

ORDINANCE NO. 11-2004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING CODE TITLE 1, CHAPTER 10 (SPECIAL PERMITS) FOR CONSISTENCY WITH THE HOUSING ELEMENT AND TITLE 3, CHAPTER 5 (RESIDENTIAL USE DEVELOPMENT STANDARDS) AND CHAPTER 30 (OFF-STREET PARKING) TO UPDATE DEVELOPMENT STANDARDS AND ALLOW DESIGN FLEXIBILITY FOR MULTI-FAMILY DEVELOPMENT

The City Council of the City of Elk Grove does ordain as follows:

SECTION 1: Purpose and Authority

The purpose of this Ordinance is to amend the Elk Grove Zoning Code to implement the Housing Element, update development standards, and allow design flexibility for multi-family residential projects.

SECTION 2: Findings

CEQA

1. Finding: An Initial Study was previously prepared and noticed for the project in accordance with CEQA. A Negative Declaration was also prepared, noticed, and filed with the determination that the project would not have a significant effect on the environment.

Evidence: In accordance with the analysis in the Initial Study, the proposed project, which is the third and final phase of the project, to establish a Design Review entitlement process and corresponding Citywide Design Guidelines establishing the basis for design review will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Additionally, the project will not have impacts, which are individually limited, but cumulatively considerable. Finally, the project will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

Zoning Amendment

2. Finding: The proposed text amendments to the Zoning Code are consistent with the 2003 General Plan.

Evidence: The amendments to the Zoning Code implement the General Plan and update development standards and allow design flexibility for multi-family projects. This ordinance is consistent with the following Goals of the General Plan: Goal 1-5

to promote excellence in the design of development and Goal 1-8 to promote a strong and positive community image for Elk Grove. This Ordinance also implements Housing Element Policy 14 Action 3 requiring an administrative review process for multi-family projects with 150 units or less. Therefore, the proposed amendment is consistent with the General Plan and all other applicable state and local regulations.

3. Finding: The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence: The amendments to the Zoning Code implement the Housing Element relative to design review, update development standards, and allow design flexibility for multi-family projects. The proposed amendment is consistent with the General Plan and all other applicable state and local regulations.

4. Finding: The proposed Amendment to the Zoning Code is in the public interest and is consistent with the General Plan.

Evidence: The amendments to the Zoning Code implement the Housing Element relative to design review, update development standards, and allow design flexibility for multi-family projects, which is in the public interest. The proposed amendment is consistent with the General Plan goals and all other applicable state and local regulations.

5. Finding: The proposed Amendments to the zoning code are internally consistent.

Evidence: The amendments to Titles 1 and 3 of the Elk Grove Zoning Code establish consistency with regards to the design review process and multi-family development standards.

Section 3 includes the recommended changes to the zoning ordinance. The text changes are identified as follows; the language that is added to the zoning code is underlined and the language to be removed is in strikethrough.

SECTION 3: Action

The City Council hereby amends Section 110-86, of Title 1, Chapter 10 Article 7 as follows:

110-86. Design Review Authority

The designated Approving Authorities for Design Review are listed in the table below. The Approving Authority shall approve, conditionally approve, or deny the proposed Design Review application in accordance with the requirements of this chapter. Design Review approval is required prior to issuance of any ministerial building permits or site

improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Conditional Use Permit, Variance).

Land Use Type	Planning Director	Planning Commission
Residential Subdivision Maps		X
Residential Master Home Plans	X	
Multi-family Residential	≤ 150 units	> 150 units
Non-residential (new construction and additions)	< 5,000 square feet	≥ 5,000 square feet

The City Council hereby amends Section 305-10 through 305-25, of Title 3, Chapter 5 Article 2 as follows:

305-10. Application

The provisions of this Article shall apply to the following uses:

- (a) Apartments
- (b) Group residential care homes, boarding houses, fraternities, dormitories, sororities, convents, and rectories
- (c) Three or more attached units including townhouses, row houses, cluster development, condominiums and stock cooperatives, and senior housing. Cluster development involving detached or two attached units are addressed as single-family dwellings throughout this Title.
- (d) Any use found by the Planning Commission, pursuant to Section 110-30.5, to be substantially similar to any of the above uses.

305-11. Height Regulations

No building or structure shall have a height greater than three (3) stories, nor greater than forty (40) feet.

