

CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	City of Sacramento	1231 I Street #300	Sacramento, CA 95814
OWNER	Charles Somers,	1103 B Street, Suite C	Sacramento, CA 95814
PLANS BY	City of Sacramento		
FILING DATE	4-15-88	ENVIR. DET.	Neg. Dec. REPORT BY SP:rt
ASSESSOR'S-PCL. NO.	064-0020-021		

APPLICATION: A. Negative Declaration

B. Rezone 15.0+ vacant acres from Agricultural (A) to Light Industrial (M-1-S) zone.

LOCATION: Southwest Quadrant of Elder Creek Road and Elk Grove-Florin Road

PROPOSAL: The Pre-Annexation Agreement with the property owner directs the City to initiate the rezoning of 15.0+ acres from A to M-1-S.

PROJECT INFORMATION:

General Plan Designation: Heavy Commercial or Warehouse
South Sacramento Community
Plan Designation: Industrial
Existing Zoning of Site: A
Existing Land Use of Site: Vacant

Surrounding Land Use and Zoning:

North: Vacant, M-1-S
South: Vacant, A-10
East: Vacant, M-1-S
West: Vacant, M-1-SR

Property Dimensions: 495 Feet x 1102 Feet
Property Area: 15+ acres
Topography: Flat

BACKGROUND INFORMATION: On February 24, 1987, the City Council approved the Valley Jag Annexation, which included the subject parcel (see Attachment A). At the time of annexation approval, the subject property was pre-zoned to its existing zoning designation by emergency ordinance. The parcel was given zoning that was consistent with the land use designation of rural estates in the South Sacramento Community Plan.

The landowner of the subject site came forward during the recent General Plan Update and requested land use designation changes. The owner requested the industrial land use designation in order to be compatible with the Heavy Commercial - Warehouse use designations surrounding the property on three sides and to implement the Pre-Annexation Agreement with the City dated May 13, 1986 (see Attachment B). The City Council approved the request as part of the General Plan Update adoption on January 19, 1988 (see Attachment C).

PROJECT EVALUATION: Staff has the following comments:

A. **Land Use and Zoning**

The subject site consists of 15.0+ vacant acres and is generally located within the Florin-Perkins industrial area. The City's General Plan designates the site for Heavy Commercial or Warehouse uses and the South Sacramento Community Plan designates the site for Industrial uses. Surrounding land uses are primarily vacant and farming. Industrial zoning exists to the north, east and west of the subject site. To the south is the City/County boundary line and agricultural zoning (A-10).

B. **Design Review**

The South Sacramento Community Plan includes land use policies which recommend the placement of industrially zoned land within the M-1S zone to encourage landscaping and screening and fencing of industrial activities through the enforcement of setback requirements. Surrounding properties are zoned M-1S. Properties to the east along Elk Grove-Florin Road, and to the north along Elder Creek Road are zoned M-1-SR (see Attachment C).

C. **Agency Review**

The proposed rezone was distributed for review and comment to the City Water and Sewer Division, City Engineering Division and City Transportation Division. No comments were provided in addition to the pre-annexation agreement conditions.

ENVIRONMENTAL DETERMINATION: An environmental review completed in November of 1986 in conjunction with the annexation request indicated a potential for the occurrence of vernal pools on the northern portion of the site. Vernal pools are a unique natural habitat classified by the U.S. Army Corps of Engineers as seasonal wetlands. According to CEQA Guidelines {Section 15026(b)(5)}, this project is subject to review³ by the California Fish and Game Department Code Section 303 (relating to sensitive wildlife habitats) and by the U.S. Army Corps of Engineers (relating to Section 404 of the Clean Water Act). The City, therefore, sent the project application to these and other interested agencies for early consultation regarding the vernal pools. Based on responses received, staff offers the following analysis:

1. **Earth**

Vernal pools are a unique geologic feature occurring in the Central Valley of California. Because of the undulating terrain where they occur, development will usually only occur after extensive grading to level the site. It is reasonable to assume that the site will be graded prior to development, causing elimination of the vernal pools. As vernal pools are classified as seasonal wetlands, any fill to the pools will require the issuance of a permit by the U.S. Army Corps of Engineers per Section 404 of the Clean Water Act.

