

RESOLUTION NO. 1543

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF August 11, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED NORTH OF THE INTERSECTION OF GATEWAY PARK BOULEVARD AND ARCO ARENA BOULEVARD

(P93-179) (APN: 225-0160-067, 068, 069, 070 AND 71)

WHEREAS, the City Planning Commission on August 11, 1994, held a public hearing on the request for approval of a special permit to construct and operate a 202,640 square foot warehouse and bottling facility for property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for the special permit:

1. The project, as conditioned, is based upon sound principles of land use in that:
 - a. The square footage does not exceed the previously approved project size;
 - b. Adequate parking will be provided;
 - c. The site will be developed in compliance with the Coral Business Center PUD; and
 - c. The project will have a Transportation Management Plan approved prior to the issuance of building permits to reduce commute trips by 35%.
2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that adequate parking will be provided and the site is compatible with existing and proposed surrounding industrial land uses.
3. The project is consistent with the General Plan and North Natomas Community Plan which designate the site as Heavy Commercial/Warehouse and Employment Center 30.

EXHIBIT C

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The special permit for the proposed warehouse and bottling facility is hereby approved, subject to the following conditions:

a. Public Works -- Streets

1. All parking spaces shall be to City standards. Handicap parking spaces shall meet A.D.A. requirements.
2. To accommodate future signalization of the full access driveway on Gateway Park Blvd. (East Loop Road), the driveway at this location shall be constructed with round-corners and not as a standard driveway. The width of the driveway shall be 45 feet with no drainage across the driveway and a face-of-curb round-corner radius of 27 feet, subject to the approval of the City's Traffic Engineer.

All other driveways shall be constructed to City standards for industrial driveways.

3. Obtain reciprocal access easements with the parcel to the south (APN 225-0160-068) or provide an access easement to that parcel.
4. Provide adequate stopping sight distance at all driveways to the satisfaction of the City's Traffic Engineer.
5. Transfer the requirements of Note 4 of the Parcel Map recorded in Book 132, Page 10, from Parcel 3 to Parcel 1. Transfer of responsibilities is conditional upon participation in the North Natomas Financing Plan. Note 4 reads as follows:

"4. PURSUANT TO THE PROVISIONS OF SECTION 66411.1 (A) AND (B) OF THE SUBDIVISION MAP ACT, THE DESIGN AND CONSTRUCTION OF THE EASTERLY ONE-HALF OF GATEWAY PARK BOULEVARD AND THE FOUR (4) TRAFFIC SIGNALS LOCATED AT THE INTERSECTIONS OF GATEWAY PARK BOULEVARD WITH ARCO ARENA BOULEVARD, ARCO PARK DRIVE (ALSO KNOWN AS "STADIUM BOULEVARD"), THE COMMON DRIVEWAY BETWEEN PARCELS 1 AND 2, AND THE FUTURE DRIVEWAY SERVING PARCEL 3 (IF A TRAFFIC SIGNAL IS REQUIRED BY THE CITY), ARE HEREBY DEFERRED UNTIL THE TIME A BUILDING PERMIT FOR PARCEL 3 IS ISSUED BY THE CITY OF SACRAMENTO, OR UNTIL SUCH TIME PRIOR TO ISSUANCE OF A BUILDING PERMIT, AS AN AGREEMENT IS EXECUTED BETWEEN THE SUBDIVIDER AND THE CITY OF SACRAMENTO, AND IS RECORDED, PROVIDING FOR THE DESIGN AND CONSTRUCTION OF THE ABOVE IMPROVEMENTS."

b. Utilities -- Drainage

- A. Conditions relating to drainage, which must be satisfied prior to issuance of any building permit:
1. The final design and plans and specifications for interim site drainage improvements (that is, connection to the existing drainage system in Stadium Boulevard and/or Gateway Park Boulevard) which will achieve adequate drainage pending completion of the permanent drainage improvements, must be completed by the developer, and approved in writing by both the City and RD-1000.
 2. The preliminary design for permanent drainage improvements must be completed by the developer, and approved in writing by both the City and RD-1000. The City and RD-1000 shall each use its best efforts to complete its review within 30 days after such design is submitted. Developer shall cause its engineer to promptly respond to City and RD-1000.
 3. Developer shall have entered into a written contract with its engineer to commence final design, and preparation of the plans and specifications for permanent drainage improvements.
 4. The owners of more than 60% of the land within the proposed drainage improvement assessment district, and/or their duly authorized agents, shall have executed and delivered to the City a waiver of protest rights and consent agreement and a petition requesting the formation of the district, in a form satisfactory to the City Attorney. The proposed district boundaries for purposes of this condition are as specified in the boundary map attached hereto as Exhibit A.
 5. Developer shall have executed an indemnification and defense agreement in a form satisfactory to the City Attorney, which holds the City, its officers, agents and employees, and RD-1000, its officers, agents and employees harmless from any personal injury or property damage liability relating to drainage, until final completion (including City and RD-1000 acceptance and approval) of permanent drainage facilities. All signatures on such agreement shall be notarized so that the City may record the agreement in the Recorder's Office for the County of Sacramento.