305-12. Setback for Structures and Parking Areas from Public and Private Streets

The street setback for all structures, carports, parking areas, fences, patios, enclosed storage area, swimming pools, spas and similar project features shall be a minimum of twenty-five (25) feet, measured from the right-of-ways of public or private streets whichever is greater. The building extension allowances set forth in Section 301-31 and 301-35 are permitted.

The area between the street improvements and street setback line shall be landscaped in compliance with Section 305-17(d) or other applicable standard for specific landscape

corridors. Exceptions may be granted through the Design Review process pursuant to adopted guidelines.

305-12.1. Setback from Abutting Single-Family Residential Zones for Three-Story Structures

The interior yard setback for three story multi-family structures (or portions thereof) abutting any single-family residential zoning district, shall be one hundred (100) feet, measured from the property line of the common boundary.

305-12.2. Setback from Abutting Single-Family Residential Zones for One and Two Story Structures

The minimum interior yard setback for one and two story multi-family structures including garages, carports, and accessory structures shall be twenty-five (25) feet, measured from the property line of the common boundary between multi-family and single family property. The interior yard setback may be reduced to a minimum of 20 feet where a six (6) foot high masonry wall with a contiguous ten (10) foot-wide landscaped planter is provided.

305-13.2. Setback for Air Conditioning and Mechanical Equipment

All equipment related to the air conditioning of buildings shall be located twenty-five (25) feet from a public street and twenty (20) feet from any property line. Mechanical units on the ground shall be screened from public view with a solid wood or masonry fence, landscaping, or a combination thereof. Landscaping used for screening shall provide an immediate 30 inch-tall visual screen.

305-13.3. Perimeter Fences

A masonry fence, with a minimum height of six (6) feet, shall be provided and maintained along the interior property lines of any multiple family project, as regulated by this Article. Where fencing is proposed along any street frontage, such fencing shall be open view. The height and or design of the fence shall be measured from the highest point on either side of the fence. Fence height may be modified by a condition of approval of a use permit or Design Review where the appropriate authority finds that, due to a unique site design or significant difference in elevation between parcels, different screening requirements are necessary or appropriate.

305-14. Lot Coverage and Open Space Requirements

Buildings, roofed areas, and parking facilities, including drives, shall not cover more than 75% of the site. A minimum open space area of 25% of the gross area for multi-family developments shall be required. Required open space may include open space around individual buildings, recreational amenities, pedestrian walkways, and interior

landscape areas located outside of the required landscape corridor along street frontage(s).

305-15. Maximum Number of Attached Dwelling Units

There shall not be more than eight (8) dwelling units in each group of attached dwellings when any portion of such building is located within 100 feet of any property zoned for single family residential development.

305-16. Internal Development Standards

When a project includes internal access drives and parking facilities, the following design standards shall be used:

- (a) The number, design, and arrangement of on-site parking spaces shall be provided as specified in Section 330-69.
- (b) The entrance to the outside parking areas and other highly visible locations on-site shall be posted with appropriate signs per the California Vehicle Code Section 22658(a) to assist in removing vehicles at the property owners/manager's request and controlling parking is designated spaces only.
- (c) All pedestrian entrances to the complex shall be provided with illustrated diagrammed representations of the complex, which shows the location of the viewer and the unit designations within the complex.
- (d) Access to on-site parking shall be by private access drives. Toward the objectives of assuring adequate internal circulation for residents and guests, and of assuring an unencumbered access for fire fighting equipment and service vehicles, (such as garbage trucks and moving vans), the access drives shall be installed as follows:
 - (1) The access drive shall be installed with a full pavement width of 28 feet, within which parking shall be prohibited by social devices such as signing, red curbs, and association enforcement.
 - (2) Private access drives should be of circular design, which provides vehicular access at two or more points whenever feasible. Access drives, which have only one point of access should not exceed 150 feet in length.
 - (3) Garage doors shall be setback from the access drive to allow a minimum two-foot clearance beyond the extended length of garage doors. No additional clearance is required

for roll-up doors. Garage doors shall be setback less than four feet from the access drive.

(4) Access drives and parking areas shall be located at least 10 feet from the habitated portions of the dwelling unit, measured in any direction from the edge of the drive (including vertical angle measurement).

(5) A vertical clearance of at least 13-1/2 feet shall be maintained above access drives.

(6) Access drives shall be designed to meet turning radius requirements of the Fire District.

