

RESOLUTION NO. 2003-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE UPHOLDING THE APPEAL AND APPROVING A TENTATIVE PARCEL MAP FOR PROJECT NUMBER EG-02-307, ASSESSOR PARCEL NUMBER 134-0510-025, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, Jackson/El Dorado General Partnership (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Tentative Parcel Map to divide one lot of 5.06 acres into three (3) parcels of 0.64 acres, 1.03 acres, and 3.39 acres in size. (Assessor's Parcel Number 134-0510-025); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the proposed project is categorically exempt as a Class 15 Exemption under CEQA §15315; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on November 14, 2002 and approved the project; and

WHEREAS, an appeal of the Planning Commission's November 14, 2002 decision was filed on November 22, 2002 requesting modifications to conditions 5 and 6; and

WHEREAS, Article III, Section 115-38 of the Elk Grove Zoning Code states that the City Council shall review the entire proceeding held before the Planning Commission, de novo, and may make any order it deems just and equitable, including the grant of any permit.

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

A. Approve the Jackson/El Dorado Tentative Parcel Map (Exhibit A), subject to the findings and the attached conditions of approval (Exhibit B).

1. Finding: There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.

Evidence: The project is consistent with proposed General Plan land use designation of Heavy Industry and existing zoning of M-2.

2. Finding: The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements which have been reviewed by

the General Plan Advisory Committee as of the date on which the project is approved.

Evidence: The proposed General Plan Land Use Map shows that this parcel is currently, and will remain, a Heavy Industrial land use. Furthermore, the project has been conditioned to comply with all applicable General Plan policies.

3. **Finding:** There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.

Evidence: The proposed General Plan Land Use Map shows that this parcel is currently, and will remain, a Heavy Industrial land use. Furthermore, the project has been conditioned to comply with all proposed General Plan Elements.

4. **Finding:** The proposed use or action complies with all other applicable requirements of state law and local ordinance.

Evidence: The proposed project meets all Elk Grove City Zoning standards, as well as all standards for Parcel Maps under the Subdivision Map Act and all other applicable state laws. Title 22 Chapter 22.30 of the Elk Grove Municipal Code requires that as a condition of approval of a tentative subdivision map or a tentative parcel map “the subdivider shall dedicate or make an irrevocable offer of dedication of real property within the subdivision that is needed for streets, alleys, including access rights and abutters’ rights...and other public easements.” Title 22 Chapter 22.110.035(b) states that if the circulation element of the general plan shows any “highway, expressway, thoroughfare, arterial or similarly named road located so that any portion lies within or adjacent to a proposed project, such roadway shall be incorporated into the project in conformance with the design standards in the general plan...”. In addition, General Plan policy CI-9 requires that projects approved be consistent with the General Plan Circulation Element and dedicate all required right-of-way to construct roadway improvements necessary to implement the Circulation Element. With Condition of Approval #5, the project is consistent with Title 22 of the Municipal Code and General Plan policy CI-9.

5. **Finding:** Policy CI-9 of the General Plan states that the City shall implement the Roadway Master Plan as shown in the Circulation Element.

Evidence: Condition Number 5 will ensure that proposed development is consistent with the General Plan, which requires the dedication of right-of-way and the installation of roadway improvements consistent with the Roadway Master Plan as part of the review and approval of development projects.

- g. That the design of the subdivision or the 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. do not apply to the proposed Tentative Parcel Map.

- a. The proposed map is consistent with the limits as specified in the Elk Grove General Plan.
- b. The design or improvements of the proposed parcel map are consistent with the Elk Grove Community Plan and Elk Grove General Plan.
- c. The site is physically suitable for industrial development and would conform to the development standards in the zoning code and previous conditions placed on the project.
- d. The site is physically suitable for industrial development.
- e. The design of the project or parcel map will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. The design of the parcel map or type of improvements will not cause serious public health problems.
- g. Project is required to dedicate necessary right-of-way therefore, no conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 19th day of February 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

