RESOLUTION NO. 2014-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO APPROVE A CONDITIONAL USE PERMIT AND DESIGN REVIEW FOR GREEN ACRES (EG-13-013) ASSESSOR PARCEL NUMBER: 116-0090-051

WHEREAS, the Planning Division of the City of Elk Grove received an application on August 30, 2013 from Green Acres Nursery & Supply (the Applicant) requesting a Rezone, Conditional Use Permit, and Design Review; 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: 116-0090-051; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21178 but is exempt; and

WHEREAS, the Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) provides an exemption from CEQA for projects that are consistent with the applicable General Plan and Zoning for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, an EIR was certified by the City Council for the adoption of the City of Elk Grove General Plan (SCH 2002062082); and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a Rezone, Conditional Use Permit, and Design Review for this Project will have a significant effect on the environment beyond what was previously analyzed and disclosed; and

WHEREAS, the Planning Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code Title 23 (Zoning), and all other applicable State and local regulations; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on February 20, 2014, and recommended the City Council approve the Green Acres project; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Applicant, 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 approves the Conditional Use Permit and Design Review for the Green Acres Project subject to the conditions of approval contained in Exhibit A, incorporated herein by this reference, and as illustrated in the attached Exhibit B, incorporated herein by this reference.

General Plan Consistency

<u>Finding:</u> The proposed Rezone is consistent with the General Plan goals, policies, and implementation programs.

<u>Evidence</u>: The proposed Rezone is consistent with the General Plan land use map, which designates the Project site as Office/Multi-family. Additionally, the proposed Rezone does not alter the allowed intensity or density of development beyond that contemplated in the General Plan.

Conditional Use Permit

<u>Finding:</u> The Project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan designates the property Office/Multi-Family, and an implementing zoning district is MP. The Project includes a Rezone from BP to MP, which is consistent with the General Plan. The proposed use (nursery) is permitted in the MP zone, with approval of a conditional use permit. Further, the General Plan requires high quality design. The elevations utilize plank cedar, metal, and glass. Landscaping and architectural detail at the street level softens the edge of the buildings and enhances the pedestrian scale and streetscape, which is consistent with the Citywide Design Guidelines. In fact the entire Project is designed consistent with the Citywide Design Guidelines as discussed in the findings below and throughout this staff report, thereby fulfilling the requirements for a high quality design. Based on this evidence, the Project is consistent with the Elk Grove General Plan.

<u>Finding:</u> 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.

<u>Evidence:</u> The Project is compatible with the surrounding uses and is not expected to result in impacts to the welfare of the surrounding properties. The Project provides adequate parking for the intended use and the surrounding roadway system and utilities can support the Project. The proposed Project is in compliance with the City of Elk Grove Zoning Code. As such, the Project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

Design Review

<u>Finding #1</u>: The proposed Project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Laguna Gateway SPA, and Laguna Gateway Design and Development Guidelines.

<u>Evidence</u>: The site plan and building elevations have been reviewed in accordance with the General Plan, Zoning Code, and Citywide Design Guidelines, and it is concluded that the Project's architecture and site planning meet all applicable development standards. The proposed elevations for the development have been designed to be distinctive but compatible with the surrounding office and commercial buildings in regard

to scale, architectural style, and bulk, which is consistent with the requirements of the Guidelines. The elevations utilize plank cedar, metal, and glass. Landscaping and architectural detail at the street level softens the edge of the buildings and enhances the pedestrian scale and streetscape. The Project has a clear design concept which is carried through to all elements of the Project. Additionally, the Project is subject to conditions of approval that will ensure consistency with all standard requirements.

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 site plan and building elevations provide all design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity, and application of a consistent color palette throughout the Project.

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 elevations have been designed to be distinctive but still compatible with the surrounding commercial building and industrial/office buildings in regard to scale, architectural style, and bulk, which is consistent with the requirements of the Design Guidelines. The elevations utilize wood plank cedar, metal, and glass. Landscaping and architectural detail at the street level soften the edge of the buildings and enhance the pedestrian scale and streetscape. The Project has a clear design concept which is carried through to all elements of the Project.

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

The proposed site layout of the development has been reviewed in Evidence: accordance with the Citywide Design Guidelines. The Project has been designed with pedestrian and bicycle connectivity throughout the site, as well as incorporated clear crossings to avoid vehicular conflicts. Pedestrian connections are provided along East Stockton Boulevard to the Project site.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 26th day of March 2014.

> GARY DAVIS, MAYOR of the CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

JONATHAN P. HOBBS.

CITY ATTORNEY

	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date <u>and</u> Signature)
On C	Poing			
1.	The Project approved by this action is for a Conditional Use Permit for garden center/nursery use and a Design Review for a 27,500 square foot building and associated accessory structures as illustrated in the approved plans as follows (Exhibit B):	On-Going	Planning	
	Site Plans dated December 23, 2013			
	Deviations from the approved plans shall be reviewed by the City of Elk Grove (City) for substantial compliance and may require amendment by the appropriate hearing body.			
2.	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 permit or any environmental or other documentation related to approval of this Application.	On-Going	Planning	
3.	This action does not relieve the Applicant of the obligation to comply with all codes, statutes, regulations, and procedures.	On-Going	Planning	
4.	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 City Zoning Code (Title 23 of the EGMC) EGMC Chapter 19.12 (Tree Preservation and Protection) EGMC Chapter 14.10 (Water Efficient Landscape Requirements)	On Going	Planning Public Works Building	
_	EGMC Title 16 (Building and Construction)			