(e) Provide a turnout at entrances with a directory board and building number and addresses, as required in Section 305-18(c). (f) Lighting shall be engineered so as not to produce direct glare or "stray light" on adjacent properties. When located adjacent to any property zoned for single family residential development perimeter lighting shall be designed such that the source of the lighting is not visible from adjoining properties.

305-17. Landscaping

(a) Along all interior property lines there shall be a landscaped area at least ten (10) feet wide. Within this planter, a minimum of one fast growing evergreen tree for screening, shall be planted at least every thirty (30) feet on center, in combination with other plant materials, to provide a dense visual screen.

(b) The required setback area along public streets, except for sidewalks and driveways, shall be landscaped from the edge of pavement to the building and/or parking area with live turf, groundcover, shrubs, mounds, and trees such that vehicles located within the parking areas are screened from view as seen from the public street within five (5) years of planting.

(c) Tree Shading. The landscaped area between the public street and the structures and/or parking areas shall include shade trees from the City's Adopted Tree List and be placed so as to cover fifty percent (50) of the total landscape area with a canopy within fifteen (15) years of planting. Thirty percent (30) of the trees shall be evergreen.

305-18. Personal Safety

(a) Addressing shall be as provided, as outlined below:

(1) Of a color which contrasts with background colors.

(2) Illuminated at night.

(3) Located in such a manner that emergency service providers would not have to enter alcoves, recessed doorways, etc., to inspect each door (i.e., displayed at each walkway entrance to individual building clusters).

(4) Be at least 4 inches in height for individual units and 6 inches for the project and the range of addresses posted on each building.

(5) Include illuminated directory at each driveway entrance constructed of vandal-resistant material. The lettering, numbering and diagrams shall be large enough so that the driver of a vehicle can read the directory from the driver's seat. Additionally, there shall be a pullout from which to view the driveway, so as not to obstruct the traffic flow.

(6) All addressing, including directories, shall be installed prior to occupancy.

(7) Where multiple dwellings are serviced by vehicular access to the rear through any driveway, alleyway or parking lot, addressing shall also be displayed so as to be visible from the vehicle and provide adequate direction.

(b) Laundry rooms, recreational buildings, other separate or common indoor facilities shall include large unobstructed windows to allow for natural surveillance from residents.

(c) Lighting. In addition to exit illumination (includes exit doors, corridors, exterior balconies, stairs exit courts and exit passage ways), which is required to be not less than one foot candlepower at the floor level by the Uniform Building Code, Section 3313, the following shall also apply:

(1) Illumination shall be 0.25 foot-candles at grade level for surface areas of alcoves, walkways, and yards other than required for exits;

(2) One foot candlepower at floor level for open parking areas and carports;

(3) All lights shall be placed on a timer or photo electronic cell capable of turning the lights on and off one-half hour prior to dawn and one-half hour past dusk;

(4) Stray light on adjacent properties is prohibited.

(d) Fire Safety

(1) Provide water supply (minimum fire flow) to the approval of local Fire Marshal (UFC).

(2) Provide access and fire hydrant(s) prior to site construction to satisfaction of local Fire District.

(3) Fire protection equipment shall be provided and maintained to satisfaction of local Fire Marshal.

(e) Roof ladders shall be protected so as to limit access to building roof tops.

305-19. Parking Requirements

Off-street parking shall be provided for the uses listed in Section 305-10, and in conformity with the standards set forth in Title III, Chapter 30.

305-19.5. Management and Maintenance

Management

Consistent with provisions of California Health and Safety Code, every multi-family rental project over 16 units in size shall have an on-site property manager. Additionally, all multi-family development projects shall employ management to ensure maintenance of common facilities and to ensure individual units are developed and maintained in accordance with recorded rules and regulations for the development. Additionally, multi-family projects with over 16 owned units shall have a homeowner's association.

Maintenance

All development standards shall be continuously met for every project. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris, and abandoned vehicles. Complaints received regarding lack of maintenance as it relates to the provisions of this article, shall be reviewed and processed by the City's Code Enforcement staff.

305-25. Rehabilitation of Existing Multiple Family Projects

Existing projects that do not meet present Code requirements may be completely restored or rebuilt, subject only to development plan review by the Planning Director for the purpose of assuring the following:

- (a) The number of units is not increased.
- (b) The size of the buildings is not increased.
- (c) The general footprint of the existing buildings is maintained.
- (d) Existing units may be converted and/or rebuilt to ancillary uses such as recreation buildings and child care center when the use is restricted to the residents of the project. New structures for such ancillary uses may also be provided when the existing required parking and landscaping is not decreased. Any new structures or exterior modifications to existing structures shall comply with the City's current Multi-family Design Guidelines.