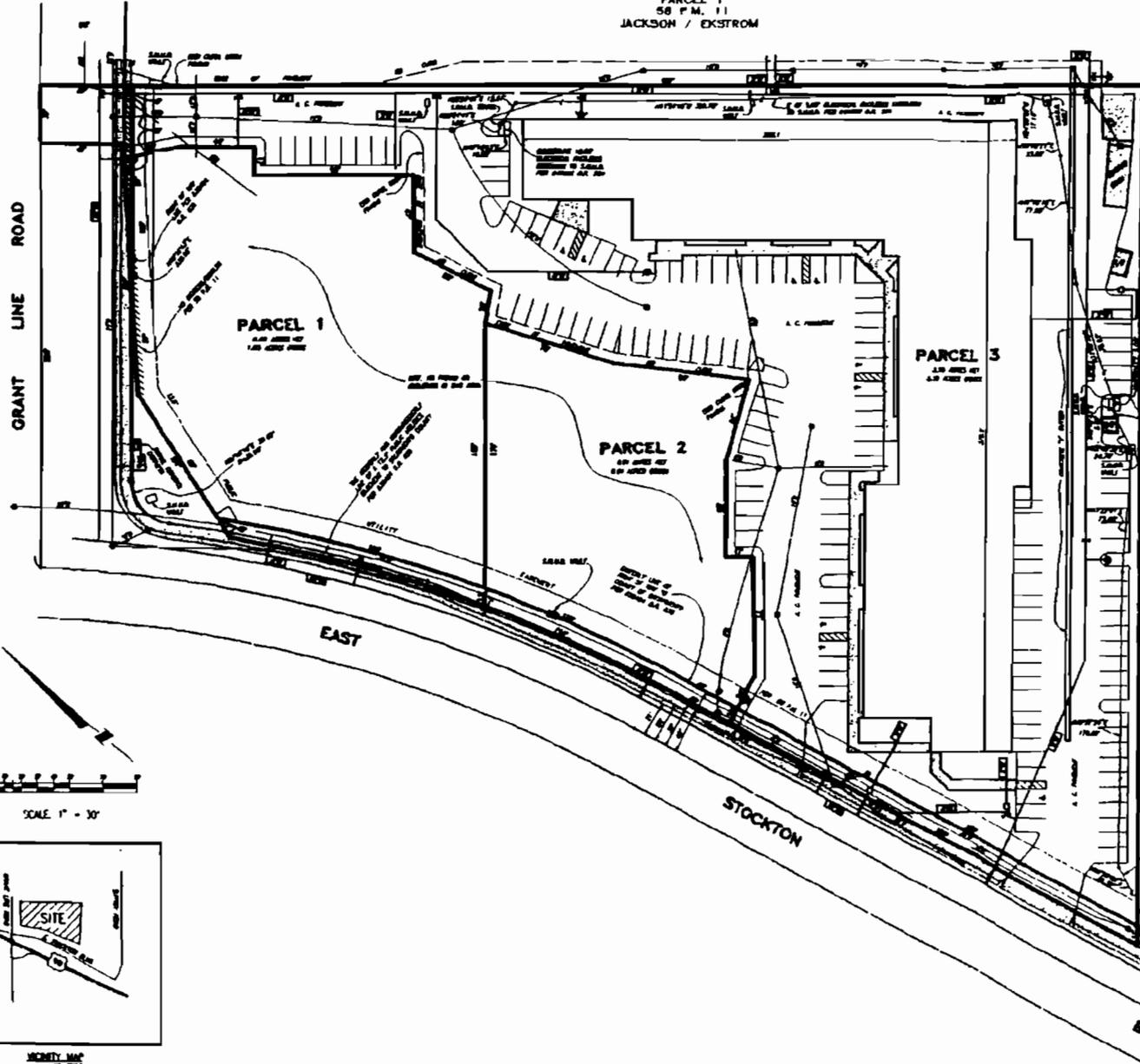
6. **Finding:** Required dedication of the Grant Line Interchange rights-of-way is roughly proportional to the increased vehicular traffic attributable to the proposed use.
- Evidence:** The nexus for the right-of-way requirement is based on calculations developed by the Public Works Department for this project. The engineering staff of the Public Works Department has determined the following:
- a. Based on the Grant Line Interchange Project Report the required right-of-way is estimated to cost \$15.78/ft². Therefore, the dedicated right-of-way is estimated to cost \$72,000.
 - b. The Grant Line Interchange is estimated to cost \$11,280,000 for construction. The expected increase in trips carried by the interchange is 35,700 trips per day; therefore, the estimated cost per trip is \$316 (\$11,280,000 /35,700 trips).
 - c. Based on the allowable use for the site the total for new trips is anticipated to range from 350 to 2,150 per day.
 - d. Engineering Staff made the assumption that 75% of the trips for this site would arrive via the new interchange.
 - e. Based on the four (4) points above the cost to the infrastructure improvement that is attributable to the potential use of this site ranges from \$83,000 to \$509,600. ($\$316 \times 0.75 \times 350 = \$83,000$ and $\$316 \times 0.75 \times 2,150 = \$509,600$). The required dedication is estimated to be \$72,000, which is roughly proportional to the impact that the project will generate at the lowest range.
7. **Finding:** Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:

That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

- a. That the design or improvements of the proposed subdivision 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 is 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 the type of improvements is likely to cause serious public health problems.

