

ORDINANCE NO. 37-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FROM AR-5 TO BP FOR LONGAN REZONE, PROJECT NO. EG-03-442

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 Map as shown on attached Exhibit A and to adopt the Conditions of Approval as Exhibit B.

Section 2: Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and the project is exempt from the provisions of the California Environmental Quality Act (CEQA).

Evidence: The project is not subject to the requirements of CEQA under section 15060(c)(2). This section provides that a project is exempt from CEQA if the activity will not result in the direct or reasonably foreseeable indirect physical change in the environment. The surrounding land use is office and the rezone would be consistent with existing activities. The project site is a 0.80 acre open field void of any trees and completely surrounded by office development.

General Plan

Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- (a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- (b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
- (c) There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
- (d) The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence:

- (a) The proposed rezone to BP (Business Professional) is consistent with the Draft General Plan Land Use Policy Map designation of Office/Multi-family.
- (b) As stated above, the proposed rezone is consistent with the Draft General Plan Land Use Policy Map. The rezone is also consistent with the draft General Plan Elements in the General Plan.
- (c) The rezone of the project site is consistent with the draft General Plan Land Use Policy Map and there is little probability that the rezone or future development would interfere with the future adopted General Plan.
- (d) The requested rezone is consistent with state law and local ordinances as discussed by the following findings and evidence.

Rezone

Finding: The proposed rezone is in the public interest and will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general Welfare of the City. (§110-30 of the City of Elk Grove Zoning Code)

Evidence: The City has reviewed the proposed amendment to the Zoning Map. The applicant's proposal is consistent with the land use designation in the draft General Plan Land Use Policy Map. The proposed amendment is also consistent with the Plan's objectives of orderly and systematic development.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map on APN 116-0070-005 as shown on attached Exhibit A subject to the aforementioned findings and Conditions of Approval as represented on 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 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 1st day of October 2003.



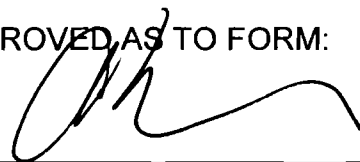
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:

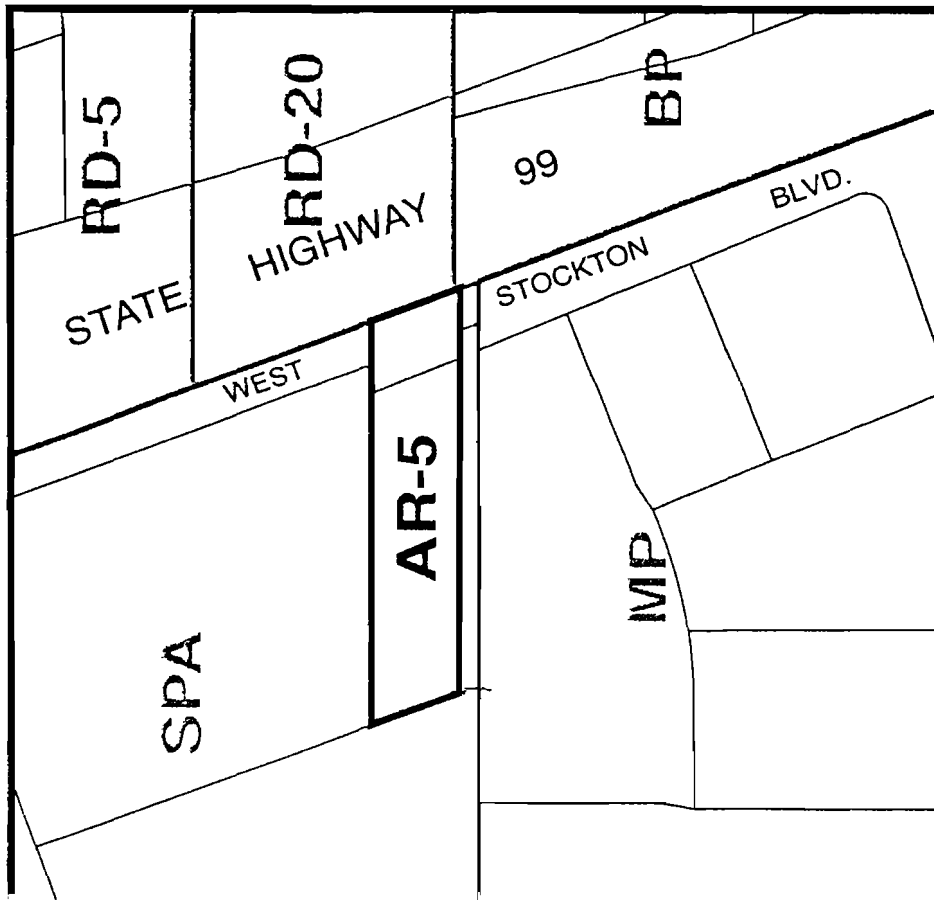


ANTHONY B. MANZANETTI,
CITY ATTORNEY

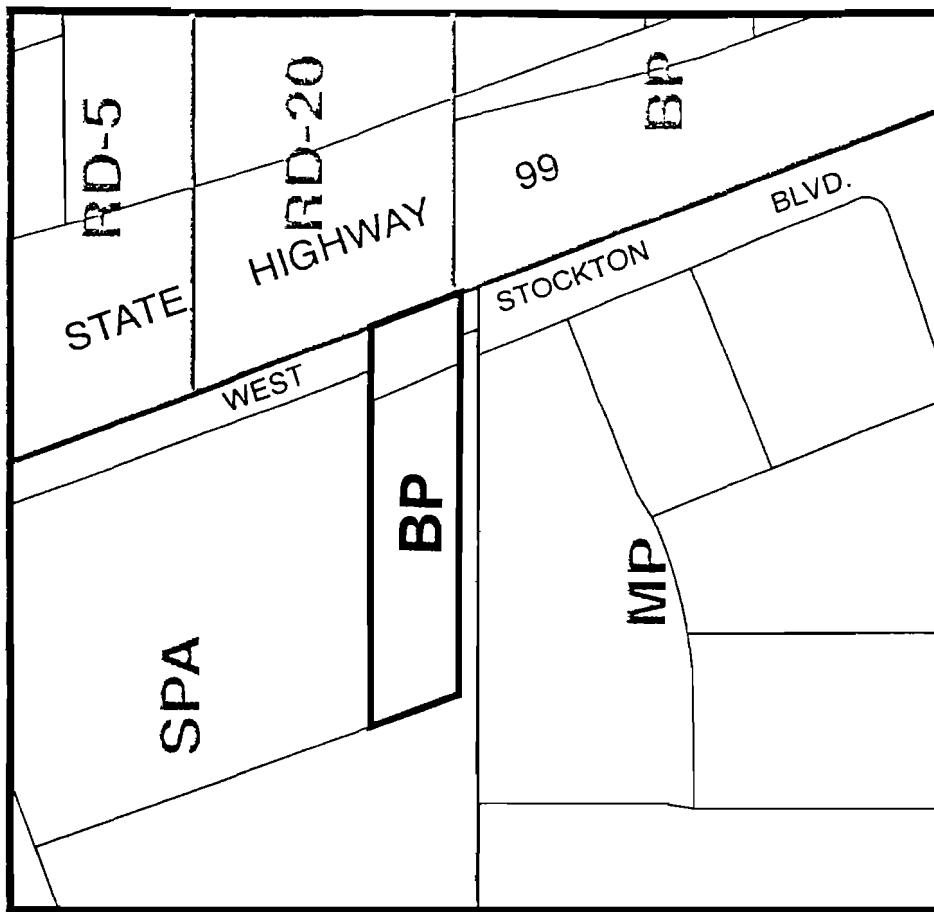
Effective Date: October 31, 2003

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

APN 116-0070-005-0000



EXISTING ZONING



PROPOSED ZONING

**Conditions of Approval
Exhibit B**

<u>Conditions of Approval / Mitigation Measure</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The development approved by this action is for a Rezone as described in the Planning Commission report and associated Exhibits and Attachments dated August 14, 2003.	On-Going	Planning	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning	
3.	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.	On-Going	Planning	
Rezone				
4.	Grant the City of Elk Grove right-of-way on West Stockton Boulevard based on a 60' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.	Prior to Rezone	Public Works	
5.	Dedicate a 12.5 foot public utility easement for underground and or overhead facilities and appurtenances adjacent to public streets.	Prior to Rezone	Public Works	
6.	Prior to City Council approval of the Rezone, pay the Laguna Community Facilities District the rezone avoidance tax to the County of Sacramento, estimated at \$11,367.00.	Prior to Rezone	Public Works	

General Compliance Items for Building Permit

1. Prior to issuance of building permits, the project developer/owner shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18. (Water Supply)
2. Water supply will be provided by the Sacramento County Water Agency.
3. Provide public water service to each building.
4. Prior to issuance of building permits, the project shall conform to the specific provisions of the City's Landscape Water Conservation Ordinance (Chapter 14.10 of the City of Elk Grove Code) to the satisfaction of the City's plan checker or consultant. (Water Supply)