2. Water

Elimination of the vernal pools will change the rate of absorption drainage patterns and amount of surface water in the seasonal wetland. These items are required to be addressed in the application for and issuance of the Section 404 permit from the U.S. Army Corps of Engineers.

3. Plant and Animal Life

Vernal pools are host environments to many seasonal plants and animals. Elimination of this habitat will reduce the overall number of plants and will eliminate the seasonal wetland habitat for migratory water fowl.

In some sections of vernal pool occurrences in Sacramento County, the endangered Giant Garter Snake has been spotted. None have been observed on the subject site, most probably due to the past agricultural use of the site. Animal and plant studies are required as part of the Section 404 permitting process, therefore, a search will be conducted for unique, rare and endangered plants and animals will be conducted with mitigation measures, if necessary, proposed with the permit.

Therefore, the following conditions shall be required in order to avoid any significant adverse environmental impacts that result from this proposal.

Prior to the issuance of a building permit, the applicant shall provide a survey of vernal pools on the site for the review and approval of the Planning Director. If this study indicates the existence of vernal pools on the site.

- a. The applicant will be required to secure any necessary permits from the U.S. Army Corps of Engineers. Any conditions imposed by the Corps relating to mitigation of impacts shall be incorporated into development approvals. If the 404 permit is issued with conditions, development plans must be examined to ensure conformance with any Corps requirements.
- b. A botanical survey prepared by a recognized professional in the field shall be submitted to the Planning Division and the Department of Fish and Game.

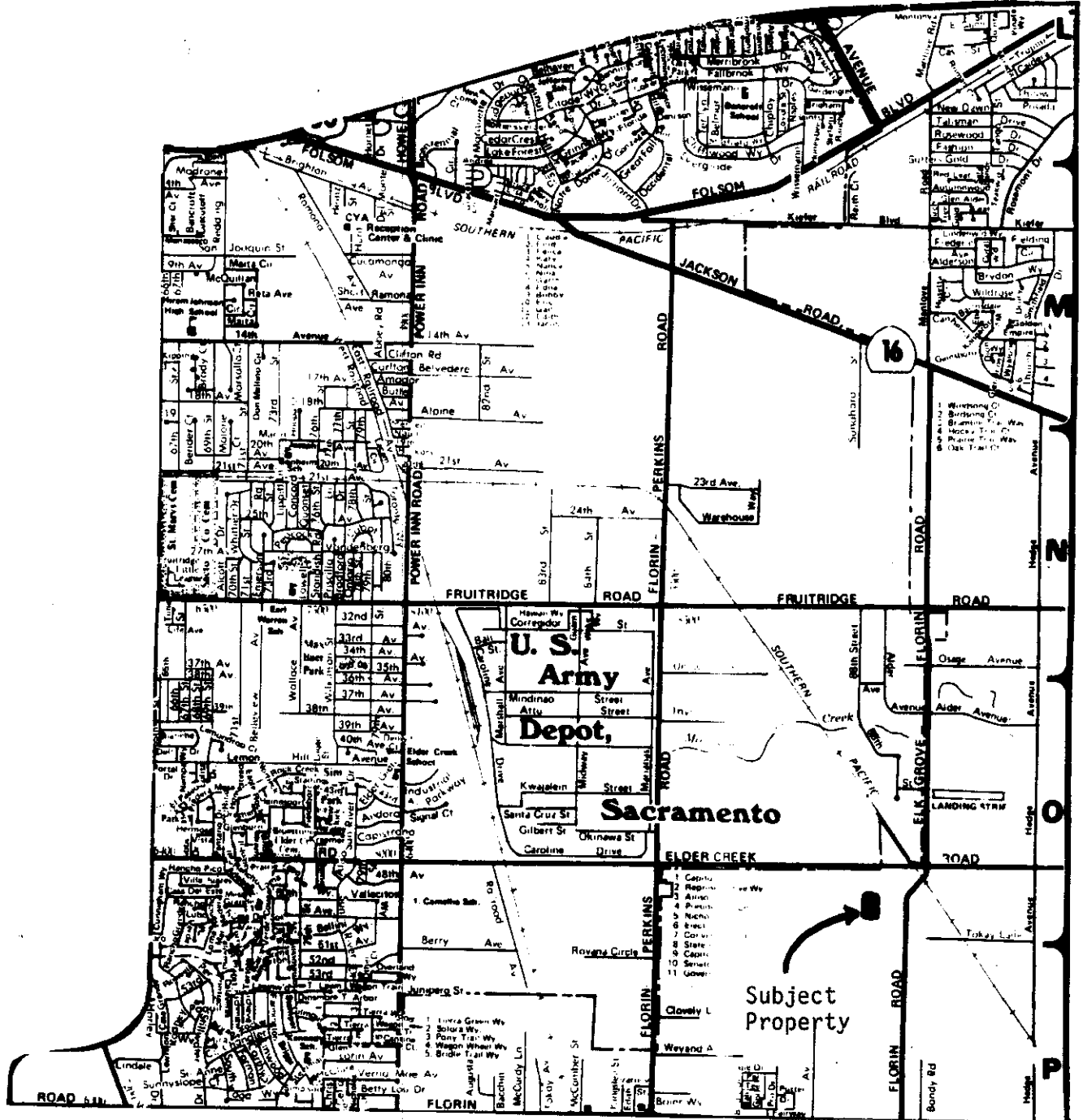
STAFF RECOMMENDATION: Staff recommends the following action:

