

ORDINANCE NO. 31-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CALVINE ROAD/HIGHWAY 99 SPECIAL PLANNING AREA FROM OFFICE/MEDIUM-DENSITY RESIDENTIAL TO LOW-DENSITY RESIDENTIAL AND AMEND VARIOUS SECTIONS WITHIN ELK GROVE ZONING CODE SECTION 508- 204 (A)(2) MIXED-USE CORE COMMERCIAL AREAS, FOR ARCADIAN VILLAGE #3 PROJECT NO. EG-00-51

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 Calvin Road/Highway 99 Special Planning Area in the Zoning Code changing the land use designation from Office and Medium-Density Residential to Low-Density Residential, shown on Exhibit A, to permit additional Core Commercial uses with restrictions, and amend the Calvin Road/Highway 99 Special Planning Area Maps for Sections 508-212.1 (SPA), 508-212.2 (Permitted Use Areas), 508-212.3 (Land Use Plan), 508-212.4 (Neighborhood Unit Areas), 508-212.5 (Circulation Diagram), 508-212.6 (Public Space Diagram) attached as Exhibit B.

Section 2: CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Section 3: SPA Amendment

Finding: The proposed amendment to change the Office and Medium-Density Residential designation to Low-Density Residential (RD-5) is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed amendment, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant cited reasons for request due to isolation of property and inability to compete with existing office opportunities and the City has adequate office inventory to meet its projected demand. In addition, the City has adequate multi-family housing sites to meet its fair share housing obligation. The applicant's proposal is consistent with the allowed density ranges and uses in the Calvin Road/Highway 99 Special

Planning Area, Elk Grove General Plan and Draft General Plan Land Use Map. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area

Section 4: Amendments/Deletions/Replacements:

Section 508-200. INTENT – Delete in its entirety

Section 508-204 PERMITTED USES (A)(2) – Amend as follows:

(2) Mixed-use Core Commercial Areas: The following uses are not permitted in the Core Commercial Area at the intersection of Sheldon Road and Power Inn Road:

(b) Section G-Eating/Drinking/Lodging (no more than one of the following is permitted in the Core Commercial area and if within 300-feet of residential requires a Conditional Use Permit per Zoning Code, Title II, Chapter 25: Commercial Land Use Zones, Section 225-11)

- (i) drive-in café is not permitted
- (ii) drive-up windows are not permitted for restaurants, coffee shops, or cafeterias

(d) Section O-Offices (no more than one of the following is permitted in the Core Commercial area and if within 300-feet of residential requires a Conditional Use Permit per Zoning Code, Title II, Chapter 25: Commercial Land Use Zones, Section 225-11)

(B) Travel Commercial Areas: Permitted uses within the Travel Commercial Areas, as shown in Section 508-212.3, are those uses permitted in the Travel Commercial (TC) Land Use Zone as listed in the Zoning Code Section 225-71 subject to the special conditions referenced in Section 225-14.

(F) Public/Quasi-Public Use Areas: Public uses such as transit, postal, park, utility, public safety, and any other public facilities deemed necessary by the appropriate authority are permitted in any use area of the SPA. An elementary school and a high school/middle school shall be permitted in the Low Density Residential Area and in the general locations shown in Section 508-212.6.

Section 508-205 NEIGHBORHOOD UNIT AREAS – Amend as follows:

508-205. NEIGHBORHOOD UNIT AREAS. Section 508-212.4 identifies Neighborhood Unit Areas within the SPA. For each Neighborhood Unit Area the map identifies: the "gross acres"; the estimated "net acres" (gross acres less areas constrained by uses such as major roadways, intersection rights-of-way, major drainage

facilities); and a "minimum number of units" based on net acres and minimum average dwelling units. Development proposals may exceed the minimum densities of the use area.

Section 508-206 DEVELOPMENT PLAN REVIEW – Amend as follows:

508-206. DEVELOPMENT PLAN REVIEW. Specific development projects for properties within the SPA shall be submitted to the Planning Department for purposes of development plan review in accordance with applicable provisions of City ordinances and regulations. The intent of development plan review for single family projects is for review of homes as a group or unit for consistency with the standards and guidelines including setbacks. All other projects, including commercial, office and multi-family projects, shall undergo review by planning staff and then shall be heard and reviewed before the Planning Commission. Development proposals shall conform to the Development Standards described in Section 508-212.7. The standards specified within this SPA supersede the standards of the Zoning Code. If the Design Guidelines and Development Standards do not provide direction regarding specific uses, the Provisions of Title I, II, III, and IV of the Zoning Code shall apply as appropriate.