	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date <u>and</u> <u>Signature)</u>
5.	The Applicant shall design and construct all improvements in accordance with the City Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works. All street improvements shall include vertical curb and gutter, except adjacent to lots where front-on residential access is provided, in which case street improvements shall include rolled curb and gutter. Specific locations on median(s) that require emergency vehicle access will be evaluated during review and acceptance of the Improvement Plans.	On Going	Public Works SCWA SASD SMUD PG&E	
	Public sewer, water, and other utility infrastructure shall be designed and constructed in accordance with the standards of the appropriate utility.			
6.	The Applicant shall pay all plan check fees, impact fees, or other costs as required by the City, the Cosumnes Community Services District (CCSD), Sacramento Area Sewer District (SASD), Sacramento County Water Agency (SCWA), or other agencies or services providers as established by law.	On-Going	Planning Public Works CCSD SCWA SASD	
7.	Approval of this Project does not relieve the Applicant from the requirements of subsequent permits and approvals, including but not limited to the following:	On-Going	Planning Public Works Building CCSD SCWA	
	 Grading Permit and Improvement Plan Final Map Building Permit and Certificate of Occupancy Section 404, 401, 1602, or other State or Federal environmental permit Requirements of the Sacramento Metropolitan Air Quality Management District Fire permit 		SASD	

	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date <u>and</u> <u>Signature)</u>
Imp	rovement Plan/Grading Plans			
8.	The Planning Division shall be notified immediately if any prehistoric, archaeologic, or paleontologic 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.	Improvement Plan	Planning	
	A note stating the above shall be placed on the Improvement Plans.			
9.	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.	Improvement Plans	Planning	
	A note stating the above shall be placed on the Improvement Plans			
10.	The Applicant shall reserve future access between parcel 116-0090-047 and the parcel of this development (APN: 116-0090-051). The location of the reciprocal access area shall be to the satisfaction of Public Works and Planning. Applicant shall record a Covenant Agreement prior to Improvement Plans to the satisfaction of Public Works providing for access to parcel 116-0090-047. Should owner of parcel 116-0090-047 want reciprocal access at a future date, the Applicant shall record a reciprocal access agreement with the adjoining property owner across both properties.	Improvement Plans/On-Going	Planning/ Public Works	
11.	The Applicant shall prepare and submit a drainage study to the satisfaction of Public Works and in accordance with City of Elk Grove Storm Drainage Master Plan, Improvement Standards, and General Plan.	Improvement Plan Submittal or Prior to Issuance of Grading Permit(s), whichever occurs first.	Public Works	

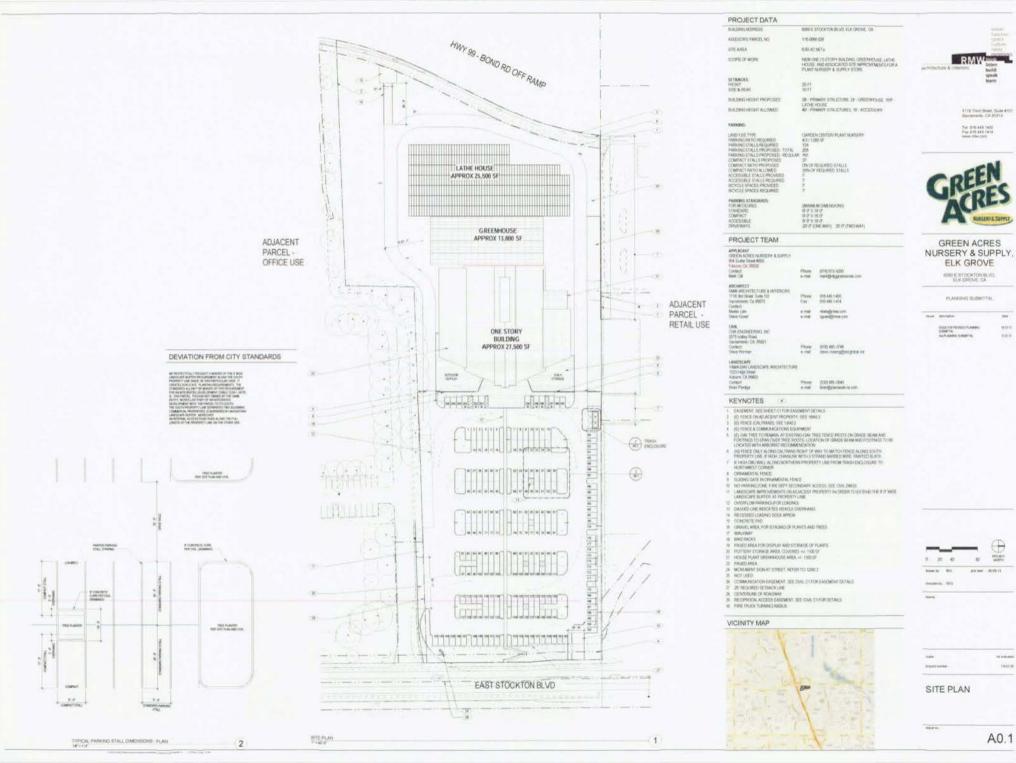
	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date <u>and</u> <u>Signature)</u>
12.	The Applicant shall prepare and submit a Post-Construction Stormwater Quality Control Plan in accordance with the City of Elk Grove Improvement Standards and most recent version of 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.	Prior to Improvement Plan Acceptance and/or Prior to Issuance of a Grading Permit(s), whichever occurs first.	Public Works	
13.	The Applicant shall execute a maintenance agreement with the City for stormwater quality control treatment devices to the satisfaction of Public Works.	Improvement Plans	Public Works	
14.	 The Applicant shall design and construct an emergency only access on East Stockton Blvd, at the location shown on the site plan, to the satisfaction of Public Works. The access shall be a minimum of 20 feet wide with the following design: Provide a 6-inch curb, painted red having a 1:1 slope between the gutter flowline and the top of curb Install decorative pavement/concrete from the back of curb for a minimum depth of 5 feet. From the decorative pavement/concrete for a minimum depth of 10 feet turf block with 1-foot wide concrete strips on each side of the turf block. 	Improvement Plans	Public Works	
15.	For any work proposed outside of the Project's property boundaries, the Applicant shall obtain an easement and/or right-of-entry from the appropriate property owner to the satisfaction of Public Works.	Improvement Plans	Public Works	
16.	The Applicant shall obtain clearance letters from the applicable entities for any sign located within an easement, including a Public Utility Easement.	Improvement Plans	Public Works	