- A. Ratification of the Negative Declaration; and
- B. Recommend approval of the rezone from A to M-1S subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall provide a survey of vernal pools on the site for the review and approval of the Planning Director. If this study indicates the existence of vernal pools on the site.
 - a. The applicant will be required to secure any necessary permits from the U.S. Army Corps of Engineers. Any conditions imposed by the Corps relating to mitigation of impacts shall be incorporated into development approvals. If the 404 permit is issued with conditions, development plans must be examined to ensure conformance with any Corps requirements.
 - b. A botanical survey prepared by a recognized professional in the field shall be submitted to the Planning Division and the Department of Fish and Game.
2. Owner shall submit the site plan to the Planning Department for review and approval prior to the issuance of building permits.
3. Compliance with the pre-annexation agreement conditions including:
 - a. The subject property is within the boundaries of the Morrison Creek Assessment District. Trunk sewer, City water, and drainage facilities are available to the subject property, or will be upon payment of applicable fees.
 - b. Owner will prepare sewer, water and drainage studies for approval of the City Engineer.
 - c. Off-site water and sewer extensions will be required.
 - d. Street extensions and right-of-way dedications for two access routes with a minimum of two lanes of pavement off-site will be required to the satisfaction of the Public Works Department.
 - e. For off-site right-of-way, City will condemn at developer's expense, if necessary, as provided in Chapter 40 of the Sacramento City Code.
 - f. Standard subdivision improvements required per City Code.
 - g. Soils testing for street design will be required.
 - h. No building permits for the construction of new buildings will be issued until improvements under the Morrison Creek Assessment District are completed to the satisfaction of the Public Works Department.

AREA MAP FOR

SOMERS REZONING



EAST BROADWAY/ SOUTH SACRAMENTO/ FLORIN--PERKINS AREA

STREET ADDRESS(ES): APN: 064-0020-021

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ATTACHMENT B

PRE-ANNEXATION AGREEMENT

THIS AGREEMENT, dated _____, is by and between the City of Sacramento, a Municipal Corporation ("City") and Valley Jag, a California Corporation ("Valley Jag").

