

## RESOLUTION NO. 2002-73

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A PARCEL MAP, A DEVELOPMENT PLAN REVIEW AND A RELINQUISHMENT OF RIGHT-OF-WAY FOR A PORTION OF ELK GROVE BOULEVARD FOR THE WATERMAN AND ELK GROVE CENTER PROJECT #EG-01-203, IN THE ELK GROVE OLD TOWN SPECIAL PLANNING AREA

WHEREAS, Taylor Properties (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Parcel Map consisting of 2 lots, a Development Plan Review, (Assessor's Parcel Numbers 127-0170-052); and

WHEREAS, an Initial Study was prepared for this project and a Notice of Intent to Adopt a Negative Declaration was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA) Section 31507.4; and

WHEREAS, a duly advertised public hearing notice; in accordance with Government Code Section 65090 et al. and a public hearing was conducted by the Planning Commission on March 28, 2002.

WHEREAS, after careful consideration of all the written materials and testimony received, the Planning Commission 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 Negative Declaration prepared for the Waterman and Elk Grove Center project and direct staff to file a Notice of Determination.

Finding: The proposal will not have a significant adverse impact on the environment and the Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: The proposed project is a component of a Special Planning Area where environmental issues were analyzed for the total project. An Initial Environmental Study was also prepared specifically for the proposed project and its amendments. On the basis of the Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

2. Approve the Parcel Map (Exhibit A), as recommended by the Planning Commission, subject to the Conditions of Approval (Exhibit B) for 36 months

Findings: Section 66474 of the California Subdivision Map Act requires a City to deny approval of a map, if it affirmatively makes any one of the following findings:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Evidence:** The above Findings #a. through #g. cannot be made to deny the proposed Parcel Map.

- a. The proposed map is consistent with the development standards within the Elk Grove Old Town Special Planning Area and the Zoning Code.
- b. The design of the improvements of the proposed subdivision is consistent with the existing and proposed amendments to the Elk Grove Old Town Special Planning Area.
- c. The site is physically suitable and consistent with the type of single family residential development approved in the Elk Grove Old Town Special Planning Area.
- d. The site is appropriate for the Plan specified density of development and the applicant's proposed amendments to residential densities as presented in the staff report.
- e. The Negative Declaration prepared for the project determined that potential environmental impacts from the design of the parcels or the proposed improvements will be less than significant and would not require Mitigation Measures.
- f. The Negative Declaration prepared for the project determined that no potential serious health problems were identified for the project.
- g. No conflicts with easements acquired by the public at large, for access through or by use of the property within the proposed subdivision, have been identified. In addition, a small portion of the Elk Grove Blvd. right of way is no longer necessary for public use and will be relinquished to the property owner as described in the Parcel Map (Exhibit A).

- 3. **Finding:** The proposed design of the center and buildings are consistent with the Elk Grove Old Town Special Planning Area.

**Evidence:** The Design Book and following information supports the design of the project:

- The architectural theme of the project is planned to conform to the Elk Grove Old Town Special Planning Area and the draft Elk Grove Master Plan.
- The project is consistent with the adopted development standards within the Elk Grove Old Town Special Planning Area.
- There is no justification for requiring greater landscape setbacks within the SPA than stipulated in the Zoning Code. There is no precedence within the Old Town SPA to support a standardized landscape setback.
- This project will complement the eastern gateway to the Elk Grove Blvd. commercial corridor and Old Town East.
- The buildings have been designed to compliment the turn of the century, brick storefront motif with materials that are present in the Old town SPA and consistent with the guidelines in the SPA.
- The scale of the buildings facing Elk Grove Blvd are designed to be compatible with the other buildings along the corridor, and the larger store mass is off-set and set back from the street frontage. The building face along the street frontage, have been designed to appear as smaller individual storefronts and the roofline is designed with offsets to break the mass of the building.
- The pedestrian connections between the buildings and between the buildings and the street are especially important features of the design of the center.
- The main vehicular access points have been designed and located to reduce the impacts upon the Elk Grove Blvd. and Waterman Road intersection. Left turns from the center on to Elk Grove Blvd. will be allowed only on the farthest west side of the center.
- The buildings all contain canopies along the walkways to provide afternoon shade, cover from inclement weather and protected areas for outside dining, passive use areas and public gathering areas.
- Public plazas, landscape features and easily accessed buildings are included to encourage pedestrian and bicycle access to the development.