PARCEL 1
58 P.M. 11
JACKSON / EKSTROM

TENTATIVE PARCEL MAP
JACKSON/EL DORADO BUSINESS CENTER
 (BEING PARCELS 2,3 AND 4, BOOK 58 OF PARCEL MAPS PAGE 11)
 CITY OF ELK GROVE, COUNTY OF SACRAMENTO, CALIFORNIA
 JUNE, 2002 SCALE: 1" = 30'
 MURRAY SMITH & ASSOCIATES



PARCEL 10
58 P.M. 11
BELL

PARCEL 9
58 P.M. 11
LUPTON

PARCEL 8
58 P.M. 11
FENSLER RACING

PARCEL 7
58 P.M. 11
FENSLER RACING

PARCEL 6
58 P.M. 11
BEAMAN FAMILY TRUST

PARCEL 5
58 P.M. 11
BEAMAN FAMILY TRUST

| OWNER | ADDRESS | PHONE |
|-----------|---------------------|-------|
| PARCEL 1 | JACKSON / EKSTROM | |
| PARCEL 2 | JACKSON / EKSTROM | |
| PARCEL 3 | JACKSON / EKSTROM | |
| PARCEL 5 | BEAMAN FAMILY TRUST | |
| PARCEL 6 | BEAMAN FAMILY TRUST | |
| PARCEL 7 | FENSLER RACING | |
| PARCEL 8 | FENSLER RACING | |
| PARCEL 9 | LUPTON | |
| PARCEL 10 | BELL | |

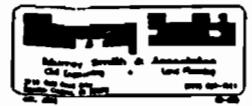
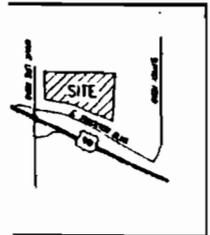
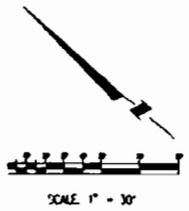


Exhibit B: Conditions of Approval/General Comments

| <u>Conditions of Approval / Mitigation Measure</u> | <u>Timing/ Implementation</u> | <u>Enforcement/ Monitoring</u> | <u>Verification (date and Signature)</u> |
|--|--|---|---|
| 1. The development approved by this action is for a Tentative Parcel Map as described in the Planning Commission report and associated Exhibits. | On-Going | Planning Division | |
| 2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures. | On-Going | Planning Division | |
| 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. | On-Going | All Responsible Agencies | |
| 4. Number, size and location of driveways are subject to approval by the Public Works Department. | Final Map | Department of Public Works | |
| 5. Grant the City of Elk Grove right-of-way on Stockton Boulevard and Grant Line Road based on the "Green Alternative Configuration" for the proposed Grant Line Road/Highway 99 interchange, <u>as shown in Figure 1 and the legal description as shown in Exhibit 1 (attached)</u> , in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Department of Public Works. | Final Map | Department of Public Works | |
| 6. Prior to Occupancy, contribute the cost to repair damaged sidewalk on East Stockton Road in accordance with the City of Elk Grove Improvement Standards. | Prior to Occupancy | Department of Public Works | |
| 7. Dedicate a 12.5-foot public utility easement for overhead and underground facilities adjacent to Grant Line Road. | Final Map | SMUD | |

Exhibit B: Conditions of Approval / Advisory Comments

| | | | | |
|-----|--|--------------------------------------|--------------------------|--|
| 8. | Dedicate a 12.5 public utility easement for underground facilities and appurtenances adjacent to all public street rights of ways. | Final Map | SMUD | |
| 9. | The owner/developer must disclose to future/potential owners the existing 69kV electrical facilities. | Note On Final Map | SMUD | |
| 10. | All real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape & Lighting Assessment District. Prior to approval of final map; the owners of all real property within the boundaries of a project shall execute and deliver to the EGCSA 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. | Prior to Recordation of Final Map | EGCSA Parks & Recreation | |
| 11. | Connection to the public sewer system shall be required to the satisfaction of CSD-1. | Prior to Issuance of Building Permit | CSD-1 | |
| 12. | Each parcel must have a separate connection to the public sewer system. Sacramento County Improvement Standards apply to on-site sewer construction. | Prior to Issuance of Building Permit | CSD-1 | |
| 13. | Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. | Prior to Recordation of Final Map | Water Resources | |