RECITALS

WHEREAS, Valley Jag owns real property in the unincorporated area of the County of Sacramento as described in Exhibit "A" appended hereto and made a part of this Agreement, hereinafter "subject property"; and

WHEREAS, the subject property is currently zoned by the County of Sacramento to the A-10 Agricultural Zoning classification; and

WHEREAS, Valley Jag desires to have City zone the subject property to the M-1 and M-1S classifications; and

WHEREAS, Valley Jag has filed an application with the Local Agency Formation Commission (LAFCO) for annexation of the subject property to the City of Sacramento; and

WHEREAS, the General Plan of City indicates that the subject property, if annexed to the City, should be used industrially; and

WHEREAS, the County General Plan and the South Sacramento Community Plan both indicated that the subject property should be used industrially; and

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WHEREAS, City, is an annexation similar to Somers' annexation, reimbursed application fees for zoning the property to the applicant; and

WHEREAS, City desires to annex subject property.

NOW THEREFORE, in consideration of the subject property being annexed to City, City and Somers agree as follows:

1. Somers will:

a. diligently process its annexation application through LAFCO to annex the subject property to City.

b. develop the subject property consistent with the following conditions:

i. the subject property is within the boundaries of the Morrison Creek Assessment District. Trunk sewer, City water, and drainage facilities are available to the subject property, or will be upon payment of applicable fees.

ii. Sewer service will be provided the subject property by the County Sanitation District No. 1.

iii. Somers will prepare sewer, water, and drainage studies for approval of the City Engineer.

iv. Off-site water and sewer extensions will be required.

v. Street extensions, and right-of-way

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dedications for two access routes, with a minimum of two lanes of pavement off-site will be required to the satisfaction of the Public Works Department.

- vi. For off-site right-of-way, City will condemn at developer's expense if necessary as provided in Chapter 40 of the Sacramento City Code.
 - vii. Standard subdivision improvements required per City Code.
 - viii. Soils testing for street design will be required.
 - ix. No building permits for the construction of new buildings will be issued until improvements under the Morrison Creek Assessment District are completed to the satisfaction of the Public Works Department.
2. City will:
- a. initiate and zone the subject property to the M-1 and/or M-1S zones, with all rights and entitlements prescribed therefore in the Comprehensive Zoning Plan of the City of Sacramento (the Zoning Ordinance). If Somers initiates the re-zoning to the M-1 and/or M-1S zones, City will reimburse or waive

Somers for the appropriate application fees.

b. make available to the subject property upon annexation, typical City services, including City water.

3. This Agreement is binding upon and shall inure to the benefit of the successors, assigns, heirs, and advisees of the County and Owner and to this end the covenants contained herein shall run with the land.

Executed on the date set forth above.

[Signature]
Charles Somers

CITY OF SACRAMENTO:

By: Walter J. Sipe
Title: City Manager

Staple



STATE OF CALIFORNIA
COUNTY OF Sacramento } ss.

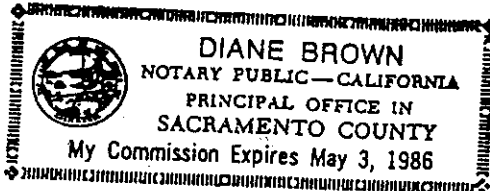
On this the 16th day of April

Notary Public in and for said County and State, personally appeared Charles Somers 19 86, before me the undersigned, a

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name _____ subscribed to the within instrument and acknowledged that he executed the same.