Section 508-210 PERFORMANCE STANDARDS – Amend as follows:

Financing Infrastructure

1. The Board of Supervisors finds and determines that development permitted under this ordinance which relies on presently unavailable infrastructure endangers the health and safety of present and future residents of the County and of the territory to which this ordinance applies in that such development, without accompanying infrastructure, or at least a means to finance such infrastructure, will degrade air quality, transportation services, water services, sewer services as well as other services, all to the detriment of public health and safety. Therefore, no building permits will be approved for areas subject to this ordinance until all applicable development impact fees have been paid:

Roadway Improvements

3.(b) Intersection improvements and traffic signals at the following intersections:

- (i) Calvin Road/Auberry (6x2)
- (ii) Power Inn/Auberry (4x2)
- (iii) Power Inn/Old Calvin (4x2)
- (iv) Sheldon/East Stockton (6x2)
- (v) Sheldon/Power Inn (6/4)

4. Each property developer, as part of a tentative map application, shall provide a Circulation Plan of streets and sidewalks within the proposed project which is consistent with the general location and number of roadways as shown in Section 508-212.5, Circulation Diagram, and the Calvine SPA Design Guidelines. Modifications to exact locations may be permitted; however, the overall number of roadway connections should not be reduced.

Section 508-210 Transit Facilities – Amend, delete and renumber as follows:

16. Project developers shall provide the following improvements to the transit station site to the satisfaction of Regional Transit.
 - Rough grading of the site;
 - Adequate drainage facilities to the site boundary;
 - Construction of all necessary street frontage improvements abutting transit station site, including vertical curb, gutter and sidewalk;
 - Utility stubs into the site, including, but not limited to, water, sewer, electrical, and gas. Utility stubs shall be those similar to normal park uses and any excessive utility requirements such as major electrical services for light rail operations shall not be the responsibility of the developer.

Regional Transit shall review the improvement plans prior to approval by the Public Works Agency.

17. Property owners shall participate in any future County-wide funding mechanism to support the operation of transit services in the project area which may be approved by the Board of Supervisors.
19. Project developers shall reserve for acquisition four (4) acres of land for a Regional Transit park and ride lot in the location shown on the adopted Land Use Plan to the satisfaction of Regional Transit. The acreage for the park and ride lot may be decreased through a Joint Use Agreement between the property owner and Regional Transit.

Section 508-210 PERFORMANCE STANDARDS - Amend as follows:

Park and Recreation Facilities

31. A minimum of 32 acres of neighborhood parks shall be provided within the SPA. Developers shall dedicate parkland and provide funding at the maximum level permitted by the Land Development Ordinance, Title 22 of the Sacramento County Code (Quimby Act). Parkland shall be dedicated at a rate of 5 acres per 1,000 persons for residential development. Quimby Act dedication requirements for residential development in this SPA are as follows:

Neighborhood parks shall be dedicated by developers to the appropriate parks and recreation district in the general locations shown in Section

508-212.6. The dedication of the neighborhood parks can be applied to the property owner's park dedication requirement. Additional dedication requirements shall be paid as in-lieu fees permitted under the Quimby Act. The exact configuration of the neighborhood parks shall be determined during the project review and must be shown on tentative maps. Developers shall install within the neighborhood parks , street and frontage improvements, in accordance with plans and specifications approved by the Transportation Division.

Section 508-210.5 PERFORMANCE STANDARDS - Amend, delete and renumber as follows:

18. Dedicate additional right-of-way on Calvine Road and entrance to high school (formally "Cliff Crest Drive") for required intersection widening per Standard Drawings H-24 and H-25 of the Sacramento County Improvement standards.
24. Dedicate additional right-of-way at the intersection of Lots 152, 151, 39 and Lot "C" (Park Site) as depicted on the approved tentative subdivision map for intersection widening per Standard Drawings H-24 and H-25 of the Sacramento County Improvement Standards. *Refer to the approved tentative subdivision map, Control No. 97-RZBZOB- SDP-0251.*
27. The size, number, and location of driveways on Lots A (Detention Basin), B (School Site), , and F (Southern Core Commercial Site) shall be to the satisfaction of the Transportation Division of the Public Works Agency.
42. A 10-acre school site shall be reserved by the property owner in the approximate location shown on the revised land use plan (Section 508-212.3) for acquisition by the Elk Grove Unified Public School district. No building permit shall be issued until the developer/owner contributes an amount equivalent to \$1.11 per square foot of residential building area to the Elk Grove Unified School District for the construction of school facilities, unless reduced or waived by the school district. This amount shall be in addition to any developer fees required pursuant to Government Code Section 65995 and the school district's Mello-Roos tax (Elk Grove Unified School District CFD #1 [Measure A]). Such additional contribution shall be calculated using the same square footage methodology as that provided pursuant to Government Code Section 65995. This additional contribution shall be adjusted for inflation each January 1 based upon the change in the Engineering News Record Building Cost Index (average of 20 cities and San Francisco) for the prior year, beginning July 1, 1990. The \$1.11 contribution may be reduced upon the mutual consent of the Elk Grove Unified School District and the developer/owner, to account for land reserved for or conveyed to the school district by the developer/owner in accordance with any separate agreement between the developer/owner and the school district. If the

Board of Supervisors approves any subsequent district wide plan to finance new school facilities within the Elk Grove unified School District, no building permits shall be issued unless consistent with that financing plan, which may include the payment of an amount different from the \$1.11 per square foot of residential development incorporated herein.

44. In accordance with the Calvine Road SPA, the developer will be required to make all street frontage improvements to on-site park sites within the developer's specific project when other public improvements were constructed. Prior to filing the first subdivision map, the applicant shall enter into an agreement with the County of Sacramento setting forth the lineal footage and estimated cost of park street frontage improvements which would be subject to a reimbursement program administered by the County of Sacramento. The street frontage improvements subject to reimbursement will relate to the number of acres of parkland dedicated by the applicant over and above the acreage required by Title 22 of the Land Development Ordinance.
45. Property Owner/Applicant shall cause the improvement plans and specifications for the on-site park improvements to be constructed by Property Owner/Applicant to include:
 - e. Where a park site abuts a buildable residential lot(s), Developer shall install a six (6) foot masonry sound wall on the lots along the boundary of the Park Site. The wall is to be installed when the District is prepared to develop the park or when the construction on the adjoining lots is commenced, whichever comes first. A notice shall be recorded with the sale of each of these lots informing the owner that the maintenance of the wall will be their sole responsibility. The wall is not a "good neighbor" wall. The District will be responsible for graffiti removal or other damage to the wall resulting from the operation of the Park.
52. Dedicate a 25-foot easement to the Elk Grove Community Services District along Power Inn Road and Sheldon Road on Lot F.
53. Develop a landscape easement agreement between the applicant and Elk Grove Community Services District for a 25-foot landscape corridor (19 feet and 6-foot of sidewalk) adjacent to Sheldon Road and Power Inn Road for the Southern Core Commercial Lot. The landscape corridors shall be improved at the time of development. The easement agreement shall address rights and obligations pertaining to any/all joint activities and interests of these parties.

The following Map Sections are amended and attached

Section 508-212.1 Calvine/99 Special Planning Area

Section 508-212.2 Permitted Use Areas

Section 508-212.3 Land Uses in the SPA

Section 508-212.4 Neighborhood Unit Areas

Section 508-212.5 Circulation Diagram

Section 508-212.6 Public Space Diagram

Section 5: Action

The City Council hereby amends the City of Elk Grove Zoning Map as shown on attached Exhibit A subject to the findings contained in this Ordinance (APN 115-0150-041 and 115-0150-042).

Section 6: 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 7: 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.

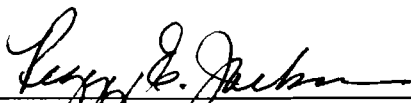
Section 8: Effective Date and Publication

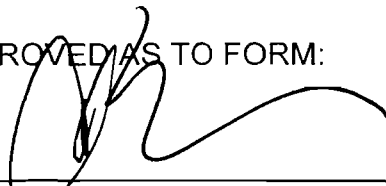
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 3rd day of September 2003.

for 
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: October 3, 2003

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

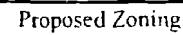
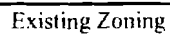
CITY OF ELK GROVE, CALIFORNIA
FEBRUARY 7, 2012

1. THEORY

ZONING SUMMARY TABLE				
DESIGNATION	LAND USE	EXISTING PROPOSED		DIFFERENCE
		ZONING	ZONING	
OFFICE - B (40%)	OFFICE	1A		114
OFFICE LTR	REDEVELOPMENT DENSITY RESIDENTIAL	5C	1B	-22
DR - GREEN B (50%)	DR DENSITY RESIDENTIAL		10C	-20
		174	174	