Exhibit B: Conditions of Approval / Advisory Comments

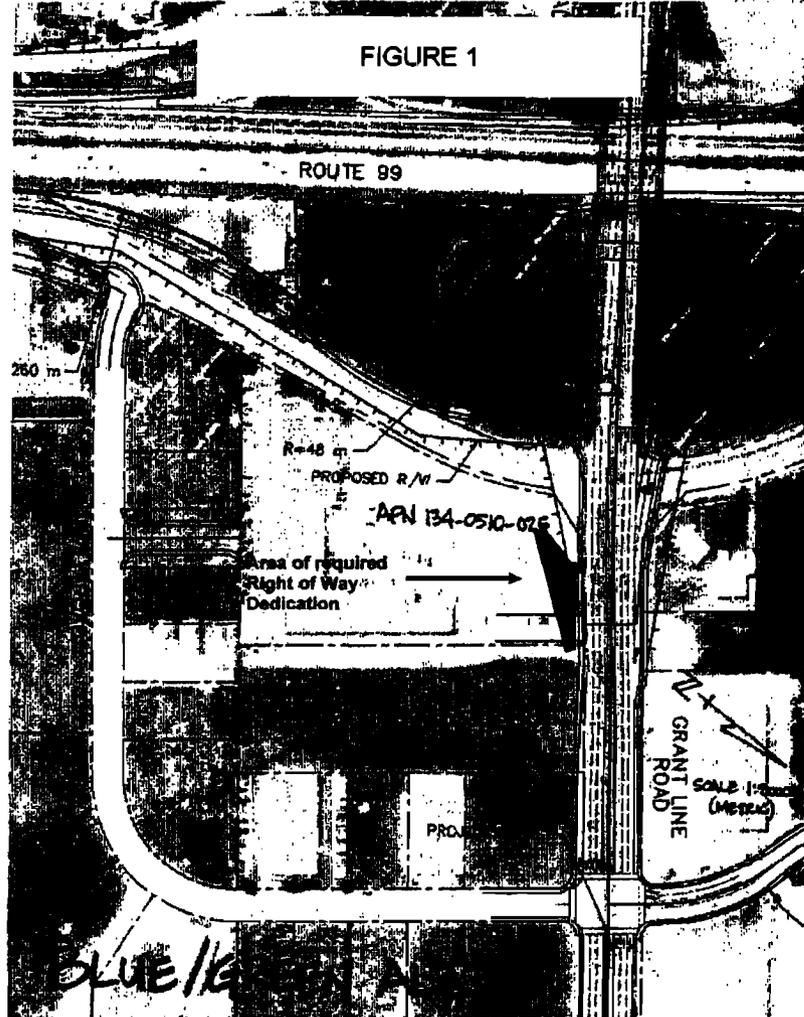
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|-----|---|--------------------------------------|-----------------|--|
| | Clearly show all abandoned/destroyed wells on the improvement plans for the project. Prior to abandoning any existing agricultural wells, applicant shall use water from agricultural wells for grading and construction. | | | |
| 14. | Public water service shall be provided to each parcel. | Prior to Issuance of Building Permit | Water Resources | |