The City Council hereby amends Section 330-69, of Title 3, Chapter 30 Article 2 as follows:

330-69. Apartments, Condominiums, Townhouses, Rowhouses, and Cluster Development

For apartments, condominiums, townhouses, rowhouses and cluster development, parking shall be provided as follows:

- (a) Tenant Parking: 1.5 spaces/1 bedroom
 - 1.75 spaces/2 bedrooms
 - 2.0 spaces/3 or more bedrooms
- (b) Guest Parking: 1.0 spaces/5 dwelling units
- (c) Each parking space specifically indicated on the development plan may be counted toward satisfaction of the above parking requirement if the following relationships are maintained:
 - (1) Any permanently assigned parking spaces must be full-sized spaces, at least nine (9) feet in width and nineteen (19) feet in length. In projects where spaces are assigned to each unit, up to thirty five (35%) of the unassigned spaces may be compact-sized spaces. In projects where no spaces are assigned, up to thirty percent (30%) of the spaces may be compact-sized spaces.
 - (2) Unassigned compact spaces and unassigned full-sized spaces shall each be evenly distributed throughout the project.

(3) In the case of condominiums, townhouses, or similarly owned units where certain parking spaces are deeded, granted by easement, or otherwise permanently assigned as a matter of ownership, all unassigned spaces shall be placed into the control of the project homeowners' association, which may reserve spaces to residents within the project on a temporary basis. The association shall be fully responsible, in any event, to see that adequate well-distributed parking is available on the project.

(4) Spaces, which are deeded, granted by easement, or otherwise permanently assigned as a matter of ownership, shall be located so as to be visible from a window(s) of the unit to which it is assigned, unless such spaces are contained within a garage. This requirement may be waived by the Planning Commission upon presentation and adequate justification by the applicant, or upon recommendation by the Police Department.

(d) Reduction Of Spaces. Parking may be reduced as a condition of development plan review to not less than one and one-half (1.5) spaces per unit, provided that the applicant can demonstrate that the parking demands would be less, or agreements with owners of adjacent property for shared parking are obtained. The appropriate authority may consider the following information as justification for reducing the parking requirements.

(1) Number of bedrooms per unit, considering rooms that could logically be converted to bedrooms.

(2) Whether the parking for individual units is in open parking spaces in lieu of providing parking in garages or spaces restricted for the use of tenants only.

(3) That the reduction would preserve existing landscaping and open space that would otherwise have to be removed to provide additional parking.

(4) Existing developments which were constructed under the applicable parking standard of one and one-half (1.5) spaces per dwelling unit. Said developments shall be exempt from the provisions of this Section if the parking design is approved by the appropriate Fire District.

(e) Elderly Housing. When considering parking for elderly or senior citizen residential housing projects, the following minimum standards shall be maintained.

0.5 spaces per unit fixed parking (fully improved), and

0.5 spaces per unit overflow or future parking reserve

Overflow parking shall provide an aggregate base capable of supporting passenger vehicles. These areas shall be sodded and the perimeters of such parking spaces outlined and properly signed.

The overflow parking shall be used for additional parking for peak demand periods; i.e., Christmas, Easter, Mother's Day, etc., while maintaining a landscaped atmosphere with usable open space.

The Director, based on valid complaints by neighbors, Fire or Police personnel, or other agencies concerned with Health and Welfare issues may, at any time, require that future parking areas be fully improved for use by project residents and visitors.

(f) Vehicular Access Requirements.

(1) Access to all parking spaces shall be provided by private access drives. The design and arrangement of access drives are set forth in Section 305-16.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

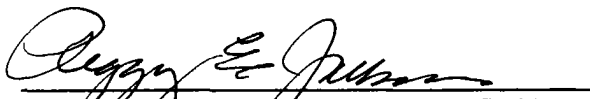
Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

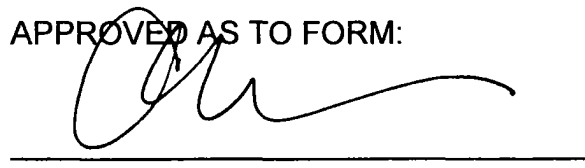
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 21st day of April 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: May 21, 2004

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