<u>DESIGNATION</u>	<u>LAND USE</u>	<u>EXISTING ZONING</u>	<u>PROPOSED ZONING</u>	<u>DIFFERENCE</u>
OFFICE - B (C-1)	OFFICE	1A		11A
MCR LTR	REDEVELOPMENT DENSITY RESIDENTIAL	GC	1B	-1B
DR - CREA B (C-1)	DR DENSITY RESIDENTIAL	"	1C6	-1C6
		1A	1A	

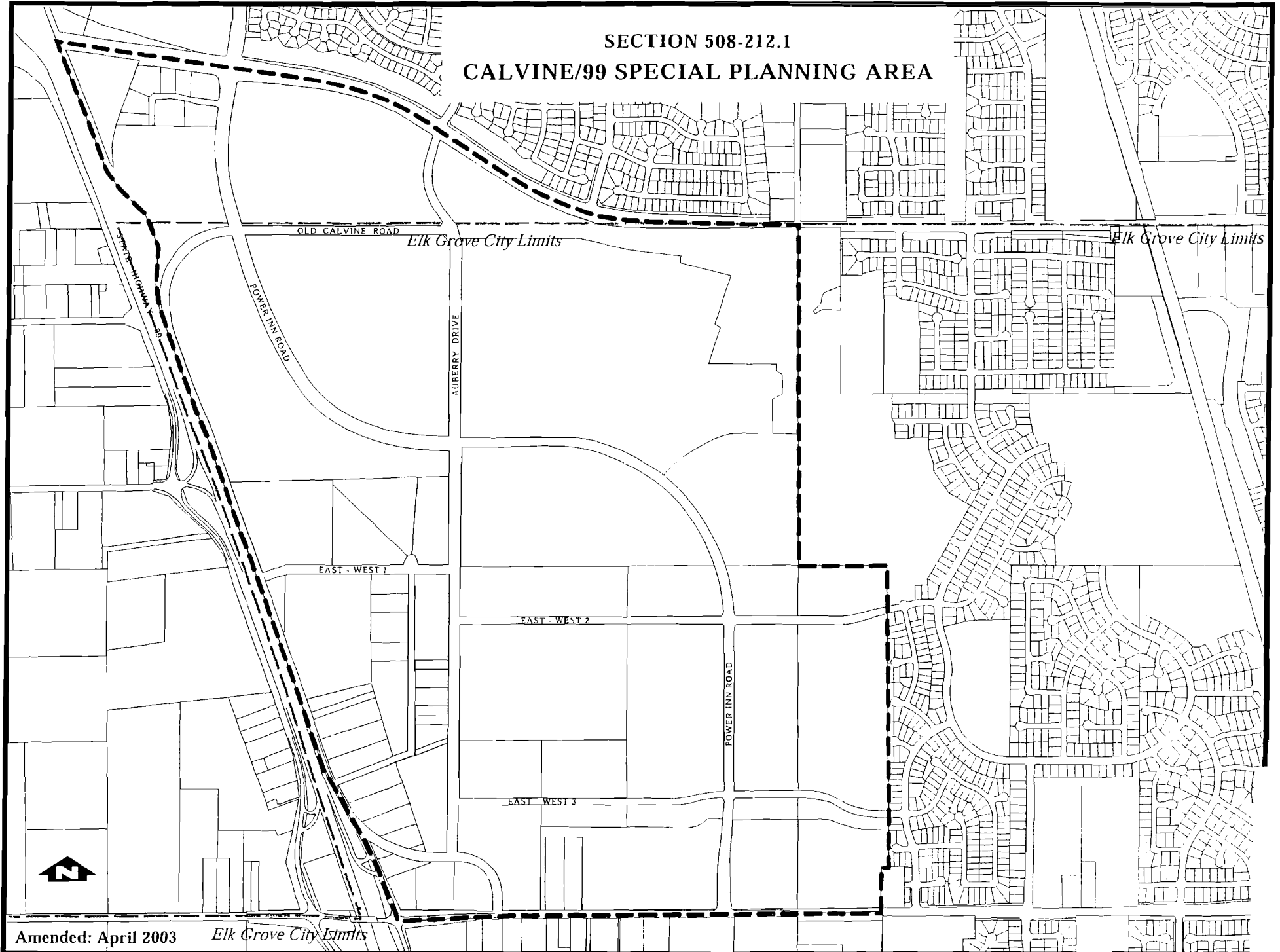
LOCATION MAP



WOOD RODGERS
ENGINEERING • PLANNING • MAPPING • SURVEYING
3301 C STREET BLDG 100 B SACRAMENTO CA 95816
PHONE (916) 331-7760 FAX (916) 331-7267