5. All the real property within the boundaries of the proposed project is within a benefit zone of the District Wide Landscape and Lighting Assessment District. Prior to approving improvement plans, or issuing any building permits; the owners of all real property within the boundaries of a project shall execute and deliver to the Elk Grove CSD a written petition in an acceptable form approved by District consenting to: (i) the formation of the existing District Wide Assessment District and the methodology adopted to allocate the cost to the various land uses; (ii) when necessary the annexation to the appropriate zone of benefit created to fund urban services, (iii) the budget, formulas and cost of living indexes use to establish the amount of the annual assessments; the (iv) the levying of the annual assessment to fund the maintenance, operation and in some instances the existing capital costs of parks, parkways, corridors, medians, open space, trail systems lakes, creeks and other recreational and aesthetic amenities.
6. The project shall comply with the City's Land Grading and Erosion Control Ordinance.
7. Install on-site and off-site drainage facilities as required pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency.
8. Provide standard commercial driveways. Driveway width shall be a minimum of 45 feet with truck access, and 35 feet without truck access.
9. Driveway locations shall be subject to the review and approval by Public Works.
10. Provide calculation for the pipe capacity in conformance with the 1996 Hydrology Standards Volume II and City of Elk Grove Improvement Standards.
11. Provide drainage easements to off-set projected impacts, as necessary, at no cost of the City of Elk Grove pursuant to the Sacramento County Floodplain Management Ordinance, and the City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.
12. The floor elevation must be a minimum of 1 foot above the 100-year water level for the area.
13. Install public street improvements on West Stockton Boulevard based on a 60' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works.
14. Secure approval of a civil engineered site improvement plan for all proposed on-site and off-site improvements.
15. Permits and/or fees are required for the following reviews: civil plans, architectural plans, fire sprinkler plans and fire alarm plans. Additional permits and fees may apply depending upon the scope of the project.
16. Dead-end streets in excess of 150 feet require emergency vehicle turn-a-rounds.