	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date <u>and</u> <u>Signature)</u>
17.	Prior to the submittal of improvement plans to Public Works for review, the applicant shall submit a Tree Survey noting species and size (DBH) of all current DBH inches to be mitigated for all City-protected trees to be removed, as defined in Chapter 19.12 of the Municipal Code, or state that none exist.	Improvement Plans	Planning/Landscap e	
18.	Landscape improvement plans shall be submitted that complies with the overall design intent of the approved Preliminary Landscape Plan. Compliance with this condition shall be confirmed at the time of submittal to the Public Works Department, and to the satisfaction of the Planning Director.	Improvement Plans	Planning/Landscap e	
19.	The Landscape improvement plans shall comply with the requirements of the City of Elk Grove Design Guidelines for Non-residential Development, Zoning, and Municipal Codes. Compliance with this condition shall be confirmed at the time of submittal to Public Works Department, and to the satisfaction of the Planning Director.	Improvement Plans	Planning/Landscap e	
20.	The design of the trash enclosure shall meet or exceed the requirements of the City of Elk Grove 'space allocation and enclosure design guidelines for trash and recycling'. The design of the trash enclosure shall be of a quality equal to or better than that represented on the approved Site Plan/Site Details, to the satisfaction of the Planning Director.	Improvement Plans	Planning/Landscap e	
21.	Upon completion of installation of the landscaping for the Project, and prior to final inspection or occupancy of any structure on the site, the project landscape architect shall certify that the landscape has been installed per the approved landscape documentation package and complies with all City Water Efficient Landscape Requirements. Certification shall be accomplished by submittal of a Certificate of Completion, on a form provided by the City pursuant to the requirements of Section 14.10.130 of the Municipal Code, for review and approval by the Public Works Department.	Improvement Plans	Planning/Landscap e	

	Conditions of Approval	Timing/ (mplementation	Enforcement/ Monitoring	Verification (date <u>and</u> Signature)
Build	ling Permit			
22.	Prior to approval of a Building Permit, the Project area shall annex into the Maintence 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 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/finance/annexation-to-districts.asp .	Building Permit	Finance Department	
23.	Photometric Site Lighting Plan shall be required to be submitted as part of the Building permit application and plan review submittal plan set for site and accessible path lighting review.	Building Permit	Building Department	
24.	Fire apparatus access roads shall be provided with minimum turning radii of 25 feet inside and 50 feet outside.	Prior to Building Permit Issuance	Cosumnes CSD Fire Department	
25.	Provide additional information regarding fire department access. Emergency access concept is approved but the construction and application of the access needs further review prior to Building permit issuance.	Prior to Building Permit Issuance	Cosumnes CSD Fire Department	
26.	An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the entire premises. This Project 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 for commercial buildings. Water mains shall be looped ten inch mains with two points of connection. On site and off site fire hydrants required.	Prior to Building Permit Issuance	Cosumnes CSD Fire Department	

	Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date <u>and</u> <u>Signature)</u>
27.	An approved fire control room shall be provided for in all buildings protected by an automatic fire extinguishing system. Said room shall contain all system control valves, fire alarm control panels and other fire equipment required by the Chief. Fire control rooms shall be located within each building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior.	Prior to Building Permit Issuance	Cosumnes CSD Fire Department	
28.	All gates shall be equipped with Knox Rapid Entry devices and Click 2 Enter radio controlled rapid entry systems.	Prior to Building Permit Issuance	Cosumnes CSD Fire Department	
29.	Prior to issuance of a Building Permit, the property owner(s) shall approve an annual Mello-Roos Community Facilities District special tax to fund a portion of the cost of the District's fire and emergency services, maintenance, operation, and repair and replacement of fire station facilities and fire and emergency equipment. In the event that the property owner(s) fails to approve the annual special tax, no building permits for the property shall be issued.	Prior to Building Permit Issuance	Cosumnes CSD Fire Department	
30.	The Applicant shall reconstruct any deteriorated curb, gutter, sidewalk and/or pavement, and ADA compliance improvements along the Project's frontage to the satisfaction of Public Works. If pavement replacement is required, the Applicant may be required to grind, overlay, and/or slurry seal per City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Building Permit	Public Works	
31.	At all street intersections adjacent to the Project, public or private, the Applicant shall install and/or replace street name signs in accordance with the City of Elk Grove Standard Details.	Building Permit	Public Works	
32.	Any on-site traffic calming devices and locations shall be approved by Public Works prior to installation, including, but not limited to, speed bumps.	Building Permit	Public Works	

