

## ORDINANCE NO. 30-2007

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE TRIANGLE SPECIAL PLANNING AREA FOR ASSESSOR PARCEL NUMBER 134-1100-056 THE COOKSON SP AMENDMENT, PROJECT #EG-06-1093

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 Triangle Special Planning Area (SPA) Land Use Map as shown on attached Exhibit A.

#### Section 2: Findings

##### *Special Planning Area Amendment*

Finding: The proposed Special Planning Area amendment is consistent with the goals, policies and objectives of the General Plan.

Evidence: As modified and conditioned, the amendment would slightly augment the Triangle SPA plan with approximately 3 acres of commercial overlay added adjacent to an existing site. This amendment would ensure that a suitably small-sized commercial parcel would be maintained in this area following anticipated right-of-way acquisition for the Elk Grove Boulevard/Grant Line Road intersection.

Finding: The proposed Special Planning Area meets the requirements set forth in Zoning Code Article II.

Evidence: The amendment would continue to satisfy the requirements of Zoning Code Article II in that it would maintain a small commercial overlay area on the Land Use Plan map.

#### *CEQA*

Finding: A Negative Declaration was prepared by the City to address the effects of the Triangle SPA, including the amendment of the Zoning Code to incorporate the Triangle SPA. The potential environmental impacts of the SPA amendment have been considered and addressed by the Triangle SPA Update Negative Declaration adopted April 21, 2004, as the proposed commercial overlay amendment is within the anticipated limits of commercial development identified in the Triangle SPA.

Evidence: The CEQA Negative Declaration adopted for the Triangle SPA considered up to 30.7 acres of potential commercial development. The proposed amendment remains within this anticipated limit. Thus, the proposed project is consistent with the adopted plan for which environmental analysis was done. Traffic

Impact Analysis was conducted for the proposed project which found that there would be no significant traffic impacts related to the project.

### Section 3: Action

The City Council hereby amends the Triangle Special Planning Area Land Use Map for APN: 134-1100-056 (Exhibit A) subject to the findings contained in this Ordinance and the attached Conditions of Approval (Exhibit B).

### 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 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.

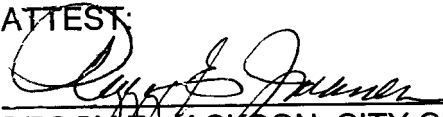
### Section 6: Effective Date and Publication

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).

**ORDINANCE NO. 30-2007**

INTRODUCED: September 12, 2007  
ADOPTED: September 26, 2007  
EFFECTIVE: October 26, 2007

  
\_\_\_\_\_  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY



**EXHIBIT B**

<u>CONDITIONS OF APPROVAL</u>	<u>TIMING/ IMPLEMENTATION</u>	<u>ENFORCEMENT/ MONITORING</u>	<u>VERIFICATION (DATE AND SIGNATURE)</u>
<b>ON-GOING</b>			
<p>1. The development approved by this action is for a Special Planning Area Amendment to modify the Triangle Special Planning Area Land Use Plan map, re-designating a 5-acre parcel (APN 134-1100-056) from "Residential – 1 acre" to Commercial Overlay. Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning Division	
<p>2. This action does not relieve the Applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.</p>	On-Going	Planning Division	
<p>3. The Applicant or Successors in Interest (hereby referred to as 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.</p>	On-Going	Planning Division	
<b>PRIOR TO SPECIAL PLANNING AREA AMENDMENT APPROVAL</b>			
<p>4. The Applicant shall dedicate right-of-way for Elk Grove Blvd as needed to result in 42' of right-of-way southerly of the future centerline approved by the Public Works Director.</p>	Prior to Special Planning Area Amendment Approval	Public Works	
<p>5. The Applicant shall provide a reciprocal access easement agreement between this parcel and the parcel to the east. The location of the access point(s) must be to Public Works satisfaction and will be approved when these parcels are developed.</p>	Prior to Specific Plan Amendment Approval	Public Works	

### **General Information and Compliance Items:**

The following items are noted for the applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

- a. If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan. (Public Works)
- b. The applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- c. The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. For further information on development related fees, see the 2006 Development Related Fee Booklet at: [www.elkgrovecity.org/services/fee-information/fee-information.htm](http://www.elkgrovecity.org/services/fee-information/fee-information.htm) Applicants are also advised to review the Planned Fee Updates portion of the web page, and are encouraged to sign up for email updates on both the 2006 Development Related Fee Booklet and the Planned Fee Updates links on the web page (see the upper right corner of these web pages). By signing up for email updates, you will receive an email notifying you every time these web pages change, which will assist you in planning costs associated with your project. (Finance)
- d. Prior to building permit issuance, the project area shall annex into the Maintenance Mello-Roos Community Facilities District 2006-1 (CFD), to fund the project's fair share of landscape related maintenance costs associated with public parkways, public parks, open space, landscape setbacks, bike and other paths, landscaped medians in and adjacent to roadways, maintenance and operation of a community center, recreation center, sports (including aquatic) facilities, cultural arts center, and water features, and maintenance of other related facilities. The annexation process can take several months, so applicants should plan accordingly. The application fee for the annexation is due prior to the Resolution of Intention to Annex the Property and Levy the Special Tax. For further information regarding this CFD, see [www.elkgrovecity.org/services/finance-district/cfd-information.htm](http://www.elkgrovecity.org/services/finance-district/cfd-information.htm) (Finance)

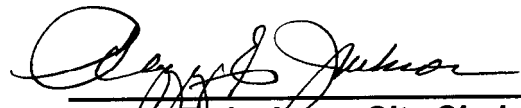
**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 30-2007**

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 ordinance was duly introduced on September 12, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 26, 2007 by the following vote:**

**AYES :           COUNCILMEMBERS:       Cooper, Hume, Davis, Leary, Scherman**  
**NOES:           COUNCILMEMBERS:       None**  
**ABSTAIN:       COUNCILMEMBERS:       None**  
**ABSENT:        COUNCILMEMBERS:       None**

**A summary of the ordinance was published pursuant to GC 36933(c) (1).**

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