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 1<sup>st</sup> day of May 2002.

  
 Michael P. Leary, Mayor

ATTEST:

  
 Peggy Jackson, City Clerk

APPROVED AS TO FORM:

  
 Anthony Manzanetti, City Attorney

**AYES:** Leary, Scherman, Cooper,  
 Soares, Briggs

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None



**Exhibit B: Conditions of Approval  
Elk Grove Blvd.and Waterman Road Center, EG-01-203**

<b>Conditions of Approval</b>		<b>Enforcement/ Monitoring</b>	<b>Verification Date and Signature of Monitor</b>
<b>General Conditions</b>			
1.	The development approved by this action is for a Zone Text Amendment, a two lot Parcel Map and a Development Plan Review for the commercial center architecture, site plan and exterior materials and colors, as shown on the approved exhibits dated 3/28/2002	City of Elk Grove	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	City of Elk Grove	
3.	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.	City of Elk Grove	
4.	The following conditions shall apply to the project: <ul style="list-style-type: none"> <li>• Compliance with all adopted City of Elk Grove codes and regulations, including but not limited to the Elk Grove Municipal Code &amp; Zoning Ordinance, Uniform Building Code and Uniform Fire Code and Sacramento County Environmental Health Department Standards.</li> <li>• Large truck and trailer deliveries shall be limited to the hours of 8AM to 9PM. No delivery trucks shall be allowed to use Elk Grove Blvd, west of project site on Elk Grove Blvd and east of the power line corridor.</li> <li>• Unless otherwise noted, all improvements and fees shall be at the expense of the developer, including any fee required by Ordinance No. 1 of the Sacramento</li> </ul>	City of Elk Grove	

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	<p>County Water Agency Code.</p> <ul style="list-style-type: none"> <li>• All commercial buildings exceeding 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.</li> <li>• Developing this property may require the payment of additional sewer impact fees.</li> <li>• Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.</li> <li>• The project shall comply with the City's Land Grading and Erosion Control Ordinance.</li> <li>• The Sacramento County Water Agency (SCWA) will not issue water connection permits or sign improvement plans until adequate water supplies have been identified and secured to the satisfaction of the SCWA.</li> </ul>		
<b>Conditions Required Prior to Grading</b>			
5.	<p>During initial grading, earthmoving, or site preparation a 50-foot wide large-aggregate gravel apron shall be constructed, extending onto the construction site from the adjacent paved road(s) where vehicles and equipment egress.</p>	Public Works	
6.	<p>Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during <u>any</u> development activities, work shall be suspended and the Planning Department shall be immediately notified. At that time, the Planning Department will coordinate any necessary investigation of the find with appropriate specialists as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources.</p> <p>In addition, pursuant to Section 5097.97 of the State Public Resources code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, adhere to the guidelines of the Native American Heritage Commission in the treatment and disposition of the remains.</p>	Planning Division	

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7.	Prior to approval of grading and improvement plans, provide proof of water availability for use during grading and construction, to the satisfaction of the Water Agency.	Elk Grove Water Works	
<b>Prior to the Recordation of the Parcel Map</b>			
8.	The City of Elk Grove shall relinquish that portion of the existing right-of-way easement on Elk Grove Boulevard, based on a modified 60' street section back to the developer. Developer shall install public street frontage improvements on Elk Grove Blvd, to the satisfaction of the Department of Transportation.	Department of Transportation	
9.	Grant the City of Elk Grove right-of-way easement on Waterman Road based on an 84' modified street section and install public street frontage improvements to the satisfaction of the Department of Transportation. <i>Note: The Waterman Road centerline will be redesigned through the Elk Grove Boulevard intersection incorporating the existing improvements along Waterman Road.</i>	Department of Transportation	
10	Dedicate a pedestrian easement along Elk Grove Blvd to the satisfaction of Department of Transportation. The easement will need to provide access from the bus pad and install a architecturally compatible bus bench and shelter with the on-site buildings.	Department of Transportation/ Planning Division	
<b>Conditions Required Prior to Issuance of Building Permits</b>			
11	All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.	Planning Division	
12	The commercial center shall have a minimum 20-foot wide fire lane that completely surrounds this project on all sides and meets proper turning radius and design standards.	CSD Fire	
13	The size, number, and location of driveways shall be in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Transportation. <i>Note: Driveway widths of 45 feet should be provided on Elk Grove</i>	Department of Transportation	