EXHIBIT B

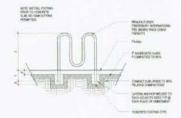




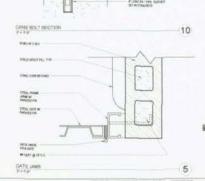
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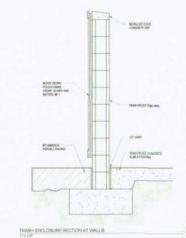




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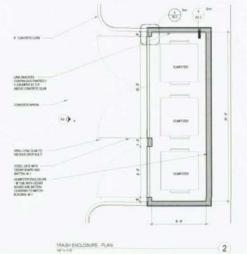
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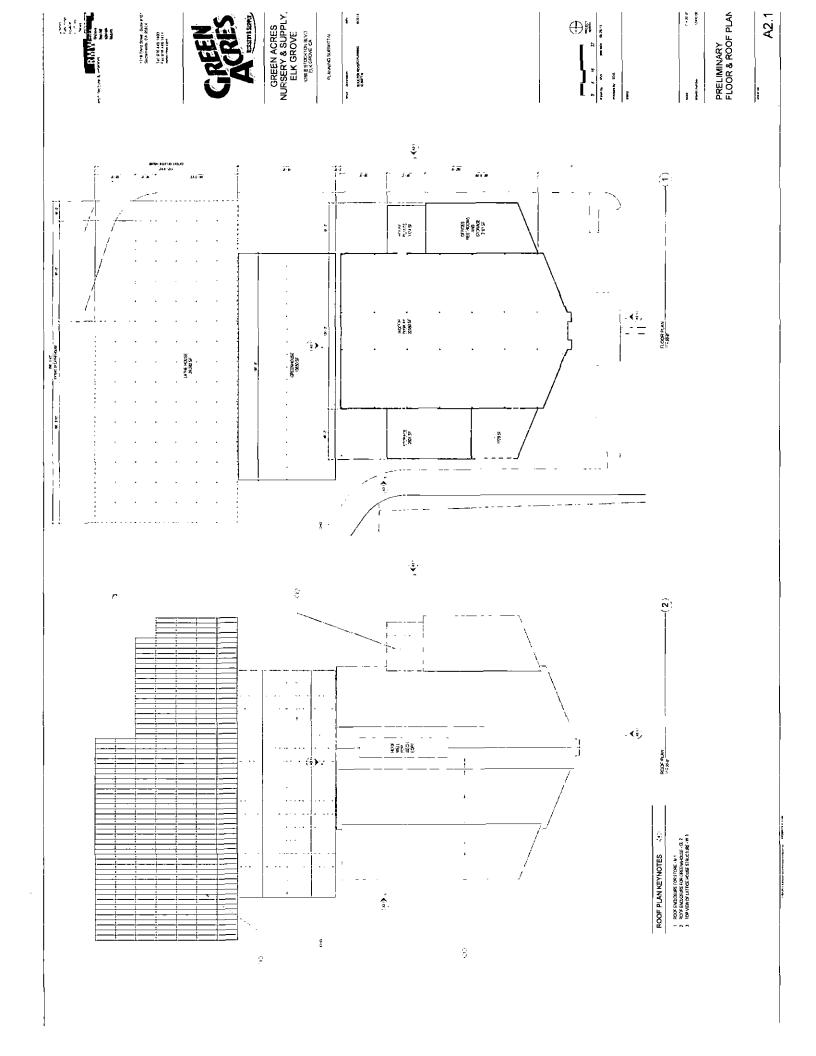
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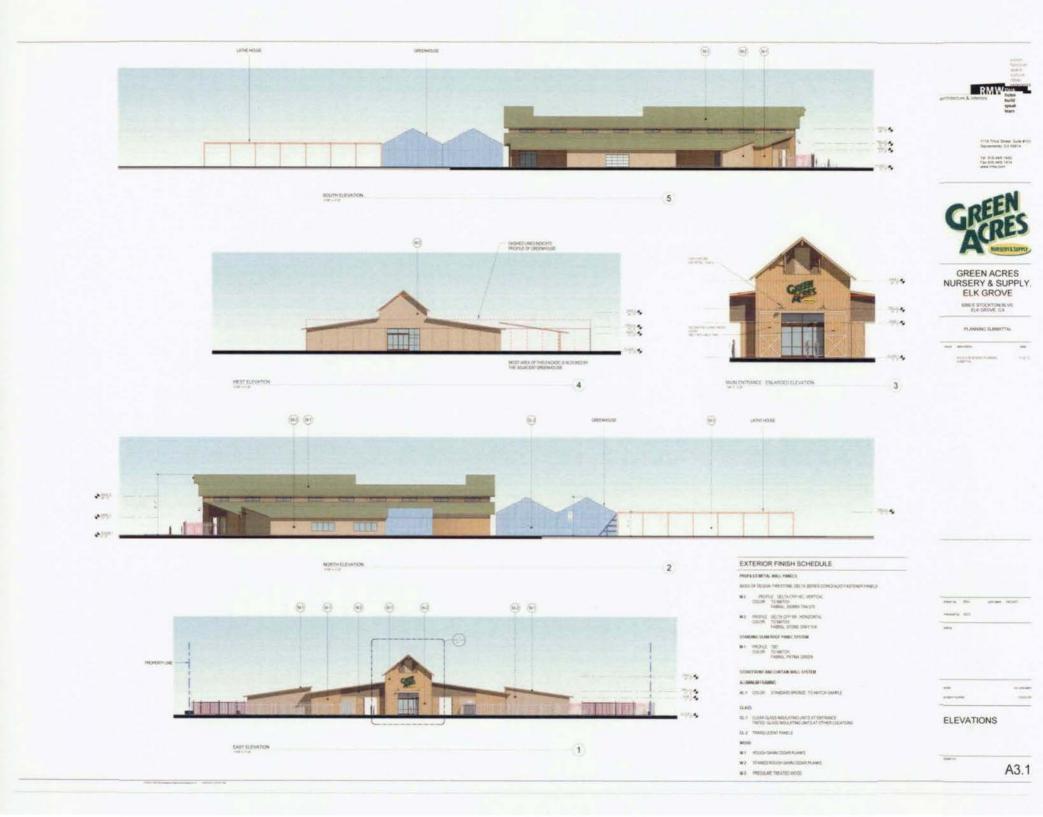
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VIEW OF MAIN ELEVATION