Exhibit A

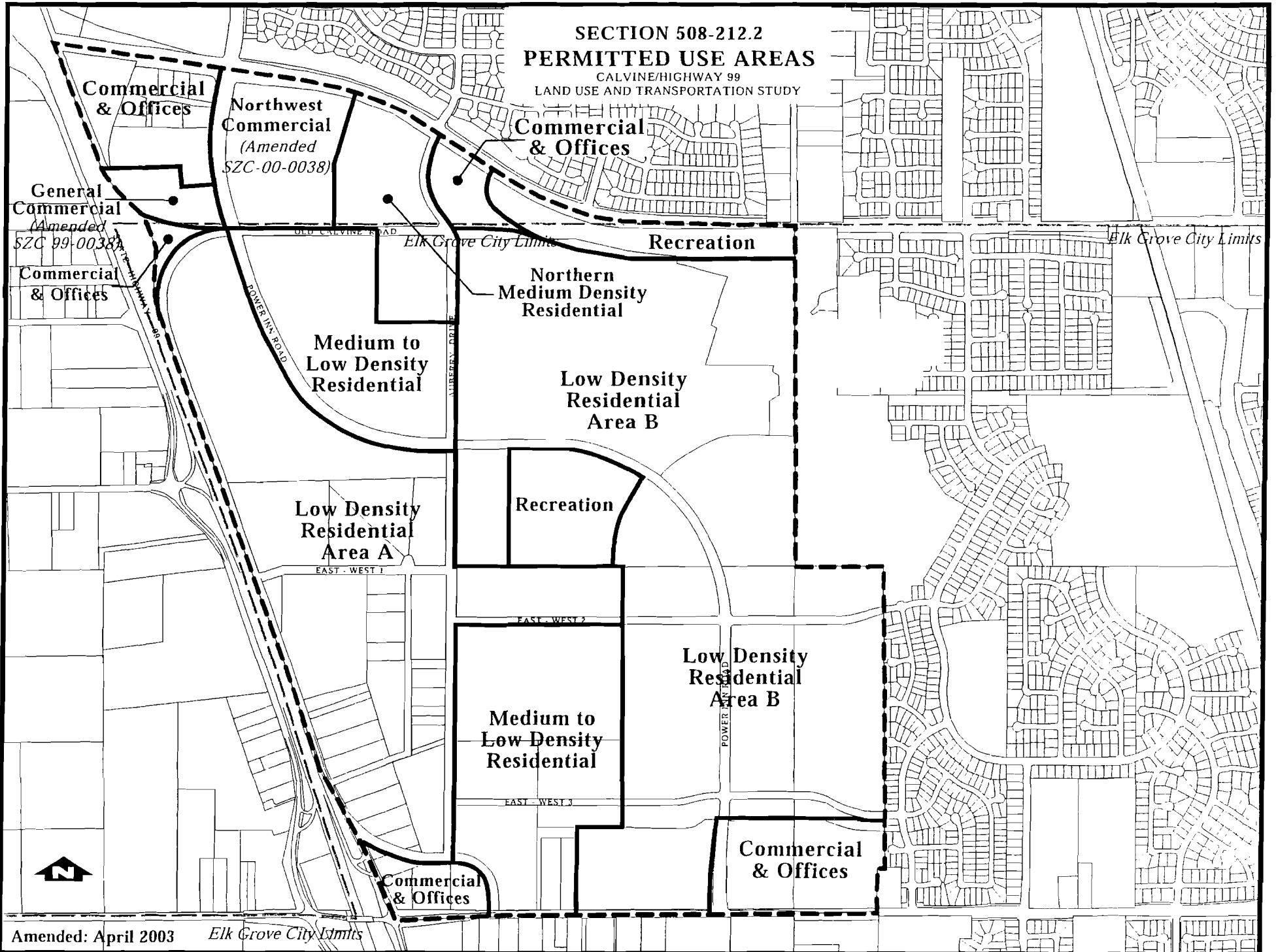
SECTION 508-212.1
CALVINE/99 SPECIAL PLANNING AREA