[Signature]
Signature of Notary

FOR NOTARY SEAL OR STAMP

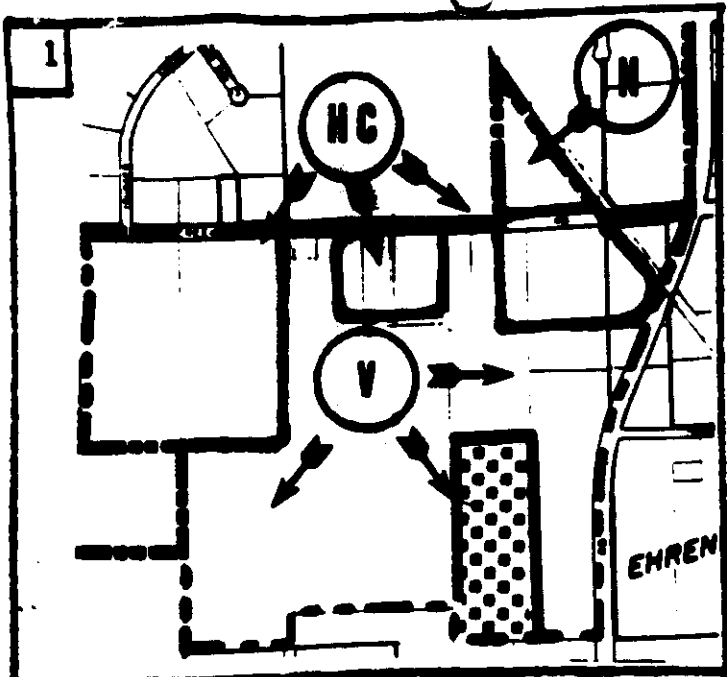


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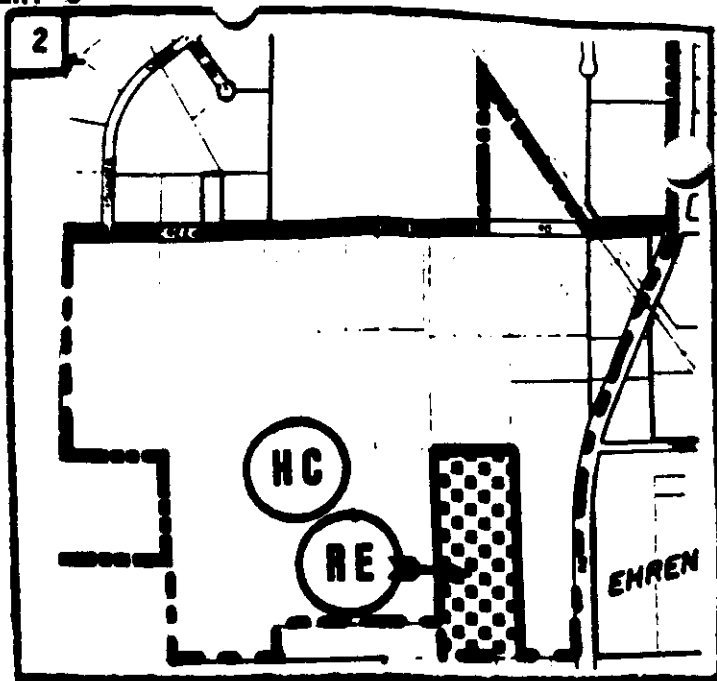
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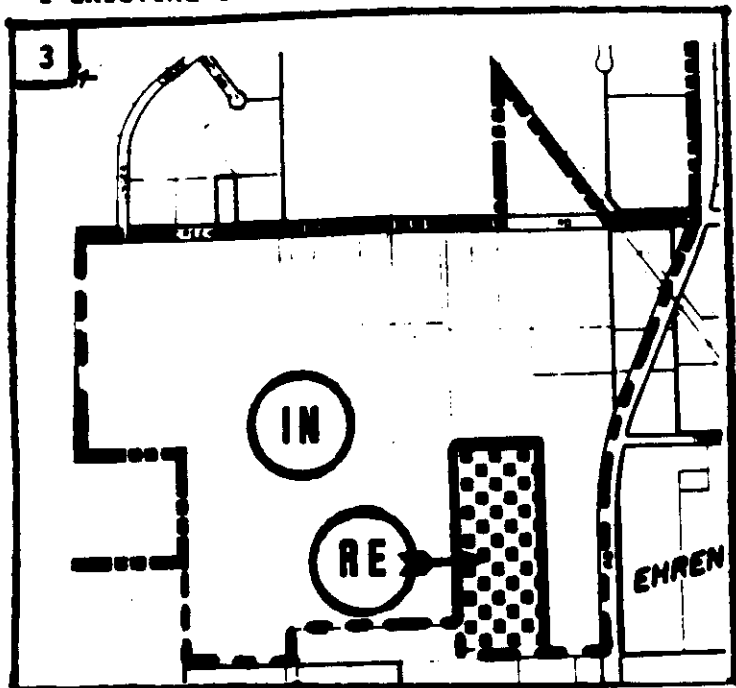
ATTACHMENT C