BIRD'S EYE VIEW



VIEW OF ENTRANCE



VIEW FROM PARKING LOT





GREEN ACRES NURSERY & SUPPLY, ELK GROVE

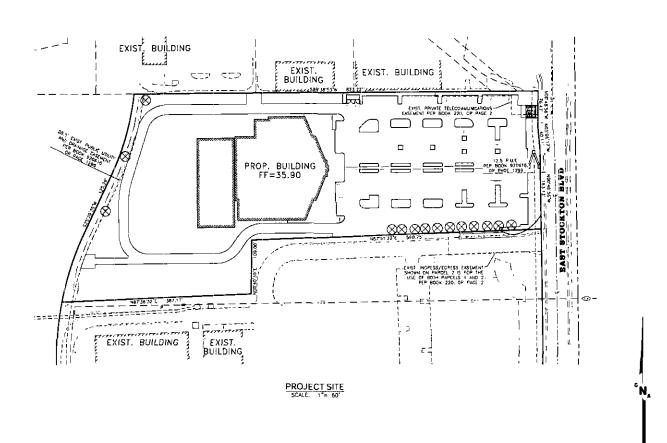
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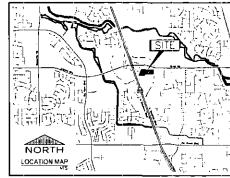
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EXTERIOR VIEWS

PRELIMINARY GRADING PLAN FOR: GREEN ACRES - E.STOCKTON BLVD.