Amended: April 2003

Elk Grove City Limits

SECTION 508-212.2
PERMITTED USE AREAS
CALVINE/HIGHWAY 99
LAND USE AND TRANSPORTATION STUDY

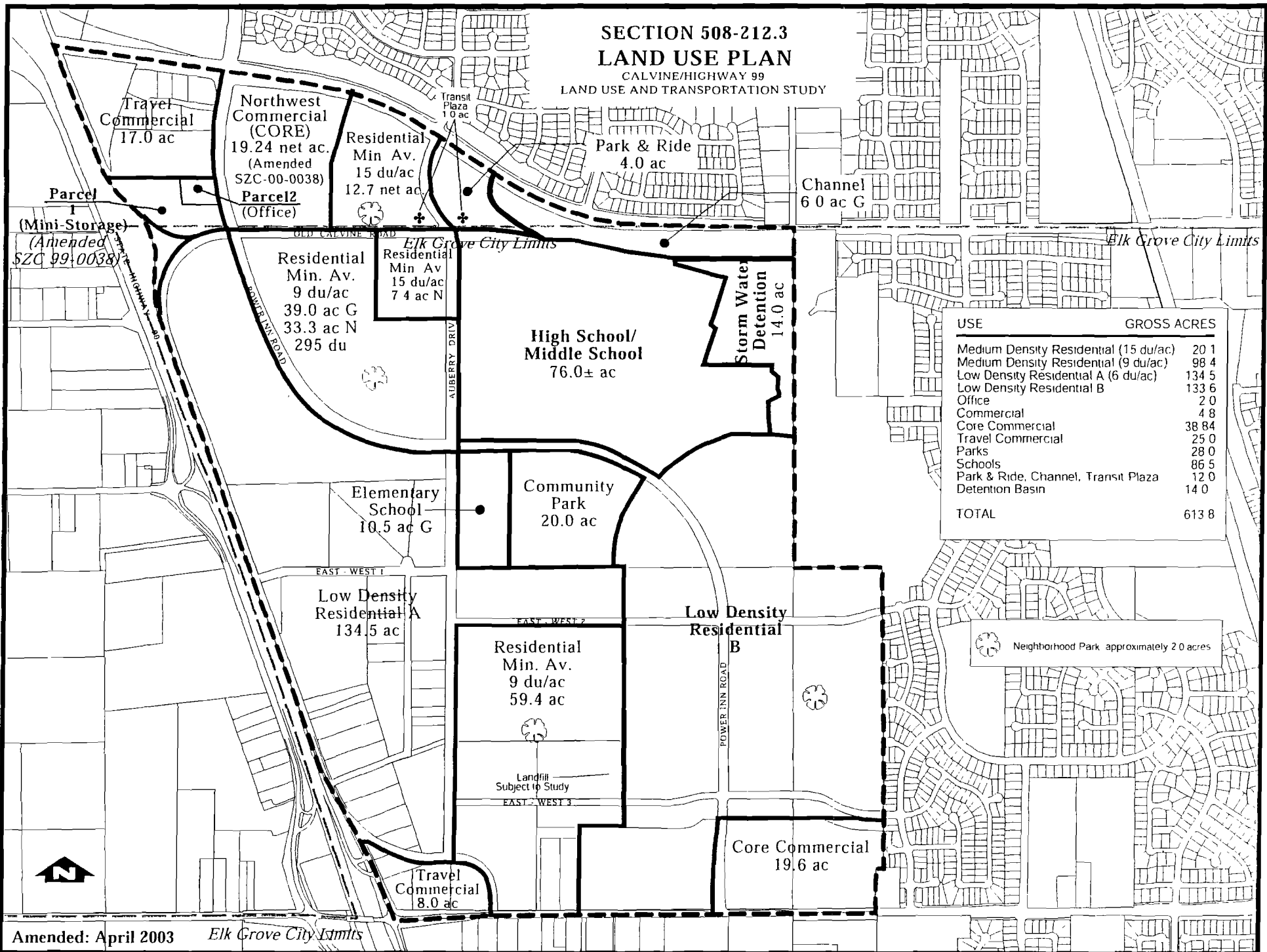


Amended: April 2003

Elk Grove City Limits

SECTION 508-212.3 LAND USE PLAN

CALVINE/HIGHWAY 99
LAND USE AND TRANSPORTATION STUDY



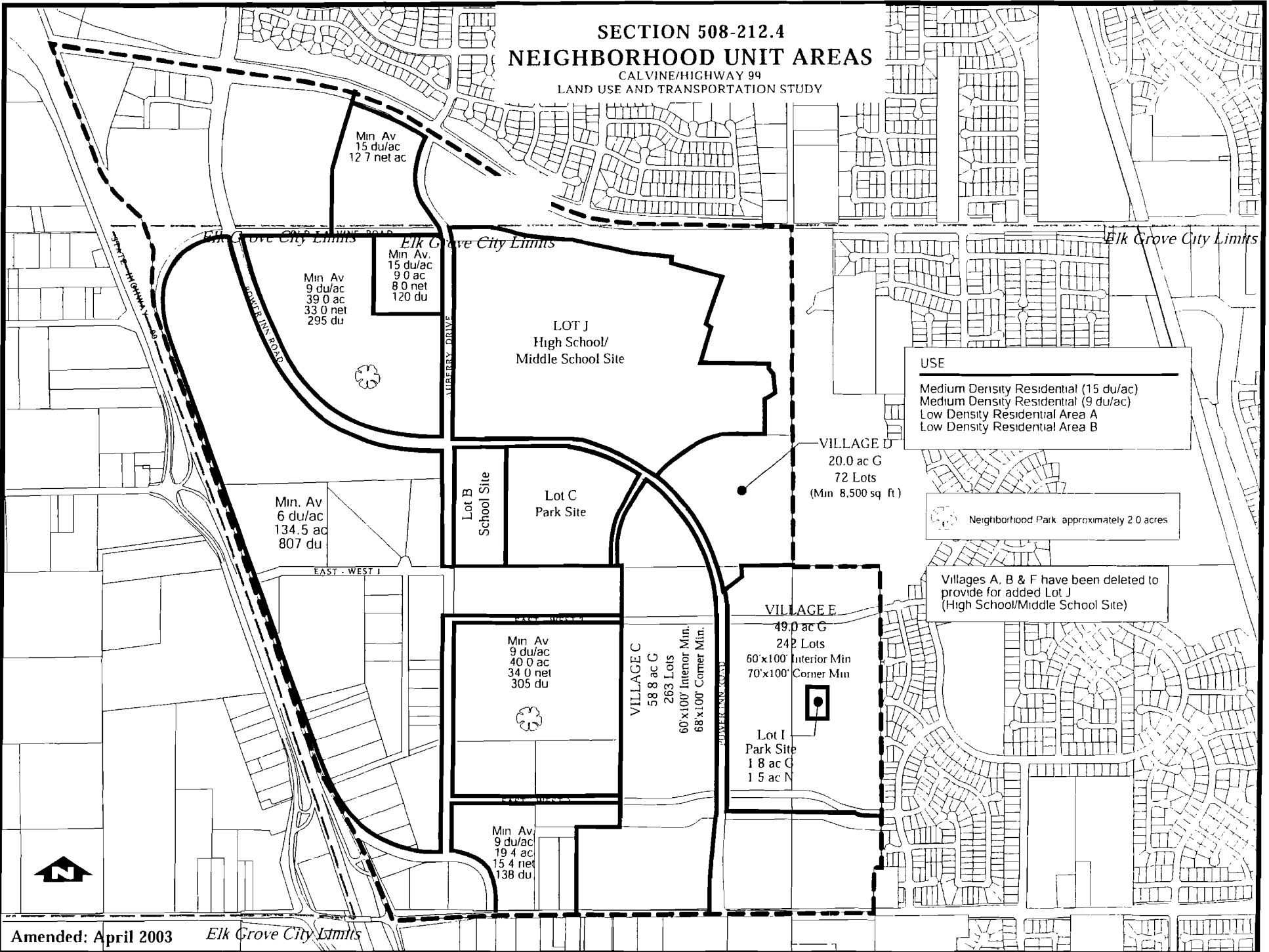
USE	GROSS ACRES
Medium Density Residential (15 du/ac)	20.1
Medium Density Residential (9 du/ac)	98.4
Low Density Residential A (6 du/ac)	134.5
Low Density Residential B	133.6
Office	2.0
Commercial	4.8
Core Commercial	38.84
Travel Commercial	25.0
Parks	28.0
Schools	86.5
Park & Ride, Channel, Transit Plaza	12.0
Detention Basin	14.0
TOTAL	613.8