6. Full and clear legal title to all easements and rights to joint use necessary for the permanent drainage facilities (including but not limited to pipelines with associated facilities) on all parcels within the Coral Business Center PUD (APN Nos. 225-0160-067, 225-0160-068, 225-0160-069, 225-0160-070 and 225-0160-071) shall have been transferred to the City by deed or other title document, and recorded with the County Recorder. Provided, however, that to the extent it is determined by the City Attorney that this condition cannot legally be satisfied prior to the issuance of a building permit, and provided that all other conditions to building permit issuance have been fully satisfied, developers and all other persons or entities that hold a fee interest in the land subject to this special permit shall have entered into an agreement satisfactory to the City Attorney, which provides procedures for obtaining title to such interests.
7. The City shall have obtained an option to acquire approximately 6 acres of land for a drainage detention basin and related appurtenances, as set forth in that certain MOU dated April 20, 1994, by and among the City, Margaret Fong, Roger Fong, and Russell Fong, Sacramento Coca-Cola Bottling Company, Inc., and Raley's, Inc. (City Agreement No. 94-057).
8. If the drainage improvement assessment district has not been formed prior to the issuance of any building permit, and/or any conditions set forth in items A.4 or A.7 above, have not been satisfied, then the building permit shall be issued on the condition that, unless said district has been formed and bonds have been sold on or before June 1, 1995, developer shall provide alternate permanent on-site drainage facilities which shall be completed and approved as complete by City no later than January 1, 1997. Such alternate permanent on-site drainage facilities shall consist of a drainage detention basin and related improvements, and shall have a capacity adequate, in the City's judgment, to provide permanent drainage to all parcels within the Coral Business Center PUD, and shall include capacity to accommodate existing off-site drainage entering the Coral Business Center PUD from roadways and adjacent land. Developer must execute an agreement to provide such alternate permanent on-site drainage facilities, in a form satisfactory to the City Attorney, prior to the issuance of any certificate, permit or other document permitting occupancy of any structure as to which a building permit was issued.
9. Funding for full completion of the permanent drainage facilities (including amounts for acquisition of the land interests required), or for full completion of the alternate permanent on-site drainage facilities identified in item A.8, above, shall be assured, to City's satisfaction, in one of the following methods:

- a. Formation of the drainage improvement assessment district over the lands specified in Exhibit A.
- b. If the drainage improvement assessment district has not been formed and/or bonds have not been sold on or before June 1, 1995, or prior to the issuance of any certificate, permit or other document permitting occupancy of any structure as to which a building permit was issued, whichever occurs first, developer shall guarantee completion of the alternate permanent on-site drainage facilities identified in item A.8, above, by posting security consisting of a standby letter of credit, a certificate of deposit, a bond or other security, in a form acceptable to the City, equal to 150 % of the full amount of the engineer's estimate of the cost to City of completing said facilities, which cost is currently estimated to be approximately \$2.6 million. Said cost estimate may be modified by City as necessary to conform to the approved final design and plans and specifications. Said security shall be released only in the event that the drainage assessment district has been formed and bonds have been sold, or, if this does not occur, after the alternate permanent on-site drainage facilities have been completed and approved by City, as specified in item A.8, above. If said alternate permanent on-site drainage facilities are not completed in accordance with item A.8, above, said security shall be used to pay all costs incurred to complete said facilities.

10. Developer shall have obtained all required permits and entitlements from federal, state and local agencies, and shall have provided a copy of such permits to the City. In the event that any such permit or entitlement cannot reasonably be obtained prior to issuance of any building permit, developer shall have applied for such permit or entitlement prior to issuance of any building permit, and must obtain such permit or entitlement prior to the issuance of any certificate, permit or other document permitting occupancy of any structure as to which a building permit was issued:

B. Conditions relating to drainage which must be satisfied prior to the issuance of a certificate of occupancy or other permit or document which allows occupancy of any structure as to which a building permit was issued:

1. The interim site drainage improvements needed to achieve adequate drainage pending completion of the permanent drainage improvements, must be completed by the developer in accordance with the design and plans and specifications, as specified in A.1. above, and approved and/or accepted in writing by the City and RD-1000. Such interim site drainage improvements shall be owned, operated and maintained by developer.

2. If the drainage improvement assessment district has been formed and bonds have been sold prior to the issuance of a certificate, permit or other document permitting occupancy of any structure as to which a building permit was issued, final design and plans and specifications for the permanent drainage facilities shall have been approved in writing by both City and RD-1000.
3. If the drainage improvement assessment district has been formed and bonds have been sold prior to the issuance of any certificate, permit or other document permitting occupancy, a contract for construction of the permanent drainage facilities, in form acceptable to the City, shall have been awarded and executed, and notice to the contractor to proceed with construction shall have been issued.
4. If the drainage improvement assessment district has not been formed and/or bonds have not been sold prior to the issuance of a certificate, permit or other document permitting occupancy, developer shall have executed an agreement in a form satisfactory to the City Attorney to provide alternate permanent on-site drainage facilities as set forth in item A.8, above, and developer shall have posted security as set forth in item A.9.b, above. Such agreement shall require developer to transfer to City by deed or other title document, at no cost to City, full and clear legal title to all fee interests, easements, and rights to joint use necessary to construct, operate and maintain said facilities in the event that said facilities are not completed and approved as set forth in item A.8, above. All signatures on such agreement shall be notarized so that the City may record the agreement in the Recorder's Office for the County of Sacramento. Developer's final design and plans and specifications for said facilities shall have been approved in writing by City and RD 1000.
5. Developer shall have obtained all required permits and entitlements from federal, state and local agencies, and shall have provided a copy of such permits to the City, as set forth item A.10, above.