COUNTY OF SACRAMENTO STATE OF CALIFORNIA APN: 116-0090-029





SHEET INDEX

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PRELIMINARY GRADING PLAN

PRELIMINARY GRADING PLAN

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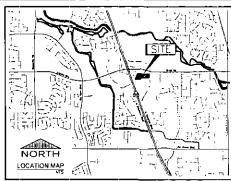
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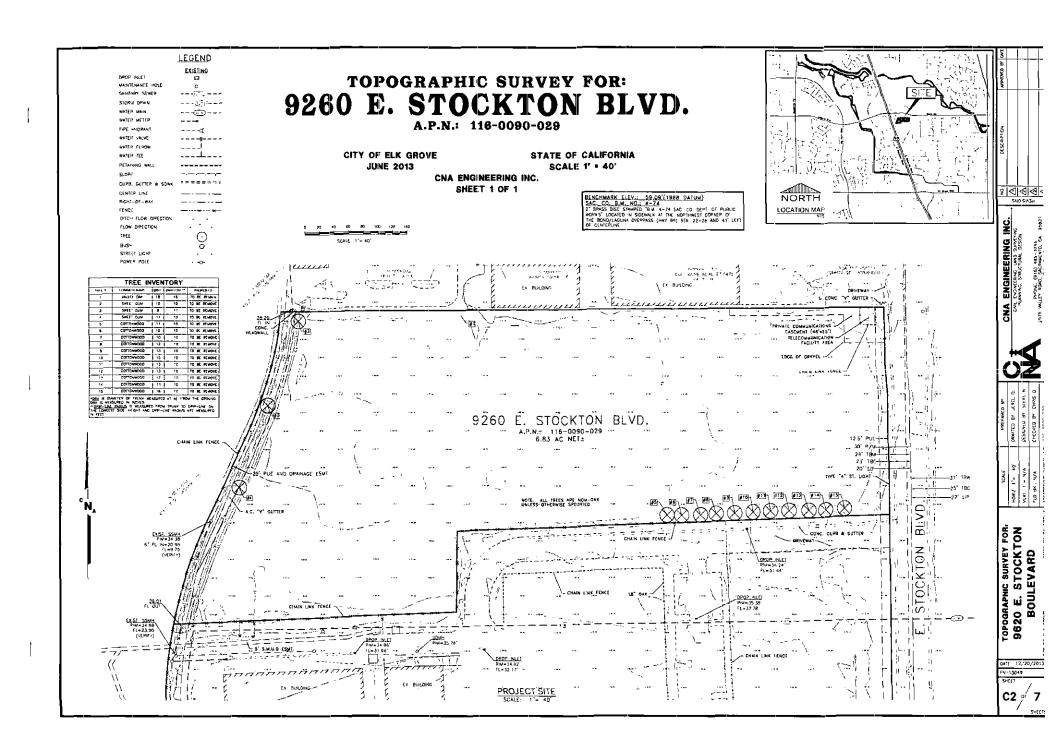
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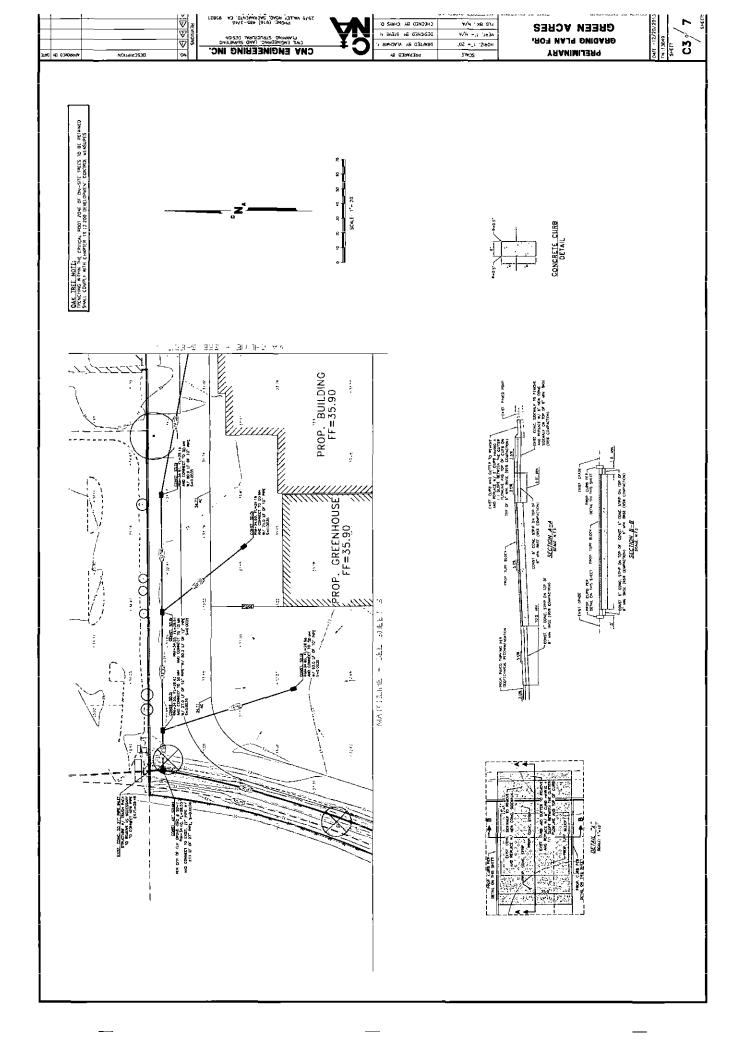
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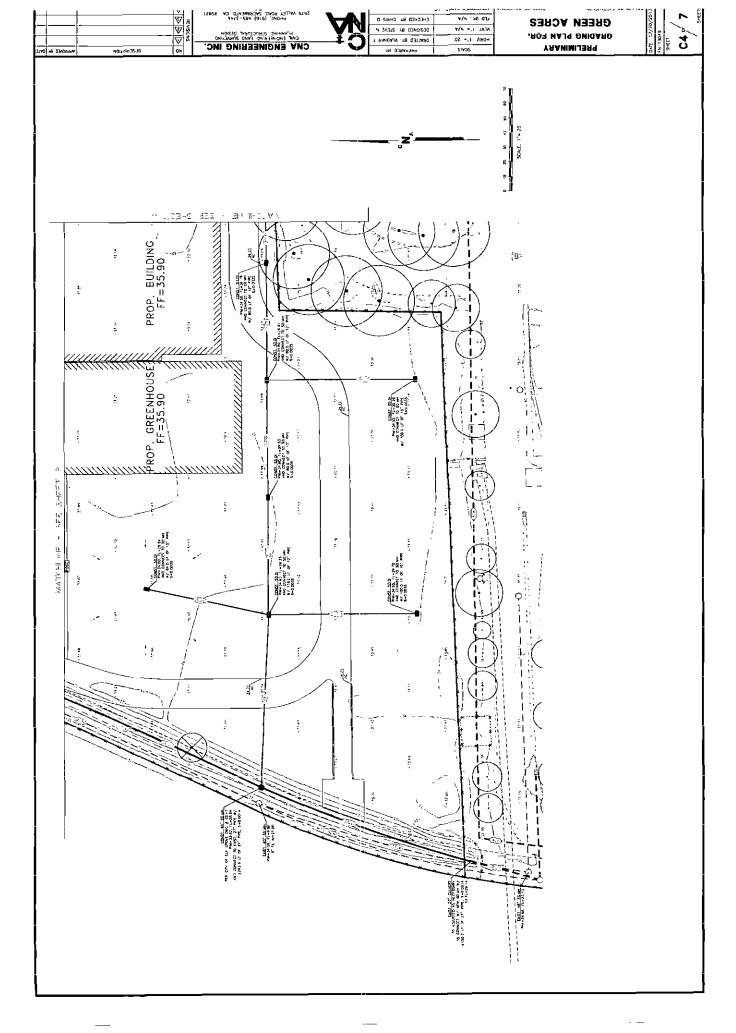
PRELIMINARY IMPROVEMENT PLANS FOR, SUBDIVISION NAME

