

RESOLUTION NO. 2003-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN REVIEW AND VARIANCE FOR THE OFFICES AT LAGUNA SPRINGS PROJECT NO. EG-03-408, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL

WHEREAS, The Offices at Laguna Springs, represented by Kevin Woodbury (hereinafter referred to as Applicants) filed an application with the City of Elk Grove (hereinafter referred to as City) for a Tentative Subdivision Map, Development Plan Review and a Variance (Assessor's Parcel Number 116-0070-041); 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, A Mitigated Negative Declaration was prepared for Zoning Agreement 96-ZGB-0121. This environmental document identified the site for commercial development, therefore no further environmental review is needed according to the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Offices at Laguna Springs project plans included as Attachments E and F of the August 20, 2003 City Council staff report, are hereby incorporated by reference; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on July 24, 2003 and recommended City Council approval of the project.

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

1. Approve the Offices at Laguna Springs Tentative Subdivision Map, Development Plan Review and Variance based on the following findings and the attached Conditions of Approval included as Exhibit A.

Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment because all potential environmental effects have been analyzed adequately in a previous Mitigated Negative Declaration prepared for Zoning Agreement 96-ZGB-0121, therefore no further environmental review is necessary.

Evidence: The project was analyzed by a previous environmental document for the Laguna Springs Plaza development. This environmental document identified the site for Commercial development. Therefore, no further CEQA analysis is required in accordance with the California Environmental Quality Act (CEQA).

General Plan

Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence:

- (a,b,c) The Elk Grove General Plan land use map identifies the project site as a commercial property and the proposed development is consistent with land use for the property. The property has been designed to be consistent with the Zoning Agreement recorded for the property, the zoning code, and the policies and goals of the General Plan
- (d) The proposed project is consistent with the policies and development standards as listed in the General Plan. The requested Tentative Subdivision Map, Development Plan Review and Variance are consistent with state law and local ordinances as discussed by the following findings and evidence.

Tentative Subdivision Map

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:

- 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. do not apply to the proposed Tentative Subdivision Map.

- a. The proposed map is consistent with the Elk Grove General Plan and LC zoning designation.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and design standards of the municipal code.
- c. The site is physically suitable for extension of commercial development and will be consistent with the Elk Grove Municipal Code.
- d. The site is appropriate for the specified density of development and parcel design.
- e. The proposal will not have a significant adverse impact on the environment because all potential environmental effects have been analyzed adequately in a previous Mitigated Negative Declaration prepared for Zoning Agreement 96-ZGB-0121, therefore no further environmental review is necessary.
- f. The project is consistent with previous environmental approvals and has been designed to City Standards.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

Development Plan Review

Finding: The project complies with the development plan review standards listed in §110-80 through §110-84 of the City's Zoning Code.

Evidence: Staff recommends that this finding can be made because the project complies with the referenced development standards of the Elk Grove Zoning Code. The project development and design guidelines ensure an aesthetically compatible commercial project.

Variance

Finding: The strict interpretation 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. Also, 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: The Capital Nursery property is currently zoned Agricultural Residential and should be zoned commercial. The proposed project would be required to meet a stricter level of development standards if the Capital Nursery property is regarded as residential rather than commercial. Since the Capital Nursery property is used for

commercial uses, commercial development standards should be used for height limitations, setbacks and other zoning requirements.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 20th day of August 2003.



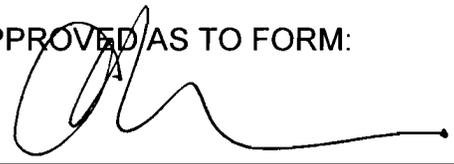
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2003-162

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, 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 the 20th day of August, 2003 by the following roll call vote:

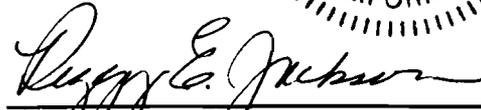
AYES 3: COUNCILMEMBERS: Scherman, Soares, Leary

NOES 1: COUNCILMEMBERS: Cooper

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 1: COUNCILMEMBERS: Briggs





Peggy E. Jackson, City Clerk
City of Elk Grove, California

<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 Subdivision Map, Variance and Development Plan Review as described in the City Council report and associated Exhibits and Attachments dated August 20, 2003.	On-Going	Planning	
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
3. The Tentative Subdivision Map approval is valid for three years from the date of City Council approval, unless an extension of time is subsequently approved.	Three years, commencing with the date of City Council approval.	Planning	
4. 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	
Prior to Grading/Improvement Plans			
5. The project shall comply with the City's Land Grading and Erosion Control Ordinance. (Department of Water Resources)	Improvement Plans	Department of Water Resources	
6. Install on-site and off-site drainage facilities as required pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency.	Grading Permit and/or deemed needed by Public Works	Public Works	
7. Landscape Corridors shall be constructed and installed in accordance with plans and specifications approved by the Elk Grove Community Services	Landscape Plans	EGCSD Parks and Recreation	