Exhibit B: Conditions of Approval/General Comments

Advisory Comments

- a. 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 County Water Agency Code.
- b. Prior to the issuance of any building permits for the project, the project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance to the satisfaction of the City's Landscape/Oak Tree Coordinator.
- c. Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information. (CSD-1)
- d. Secure approval from the Public Works Department of a civil-engineered site improvement plan for all on-site and off-site improvements associated with this project.
- e. Prior to issuance of any building permits for the project, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18. (Water Resources)
- f. Prior to the issuance of any building for the project the project shall conform to the specific provisions of the City of Elk Grove Water Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator. (Water Resources)
- g. All commercial projects exceeding 10,000 square feet shall be provided with two points of access a minimum of 500 feet apart. In addition, such projects shall be provided with a minimum 10-inch fire main loop with two points of connection to public water. (EGCSD Fire Department)
- h. All buildings exceeding 3,599 square feet shall be provided with an automatic fire sprinkler system. (EGCSD Fire Department)
- i. Two (2) sets of plans and specifications shall be submitted to the Elk Grove Community Services District Fire Department for review and approval prior to installation. Plans including, but not limited to, the following should be submitted to the fire department: civil engineering plans, architectural plans (including electrical, mechanical, plumbing), fire sprinkler plans and fire alarm plans. (EGCSD Fire Department)
- j. A dedicated fire control room shall be provided for all commercial buildings. The exterior access door shall be clearly marked "Fire Control Room" with three (3) inch tall letters that contrast with their background. A key to the room shall be located within an approved Fire Department high security Knox box located adjacent to the access door on the exterior of the building. The minimum dimensions of the room are five (5) feet by seven (7) feet. (EGCSD Fire Department)
- k. Fire Department access shall be required on the property for emergency vehicles. This access road shall be a minimum 20' wide and capable of supporting 65,000 GVW. (EGCSD Fire Department)
- l. An approved turnaround or hammerhead turnabout shall be provided prior to building occupancy. (EGCSD Fire Department)