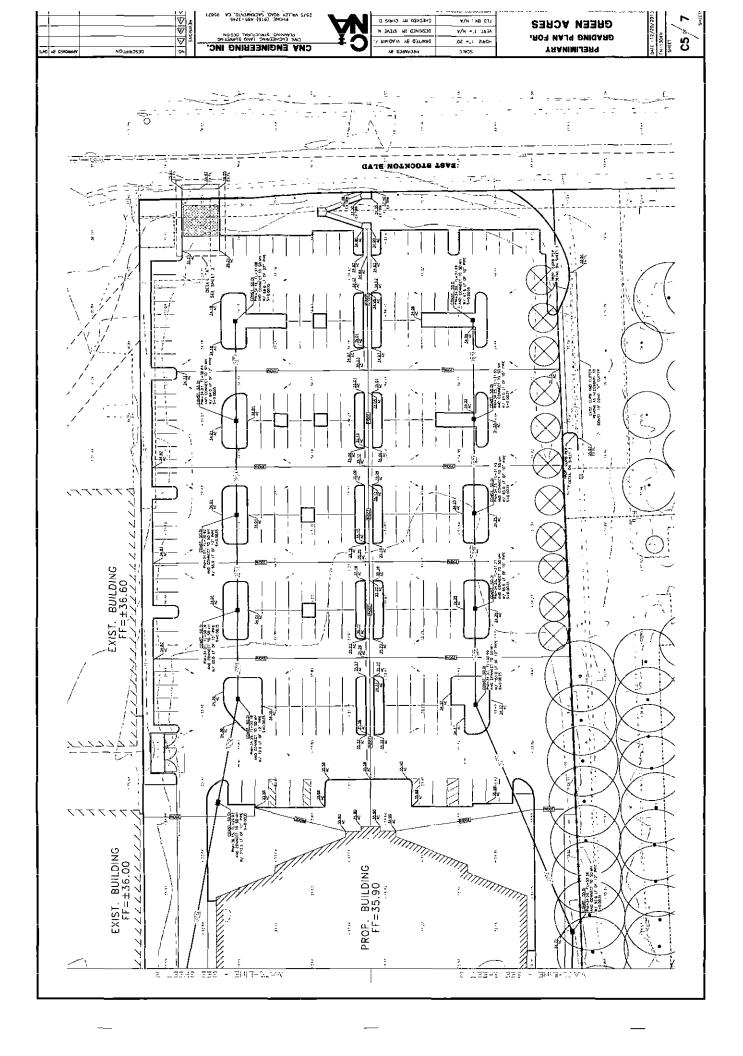
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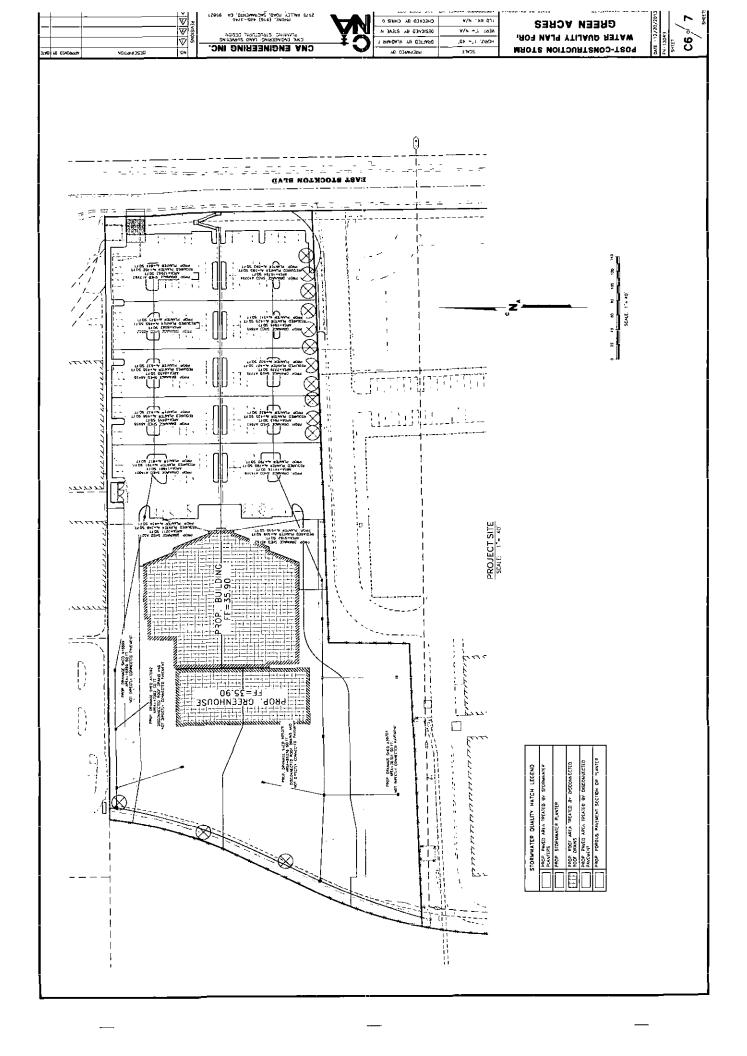
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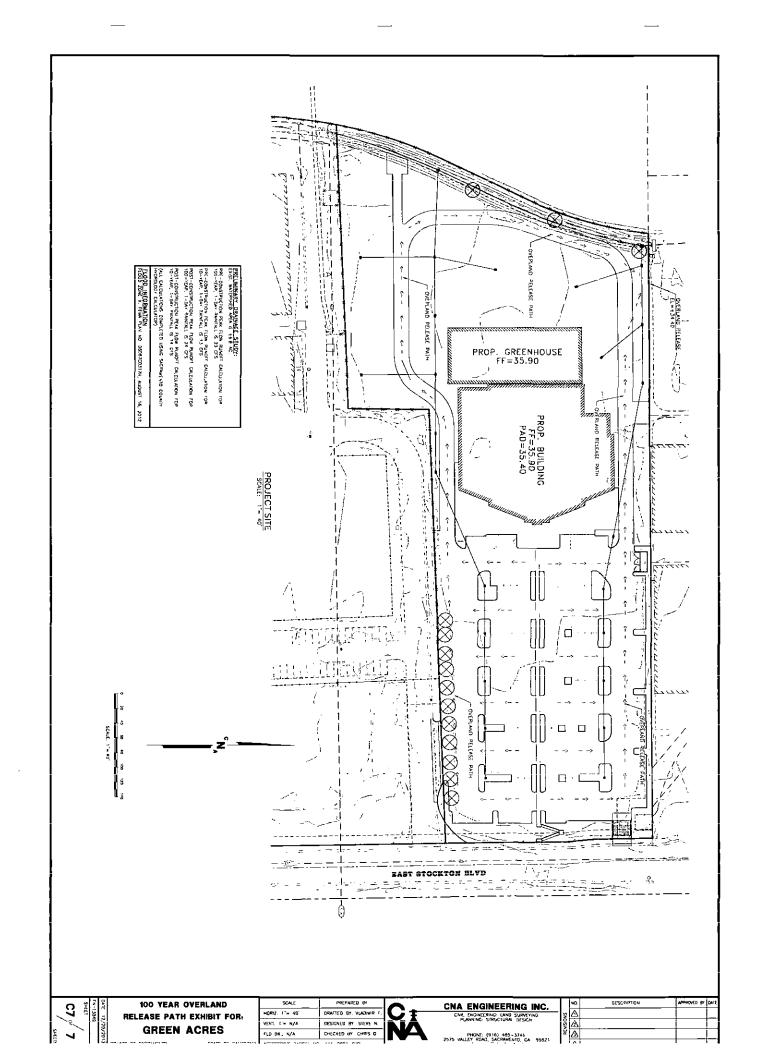