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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 w the area, Corridors will be inspected by District employees and include meandering or bifurcated sidewalks, subject to EGCS D approval. Any proposed deviation from CSD's specifications would need to be submitted to the CSD and be approved in writing.			
8. 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.	Landscape Plans	EGCS D Parks and Recreation	
9. Improve a landscape corridor and dedicate a landscape maintenance easement to Elk Grove Community Services Department for 36 foot corridor adjacent to Elk Grove Boulevard and a 25 foot corridor adjacent to Laguna Springs Drive. Easement shall address ongoing maintenance, operation, repair and replacement. If the property owner desires to maintain the landscape corridor, owner must enter into a maintenance agreement, which addresses the rights and obligations pertaining to any/all joint activities and interests.	Landscape Plans	EGCS D Parks and Recreation	
10. This project shall have looped fire mains capable of providing a fire flow of 3000 gallons per minute.	During Construction	EGCS D Fire	
11. Provide public water service to each building.	Improvement Plans	Water Supply	
12. Water Supply will be provided by the Sacramento County Water Agency.	Improvement Plans	Water Supply	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
13. Provide calculation for the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards.	Improvement Plans	Public Works	
14. Provide the stormwater treatment facilities prior to the drainage entering the public drainage system, to the satisfaction of the City Public Works.	Improvement Plans	Public Works	
15. Connection to the public sewer system shall be required to the satisfaction of CSD-1.	Improvement Plans	CSD-1	
16. Each parcel must have a separate connection to the public sewer system.	Improvement Plans	CSD-1	
17. Public sewer may be constructed on-site to accommodate the new parcels. Sewer easements will be required for on-site public sewers. All sewer easements shall be dedicated to CSD-1, be 20 feet in width and ensure continuous access for maintenance. Sacramento County Improvement Standards apply to any on-site sewer construction.	Improvement Plans	CSD-1	
18. Public improvements shall be installed to the City of Elk Grove Improvement Standards or to the satisfaction of Public Works.	Prior to approval of Improvement Plans	Public Works	
19. Calculate the 100-year flood run-off and demonstrate the means by which the 100-year run-off will be conveyed to the existing drainage system and that the existing drainage system has adequate capacity to handle the 100-year runoff. Use the SACPRE methodology as contained in the 1996 Hydrology Standards Volume 2 to calculate the 100 year runoff.	Prior to Grading Permit	Public Works	
20. Display the overland release points for the 100-year flood.	Prior to Grading Permit	Public Works	
Final Map			
21. If there are any discrepancies between the site plan	Final Map	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	tentative map and the conditions of approval, the conditions of approval shall supersede the approved tentative map.			
22.	Submit a property description and a copy of the approved tentative map to the City of Elk Grove for the inclusion of this development to the City of Elk Grove Stormwater Utility.	Prior to Final Map	Public Works	
23.	Grant the City of Elk Grove right-of-way at the intersection of Laguna Springs Drive and Elk Grove Blvd. based upon an expanded intersection in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Note: At the intersection, Laguna Springs Drive will be 92' and will taper to a 62' street section at the northern property boundary.	Final Map	Public Works	
24.	Grant the City of Elk Grove right-of-way on Elk Grove Blvd. based on a 108' thoroughfares in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Public Works	Final Map	Public Works	
25.	Grant the City of Elk Grove right-of-way on Laguna Springs Drive based on a modified 62' street in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Public Works.	Final Map	Public Works	
26.	Dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to public streets.	Final Map	Public Works	
27.	Provide Business Owner's Association bylaws including but not limited to common area ownership, maintenance, and joint access, for review and approval by Public Works.	Final Map	Public Works	
28.	Provide drainage easements to off-set project impacts, as necessary, at no cost of the City of Elk Grove pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove	Final Map	Public Works	

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Improvement Standards, including any fee required by the Sacramento County Water Agency Code.			
29..	<p>A note similar to the following shall be placed on the final parcel map prior to recordation. The note shall specify easements across adjoining parcels for the benefit of the parcels in need to enable individual private sewage service to the line in Laguna Springs Drive.</p> <p>A private sewer easement for the installation and/or maintenance of a private sanitary sewer line across Parcel X to Parcel Y is to be dedicated upon close of escrow. The private sewer easement shall be a minimum 10 feet wide.</p>	Final Map	CSD-1	
	Building Permits			
30.	Install public street improvements on Laguna Springs Drive in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of the Public Works. Note: Laguna Springs Drive will match the existing curb return at the northeast corner and the improvements to the north of the property.	Prior to 1 st Building Permit	Public Works	
31.	The floor elevation must be a minimum of 1 foot above the 100-year water level for the area.	Building Permit	Public Works	
32.	Install public street improvements on Elk Grove Blvd. based on a 108' thoroughfare in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to 1 st Building Permit	Public Works	
33.	Install public street improvements at the intersection of Laguna Springs Drive and Elk Grove Blvd. in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Note: The existing curb return at the northeast corner will serve as a control point.	Building Permit	Public Works	

