to the issuance of certificate of occupancy, provide a secondary emergency access point from Calvine Self Storage Phase II to Calvine Road.
5. Prior to issuance of certificate of occupancy, extend transmission main from the west to the east property line.
6. Prior to issuance of certificate of occupancy, the property owner shall install looped fire mains capable of providing a fire flow of 3,000 gallons per minute.
7. Prior to issuance of certificate of occupancy, the property owner shall equip all automatic gates with traffic pre-emption devices and a Knox key switch override system.

8. The project design shall incorporate landscape treatment (trees, shrubbery, etc.) along the exterior of all walls surrounding the storage facility expansion. The applicant shall submit landscape improvement plans to the City with certification that adjacent agricultural-residential land uses will not be adversely affected.
9. The project proponent shall comply with the following to the satisfaction of the Elk Grove Community Services District.
 1. Prior to grading or improvement plans, dedicate a landscape maintenance easement to the City and enter into a maintenance agreement between the property owner and Elk Grove Community Services District for a Landscape Corridor at Calvine Rd that will be (15-ft. & 6-ft. sidewalk & the width of the IOD for the urban interchange). Landscape Corridors will be improved at the time of development. The maintenance agreement shall address rights and obligations pertaining to any/all joint activities and interests of these parties.
 2. Prior to issuance of certificate of occupancy, improvements to the corridors and medians shall be completed in accordance with plans, specifications and the inspection procedures approved by the Elk Grove Community Services District. Applicant shall be responsible to pay the direct cost associated with the performance of this work until such time as the District incorporates the cost of doing this work into the assessment district budget and the resulting assessments are confirmed by compliance with the balloting procedures dedicated by Proposition 218. The obligation of the applicant may be met by entering into a subsidy agreement with the District.
 3. Prior to issuance of certificate of occupancy, landscape corridors shall be constructed and installed in accordance with plans and specifications approved by the Elk Grove Community Services District and shall be consistent with the Elk Grove Community Services District "General Guidelines for Landscape Corridor Design" and other CSD projects in close vicinity to the area. Corridors will be inspected by District employees and include meandering or bifurcated sidewalks, subject to EGCSO approval. Any proposed deviation from CSD's specifications would need to be submitted to the CSD and be approved in writing.
 4. Prior to grading or improvement plans, the owners of all real property within the boundaries of a project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by District consenting to: (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services, (iii) the budget, formulas and cost of living indexes use to establish the amount of the annual assessments; and (iv) the levying of the annual assessment to

fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems lakes, creeks and other recreational and aesthetic amenities.


10. Prior to improvement plan approval or building permit issuance, whichever occurs first, the project proponent shall:
 1. Preserve 0.75 acre of similar habitat for each acre lost (2.0 acres). This land should be protected through a fee title or conservation easement acceptable to the California Department of Fish and Game (CDFG) and proof of fee title or conservation easement shall be submitted to the City of Elk Grove Planning Department; OR
 2. Prepare and implement a Swainson's hawk mitigation plan for loss of 2.0 acres of foraging habitat to the satisfaction of the California Department of Fish and Game that includes the preservation of Swainson's hawk foraging habitat and submit copy of approved plan to the City of Elk Grove Planning Department; OR
 3. Submit payment of the Swainsons' hawk impact mitigation fee per acre impacted for 2.0 acres ($\$750 \times 2.0 \text{ acres} \times 0.75$) + administration fee) to the City of Elk Grove Planning Department in the amount set forth in Chapter 16.130 of the City of Elk Grove Code as such may be amended from time to time and to the extent that said Chapter remains in effect.
11. If any prehistoric or historic artifacts, or other indications of archaeological resources are found once the project construction is underway, all work in the immediate vicinity must stop and the City shall be immediately notified. An archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be retained to evaluate the finds and recommend appropriate mitigation measures.
12. If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 19th day of September 2001.




MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY MANZANETTI,
CITY ATTORNEY

AYES: Leary, Scherman, Cooper,
Briggs, Soares
NOES: None
ABSTAIN: None
ABSENT: None