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	Boulevard and Waterman Road.		
14	Applicant shall include all conditions of approval that are required for the Certificate of Occupancy in the notes of all building plans.	Planning Division	
15	All required roadways, water mains, fire hydrants and fire flow shall be provided prior to the existence of any combustible construction or storage in this development. The roadways shall be constructed to a 20-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage.	EGCSD – Fire Department	
16	A permit release letter from the Elk Grove Community Services District Fire Department shall be required prior to the Building Department issuing any construction permits.	EGCSD – Fire Department	
17	All sewer impact fees levied by CSD-1 shall be paid in accordance with SD-1 Sewer Rate Ordinance SDI 0039 and Regional Connection Fee Ordinance SRCSD-0082. Facilities Impact Fees are subject to revision March 1 <sup>st</sup> of each year.	SRCSD-1	
18	The project, the project proponent shall pay all applicable Elk Grove Water Works development fees at the time of building permit issuance.	Elk Grove Water Works	
<b>Conditions Required Prior to Certificate of Occupancy</b>			
19	Install street frontage improvements for the intersection of Elk Grove Blvd and Waterman Road to the satisfaction of the Public Works Agency, Department of Transportation. Should a bond for the improvements be deposited in lieu of the improvements, Infrastructure Finance shall determine the appropriate amount of the bond.	Department of Transportation/ Infrastructure Finance	
20	Offsite drainage improvements in the public right of way shall be provided pursuant to the Sacramento County Floodplain Management Ordinance, and the Sacramento County Improvement Standards.	Department of Water Resources	
21	Separate water service shall be provided to each parcel to the satisfaction of the Elk Grove Water Works.	Elk Grove Water Works	



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22	On-site source control measures are required for this project in accordance with the latest version of the Guidance Manual of On-site Storm Water Quality Control Measures or acceptable to Sacramento County Department of Water Quality. On-site treatment may be required if determined feasible by the Department of Water Resources. The final design for the on-site source and on-site treatment controls will be approved by the City of Elk Grove Department of Water Resources.	Department of Water Resources	
23	Provide drainage easements and install facilities pursuant to the Sacramento County Floodplain Management Ordinance, Sacramento County Water Agency Code, and Sacramento County Improvement Standards, including any fee required by the Sacramento County Water Agency Code.	Department of Water Resources	
24	Install water mains for the purpose of fire protection to the satisfaction of CSD-Fire. In addition, install or contribute fair share portion of the cost for a 24-inch transmission water main on Waterman Road per the adopted Sacramento County Water Agency East Elk Grove Water Master Plan.	CSD Fire	
25	All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District. The owners of all real property within the boundaries of the project shall execute and deliver to the Elk Grove Community Services District a written petition in an acceptable form approved by the 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 used 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. The developer will be responsible for the maintenance of on-site and off-site landscape improvements.	EGCSD	
26	The builder shall construct, in substantial compliance with the approved plans, the architectural design of the project, including but not limited to the building design, exterior materials, colors, landscaping, fences and walls, trash enclosures and lighting	Planning Division	

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	fixtures, to the satisfaction of the Director of Community Development.		
27	All roof mounted mechanical equipment shall be fully screened from view from all streets and public spaces. The screen shall be either the parapet of the building or constructed of metal and painted to match the color of the building. To the satisfaction of the Planning Division.	Planning Division	
28	The installation of on-site or off-site fire protection equipment, including fire hydrants and water mains, shall meet the standards of the EGCSDFD and the water purveyor having jurisdiction.	EGCSD – Fire Department	
29	This development is required to provide adequate fire flow from a public water system to the satisfaction of CSD- Fire. Hydrants shall be spaced a maximum of 300 feet apart or to the satisfaction of the Fire Chief. 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 minimum requirements.	EGCSD – Fire Department	