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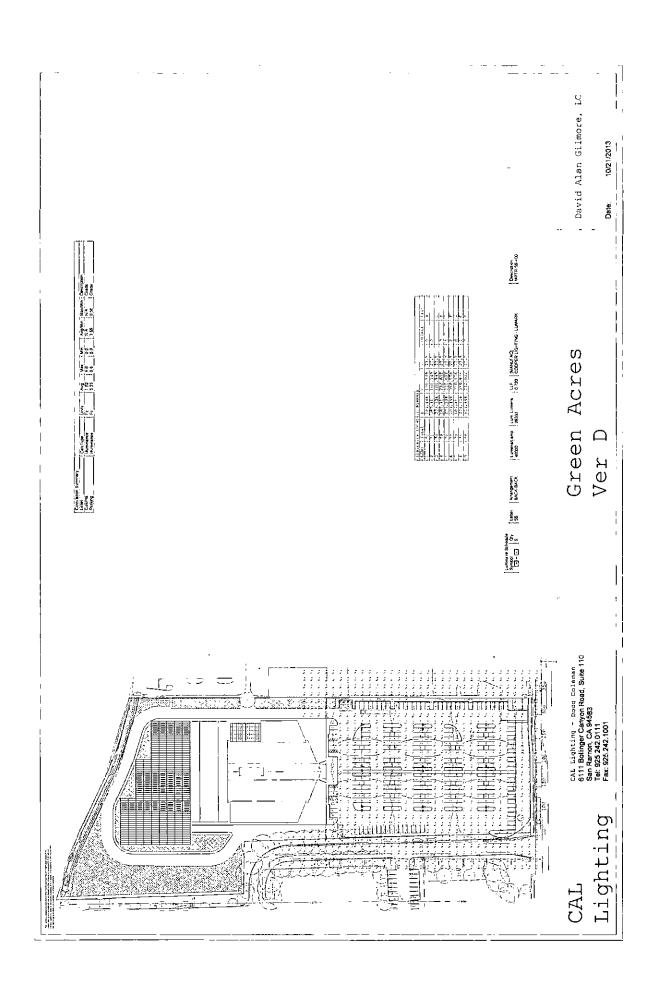


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CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-78

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 March 26, 2014 by the following vote:

AYES: COUNCILMEMBERS: Davis, Cooper, Detrick, Hume, Trigg

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

Jason Lindgren, City Glerk City of Elk Grove, California