Neighborhood Park approximately 2.0 acres

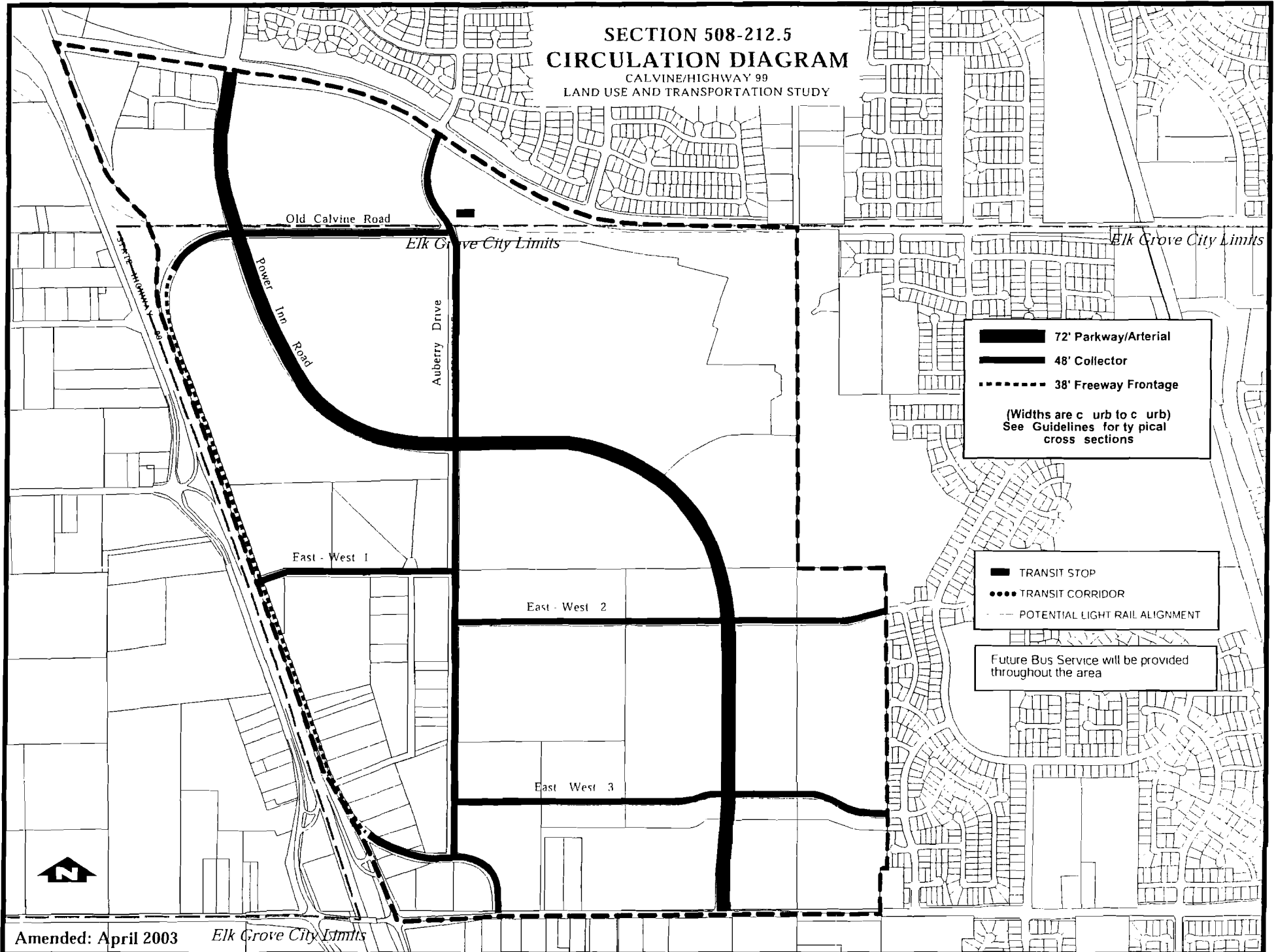
Amended: April 2003

Elk Grove City Limits

SECTION 508-212.4
NEIGHBORHOOD UNIT AREAS
 CALVINE/HIGHWAY 99
 LAND USE AND TRANSPORTATION STUDY



SECTION 508-212.5
CIRCULATION DIAGRAM
CALVINE/HIGHWAY 99
LAND USE AND TRANSPORTATION STUDY



SECTION 508-212.6
PUBLIC SPACE DIAGRAM
CALVINE/HIGHWAY 99
LAND USE AND TRANSPORTATION STUDY