<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>34. The variance approved by this application allows for the buildings to be 10 feet from the eastern property line, the trash enclosures to be located within 3 feet of the eastern property line, that a masonry wall is not needed along the eastern property line and building 7 may be 29 feet in height in accordance with the approved site plan and building elevations.</p> <p>The three parallel parking spaces along the eastern property line near Elk Grove Boulevard will be eliminated and replaced by landscaping. Overall parking will be reduced from 169 to 166 spaces with building sizes staying the same.</p>	Building Permit	Planning	
<p>35. The roof line on building six will wrap around the eastern elevation.</p>	Building Permit	Planning	
<p>36. The masonry wall that will be built along the northern property line will be of the same material as the existing masonry wall along Laguna Springs Drive directly to the north. The height of the wall will be a minimum of 6 feet in height and tie into the existing wall along Laguna Springs Drive.</p>	Building Permit	Planning	
<p>37. All signage will be reviewed by Planning Staff prior to approval and a master sign program developed.</p>	Building Permit	Planning	
<p>38. The project will reserve reciprocal access easements along the eastern property boundary. Staff will review access options at the time the Capital Nursery property develops as an expanded use. The Business Owner's Association bylaws will include a reciprocal access for all parcels to the property to the east.</p>	Final Map	Public Works	

General Compliance Items for Building Permit

1. Prior to issuance of building permits, 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 Supply)
2. Prior to issuance of building permits, the project shall conform to the specific provisions of the City's Landscape Water Conservation Ordinance (Chapter 14.10 of the City of Elk Grove Code) to the satisfaction of the City's plan checker or consultant. (Water Supply)
3. Secure approval of a civil engineered site improvement plan for all proposed on-site and off-site improvements.
4. 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.
7. Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds.
8. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
9. If homes exceeding 3,600 square feet (including garages and covered porches) will be built in this subdivision, additional fire flow analysis of the water system must be conducted. Single family dwellings 3,601 square feet to 4,800 square feet require 1,750 gpm and homes 4,801 square feet to 6,200 square feet require 2,000 gpm.
10. An approved automatic fire sprinkler system shall be installed within all new R-3 occupancies when the total floor area (area under roof including garages and attached solid roof canopies) exceeds 5,999 square feet and/or the total livable area (area not including garages and attached solid roof canopies) exceeds 4, 999 square feet.
11. As of February 1, 2003, all contractors for single-family homes and duplexes (R-3 Occupancies) shall provide an option for residential fire sprinklers. Prior to the prospective buyer signing a sales contract, the contractor or their agent shall obtain from the Fire Department an informational packet containing educational materials approved by the Fire Department, including a form explaining the option for residential sprinklers. The contractor or their agent shall provide the approved informational packet to any and all prospective buyers and require the execution of a signed receipt for the educational material from the prospective buyer. The contractor shall install residential fire sprinklers upon the request and execution of a purchase agreement by the homebuyer. Fire sprinkler systems for single-family homes and duplexes shall be designed and installed to not less than the minimum requirements contained in NFPA 13D, 1996 edition.
12. All civil engineering plans are required to be submitted in an electronic format. When plan is ready for final signature, it is required that the engineering firm will submit 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 (CD). 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:

DFX (Drawing Interchange file) release 2002 or previous
DWG (Applies to AUOCAD drawing file) release 2002 or previous

13. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
14. No more than 40 building permits shall be issued when a single point of access exists for a subdivision. Since there is no process in place for confirming the sequence in which the units are built, the above information should be considered and the Elk Grove CSD Fire Department should be consulted on this matter.
15. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
16. 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.
17. 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 and 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in residential, single-family home 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.
18. 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 15 % for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches AC over six (6) inches AB with good drainage.
19. Traffic pre-emption devices of a typed approved by the Elk Grove 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 Elk Grove Fire Department.
20. Required fire alarm systems (other than single family dwellings) shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
21. Permits and/or fees are required for the following plan reviews: site plan, architectural plan, fire sprinkler plan, fire alarm plan, and special extinguishing plans.
22. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.
23. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells, and/or traffic calming devices are subject to standards outlined by the Elk Grove Fire Department.
24. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. The following requirements apply:

- A. Provide non-combustible fences along all developed areas adjacent to wetlands, creeks, or open spaces.
- B. Provide access to all wetland corridors at the end of cul-de-sacs via rolled curbs and gates with pipe bollards. Bike lanes adjacent to creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside diameters.
- C. Any bridges over creeks or wetland areas shall be capable of supporting 65,000 GVW.
- D. Provide at least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetlands area.