17. Any and all gates impeding fire lanes or roadways shall comply with Appendix VII of the 2002 Sacramento County Fire Code.
18. If homes exceeding 3,600 square feet (including garages and covered porches) will be built in this subdivision, additional fire flow analysis of the water system must be conducted. Single family dwellings 3,601 square feet to 4,800 square feet require 1,750 gpm and homes 4,801 square feet to 6,200 square feet require 2,000 gpm.
19. An approved automatic fire sprinkler system shall be installed within all new R-3 occupancies when the total floor area (area under roof including garages and attached solid roof canopies) exceeds 5,999 square feet and/or the total livable area (area not including garages and attached solid roof canopies) exceeds 4, 999 square feet.
20. As of February 1, 2003, all contractors for single-family homes and duplexes (R-3 Occupancies) shall provide an option for residential fire sprinklers. Prior to the prospective buyer signing a sales contract, the contractor or their agent shall obtain from the Fire Department an informational packet containing educational materials approved by the Fire Department, including a form explaining the option for residential sprinklers. The contractor or their agent shall provide the approved informational packet to any and all prospective buyers and require the execution of a signed receipt for the educational material from the prospective buyer. The contractor shall install residential fire sprinklers upon the request and execution of a purchase agreement by the homebuyer. Fire sprinkler systems for single-family homes and duplexes shall be designed and installed to not less than the minimum requirements contained in NFPA 13D, 1996 edition.
21. All civil engineering plans are required to be submitted in an electronic format. When plan is ready for final signature, it is required that the engineering firm will submit an electronic copy of the complete plan as it appears in the approved printed plans with addresses. All electronic formats will be submitted on Windows/DOS formatted diskettes, zip disks or on compact disk (CD). E-mailed copies will not be accepted at this time. Electronic formats can be submitted in either of the following data transfer formats listed below:

DFX (Drawing Interchange file) release 2002 or previous
DWG (Applies to AUOCAD drawing file) release 2002 or previous
22. Addresses for all lots shall be provided to the Fire Department within sixty (60) days of Fire Department signature of approval for development plans.
23. No more than 40 building permits shall be issued when a single point of access exists for a subdivision. Since there is no process in place for confirming the sequence in which the units are built, the above information should be considered and the Elk Grove CSD Fire Department should be consulted on this matter.
24. All commercial buildings, in excess of 3,599 square feet shall be equipped with an approved automatic fire sprinkler system.
25. Commercial developments in excess of 10,000 square feet require looped fire mains of a minimum of ten- (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals. This on-site fire main shall be connected to the municipal water main at not less than two (2) points.
26. This development is required to provide fire flow from a public water system capable of delivering at a minimum 50 PSI static pressure and 3,000 GPM at 20 PSI residual pressure in commercial areas and 50 PSI static pressure and 1,000 GPM at 20 PSI residual pressure in

residential, single-family home areas. Buildings of certain types of construction, size, and use may need additional fire flow or the application of mitigating efforts to meet fire flows above this minimum.

27. All required roadways, street signs, addresses, water mains, fire hydrants, and fire flows shall be provided prior to the existence of any combustible construction or storage. The slope of access roadways shall not exceed 10% for asphalt and 15 % for concrete. The roadways shall be constructed to a 20-foot minimum width with a minimum of three (3) inches AC over six (6) inches AB with good drainage.
28. Traffic pre-emption devices of a typed approved by the Elk Grove Fire Department, shall be installed on all traffic signal devices erected or modified by this development. These devices shall be installed and functioning prior to any occupancy and at no cost to the Elk Grove Fire Department.
29. Required fire alarm systems (other than single family dwellings) shall be connected to a UL listed central station approved by the Sacramento County Regional Communications Center.
30. Permits and/or fees are required for the following plan reviews: site plan, architectural plan, fire sprinkler plan, fire alarm plan, and special extinguishing plans.
31. The installation of on-site or off-site fire protection equipment including fire hydrants and water mains shall meet the standards of the Elk Grove Fire Department and the water purveyor having jurisdiction.
32. The installation of roadway gates, addresses, landscaping, pipe bollards, fuel tanks, masonry sound walls, tree wells, and/or traffic calming devices are subject to standards outlined by the Elk Grove Fire Department.
33. The wetlands/riparian corridors of creeks create an unusual fire hazard and challenge to emergency responders. The following requirements apply:
 - A. Provide non-combustible fences along all developed areas adjacent to wetlands, creeks, or open spaces.
 - B. Provide access to all wetland corridors at the end of cul-de-sacs via rolled curbs and gates with pipe bollards. Bike lanes adjacent to creeks shall be a minimum of 10 feet wide with a turning radius of not less than 35 feet inside and 45 feet outside diameters.
 - C. Any bridges over creeks or wetland areas shall be capable of supporting 65,000 GVW.
 - D. Provide at least ten (10) feet of greenbelt or other defensible space between non-combustible fences and the creek/wetlands area.