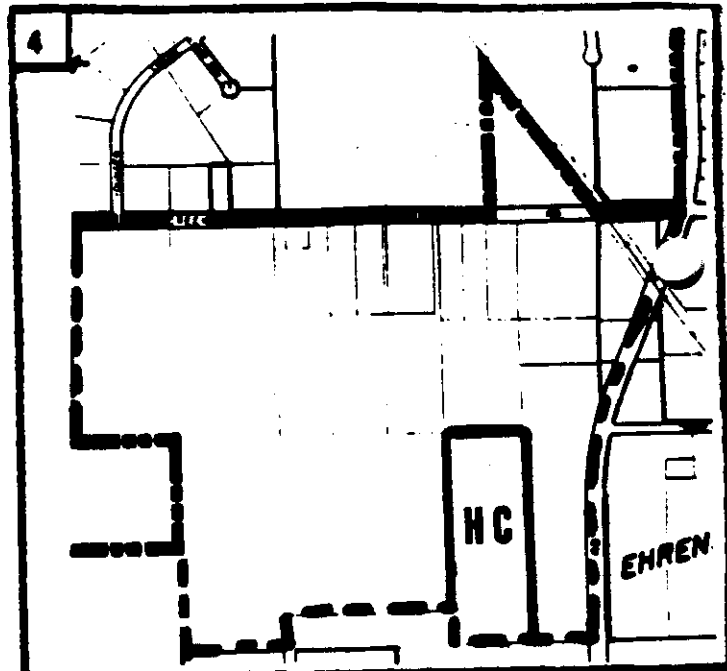
1-EXISTING LAND USES



2-DEC 86 PROPOSED GENERAL PLAN



3-POST 76 COMMUNITY PLAN



4-STAFF RECOMMENDED CHANGE

PROPERTY OWNER: Charles Somers
 REQUESTED USE CHANGE: APN 064-020-21
 GP-from: RE; to: HC
 South Sacramento CP-from: RE to: IN
 (Site is 15.0± acres)

REASONS:

The property owner wants to develop the site into a heavy commercial warehouse use. The site is surrounded on three sides by property designated for industrial uses. The 1974 General Plan designates the site for industrial uses.

STAFF COMMENTS:

- Staff concurs that the site is inappropriately designated Rural Estates because the property is surrounded on three sides by land designated for heavy commercial-warehouse uses.
- The proposed change will avoid creating a narrow strip of residential land in an area designated for an industrial park.

STAFF RECOMMENDATION: Change GP from: RE to: HC

and CP from: RE to: IN
 CPC RECOMMENDATION: APPROVED STAFF RECOMMENDATION

CC ACTION: APPROVED STAFF RECOMMENDATION

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ATTACHMENT D

FLORIN PERKINS RD.

ELDER CREEK RD.

Rk 62

M-ISR

M-IS

A TO (M-IS)

ELK-GROVE FLORIN RD.

Morrison Creek Business Park, PM, Bk. 80, Pg. 9 (2 PR. AD)

- R.O.S. Bk. 13, Pg. 4
- R.O.S. Bk. 39, Pg. 10
- R.O.S. Bk. 7, Pg. 8
- R.O.S. Bk. 24, Pg. 31
- R.O.S. Bk. 24, Pg. 38

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APPROVED
SACRAMENTO LOCAL AGENCY
FORMATIVE COORDINATION

OCT 1 - 1986

BY *William...*
Morrison Creek, Calif.

SUBJECT PROPERTY

CITY & COUNTY OF SACRAMENTO
Assessor's Map Bk. 64 - Pg. 02
County of Sacramento, Calif.

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ATTACHMENT E

Legal Description

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The South 1/2 of the West 1/2 of the East 60 acres of the Northeast 1/4 of Section 36, Township 8 North, Range 5 East, M.D.B.&M., records of said County.

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