c. Utilities -- Miscellaneous Drainage Conditions

1. Sewer and drain study required.
2. Construct chain link fence, or other fence acceptable to the Department of Utilities, along canal right-of-way.
3. All or a portion of the property lies in an area the Federal Emergency Management Agency (FEMA) has identified as a SFHA Zone A-99 and Zone AE. Applicant shall adhere to all City ordinances relative to construction in the floodplain.

4. Comply with the City's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans and prepare plans to control urban runoff pollution from the project site during construction.

Refer to the City of Sacramento's "Administrative and Technical Procedures Manual for Grading, Erosion and Sediment Control", January 1994, for acceptable BMPs to control erosion and sediment transport, and pollution associated with construction activities. This Manual is available from the Department of Utilities by calling 433-6318.

5. Applicant is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). This will require the applicant to file a Notice of Intent with the California Water Resource Control Board and prepare a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP will require the applicant to prepare plans and/or determine measures to control erosion and off-site sediment transport from the project and determine measures for controlling pollution from the various hazardous materials associated with construction sites.


The City will require proof of compliance with the State Permit prior to approval of the improvement plans.

6. Post construction Best Management Practices (BMP's) shall be incorporated into the development to minimize the increase of urban runoff pollution caused by developing the area. At a minimum, source control measures and on-site controls shall be implemented. Refer to the City of Sacramento's draft "Guidance Manual for On-Site Control of Urban Runoff Pollution at New Developments", April 1993, for acceptable BMP's for post construction urban stormwater pollution control.
7. Right-of-way study required for East Drainage Canal between Arco Arena Boulevard and Stadium Boulevard. Dedicate right-of-way, as required, to City.

d. Planning

1. A revised landscape plan shall be submitted for the review and approval of City Design Review Board staff and Planning Director review and approval prior to issuance of building permits. The landscape plan shall indicate minimum 50 foot landscape setbacks adjacent to all public street frontages. Staff review shall include: landscape design compatibility with the warehouse/industrial structures; adequate berming and landscaping in the 50 foot landscape setback areas; screening of parking and truck loading/maneuvering areas; appropriate landscaping adjacent to the East Main Drainage Canal; appropriate screening between the industrial uses and the future office complex and compliance with minimum landscape coverage requirements and parking lot shading requirements.
2. All proposed fencing material shall be subject to Planning Director review and approval prior to issuance of building permits.
3. The sign program(s) shall comply with the PUD Development Guidelines.
4. The proposed project shall comply with the Coral Business Park PUD Development Guidelines.
5. Prior to issuance of final building occupancy permits for the Coca-Cola site, the Planning Director shall inspect the sites to ensure all conditions of approval have been met.
6. The Coral Business Center Mitigation Monitoring Plan shall be adhered to for the project.
7. This property is subject to City Agreements 89058, 86199, and 86151 on file at the City Clerk's office. The provisions of these agreements remain in effect and applicant shall comply with all obligations and conditions contained therein.
8. The Special Permit for Coca-Cola shall not be valid and no grading shall take place on any part of the property, nor foundation or building permits issued, until Coca-Cola shall have signed an agreement with the City requiring Coca-Cola to participate in the North Natomas Financing Plan and North Natomas Business Association (NNBA) provided such plan is fair and equitable as it applies to the Coca-Cola project.
9. No Woven wire fencing shall be allowed except along the canal right-of-way and the separation between Coca-Cola and Raley's property.
10. The maximum number of automobile parking spaces on the Coca-Cola site shall be 230.

11. The City agrees to promptly begin an evaluation of land uses along future light rail alignments in the Community Plan area as soon as those alignments are designated. The purpose of the evaluation shall be to increase density along rail lines. Coca-Cola shall contribute \$25,000 toward the cost of this study. The contribution shall be made concurrent with the receipt of building permits for the project.
12. Coca-Cola will appoint a representative of their organization to participate in the Clean Fuels Task Force.
13. Coca-Cola will continue to work with the Sacramento Metropolitan Air Quality Management (SMAQMD) District to develop clean fuels programs for their business.
14. A Transportation Management Plan (TMP) will be required, subject to approval of the Planning Director and Director of Public Works, prior to the issuance of building permits.
15. Fire Department knock boxes will be required on all locked gates. Fire hydrants shall be extended into the site as needed pursuant to Fire Department comments on future building permits.



CHAIRPERSON

ATTEST:



SECRETARY TO PLANNING COMMISSION

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