Exhibit B: Conditions of Approval / Advisory Comments

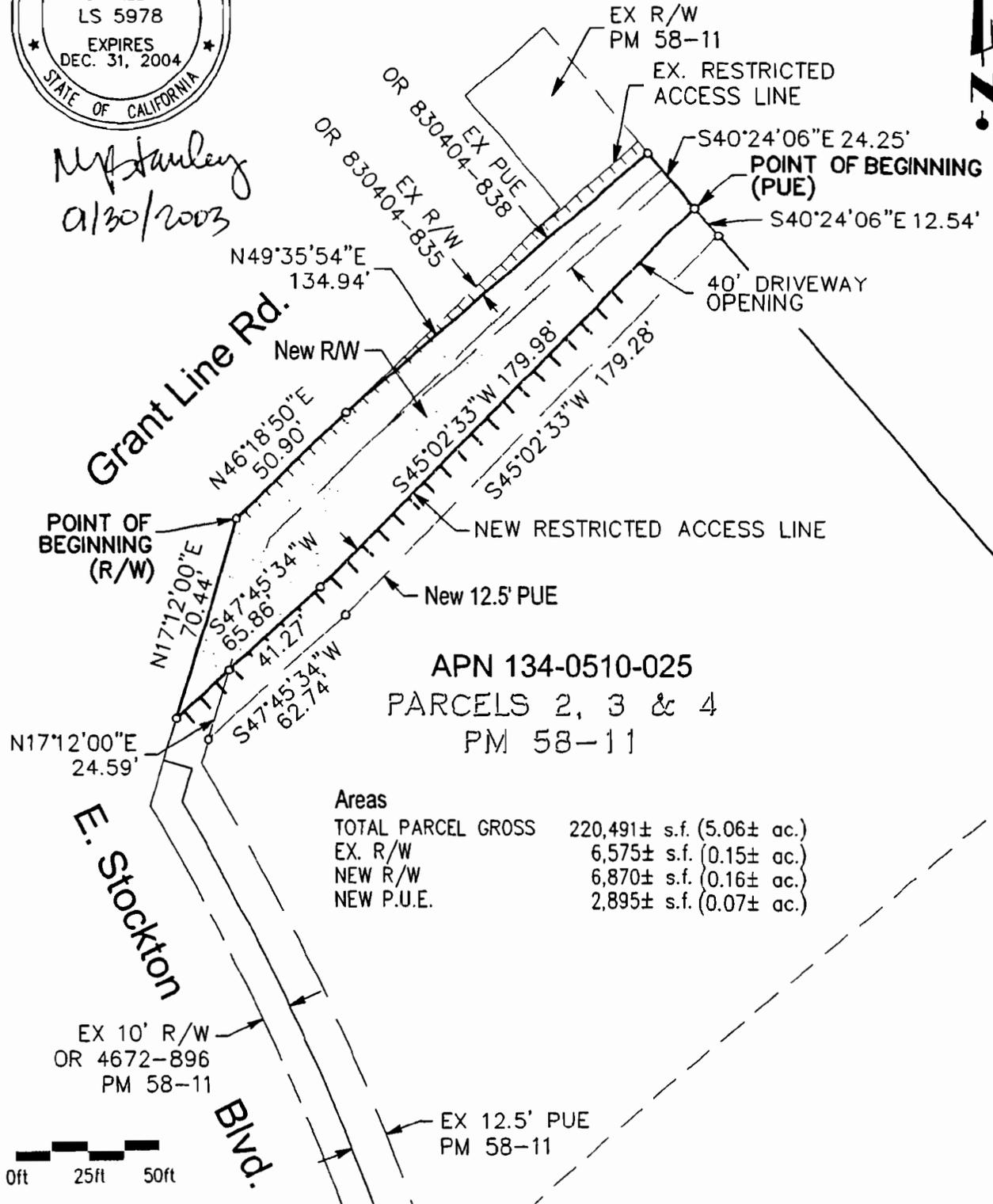




M. Stanley
01/30/2003

SEC. 18
 T. 6 N., R. 6 E., M.D.B. & M.
 City of Elk Grove
 Sacramento County, California

Exhibit 1



| | | |
|------------------|---|---|
| DATE: 01/30/2003 | Right of Way, Access Restriction and Public Utilities Easement Exhibit | City of Elk Grove |
| SCALE: 1"=50' | | |
| 134-0510-025.DWG | APN 134-0510-025 | Prepared by: Mark Thomas & Company, Inc. |
| SHEET 1 OF 1 | Jackson El Dorado | |

Right of Way and Access Rights Descriptions

APN 134-0510-025

Portions of Parcel 2 as shown on the Parcel Map filed in Book 58 of Parcel Maps, Page 11, Sacramento County Records, located in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, City of Elk Grove, Sacramento County, California, described as follows:

Right of Way

Beginning at the southwesterly terminus of the course labeled *N. 45°53'39" E. 151.08'* on the northwesterly boundary of said Parcel 2 as shown on said map; thence along said northwesterly boundary North 46°18'50" East 50.90 feet to the southwesterly corner of the property described in the Right of Way Deed to the County of Sacramento recorded April 4, 1983 in Book 830404, Page 835, Official Records of Sacramento County; thence along the southeasterly boundary of said County of Sacramento Right of Way North 49°35'54" East 134.94 feet to the northeasterly boundary of said Parcel 2; thence along said northeasterly boundary South 40°24'06" East 24.25 feet; thence South 45°02'33" West 179.98 feet; thence South 47°45'34" West 65.86 feet to the westerly boundary of said Parcel 2; thence along said westerly boundary North 17°12'00" East 70.44 feet to the **Point of Beginning**, containing 6,870 square feet (0.16 acres), more or less.

End of Description

Access Rights

Grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property, in and to Grant Line Road and East Stockton Boulevard over and across the southeasterly two lines of the above described property, **excepting therefrom** the northeasterly 40.00 feet thereof adjacent to the northeasterly boundary of said Parcel 2.

End of Description

This real property description has been prepared at Mark Thomas & Co., Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.


Michael J. Stanley



January 30, 2003

12.5' Public Utilities Easement

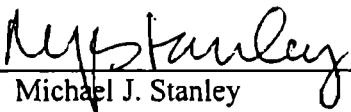
APN 134-0510-025

That portion of Parcel 2 as shown on the Parcel Map filed in Book 58 of Parcel Maps, Page 11, Sacramento County Records, located in Section 18, Township 6 North, Range 6 East, Mount Diablo Meridian, City of Elk Grove, Sacramento County, California, described as follows:

Commencing at the southwesterly terminus of the course labeled *N. 45°53'39" E. 151.08'* on the northwesterly boundary of said Parcel 2 as shown on said map; thence along said northwesterly boundary North 46°18'50" East 50.90 feet to the southwesterly corner of the property described in the Right of Way Deed to the County of Sacramento recorded April 4, 1983 in Book 830404, Page 835, Official Records of Sacramento County; thence along the southeasterly boundary of said County of Sacramento Right of Way North 49°35'54" East 134.94 feet to the northeasterly boundary of said Parcel 2; thence along said northeasterly boundary South 40°24'06" East 24.25 feet to the **Point of Beginning**; thence along the northeasterly boundary of said Parcel 2 South 40°24'06" East 12.54 feet; thence South 45°02'33" West 179.28 feet; thence South 47°45'34" West 62.74 feet to the westerly boundary of the 12.5 feet wide Public Utilities Easement shown on said Parcel Map; thence along said westerly line North 17°12'00" East 24.59 feet; thence North 47°45'34" East 41.27 feet; thence North 45°02'33" East 179.98 feet to the **Point of Beginning**, containing 2,895 square feet (0.07 acres), more or less.

End of Description

This real property description has been prepared at Mark Thomas & Co., Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.


Michael J. Stanley

January 30, 2003

