

ORDINANCE NO. 24-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE THE ZONING MAP FROM MP TO RD-30 FOR A PROJECT KNOWN AS VINTAGE AT LAGUNA, PROJECT NO. EG-03-435

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 City of Elk Grove Zoning Map to assign a change to the zoning of the parcels specified within the attached exhibits.

Section 2: Findings

1. **Finding:** The proposal will not have a significant adverse impact on the environment and a 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 that addressed the impacts of the conversion of industrial/office use to a senior housing project. On the basis of the 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.

2. **Finding:** The proposed Rezone request will implement and be consistent with goals and policies of the General Plan of the City of Elk Grove.

Evidence: The Rezone of MP to RD-30 is consistent with the allowed zoning prescribed in the General Plan of the City of Elk Grove. The proposed project would be in keeping with the surrounding area, and be consistent with the City's adopted policy to create affordable housing opportunities for all segments of the community.

3. **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 possibility of substantial detriment to or interference with

the future adopted general plan if the proposed is 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 ordinance.

Evidence: The following statements are made in support of the required findings stated above.

- a) The proposed general plan has acknowledged that affordable housing opportunities are a key component of the Housing Element of the General Plan and has designated an Office/Multi-family land use category specifically in the General Plan. As such, affordable multi-family projects proposed in this area would be consistent with the General Plan.
- b) As stated above, the latest version of the adopted Draft Land Use Policy Map encourages multi-family residential within the commercial area of the City. The proposed project is consistent with the policies and guidelines of the General Plan and conditions of approval have been recommended for the project that is consistent with the draft policies of the Elements of the General Plan.
- c) The Draft General Plan and the existing land uses in the immediate area are consistent at this time and there is little possibility that the General Plan would change in this area. The new General Plan would designate certain properties for multi-family development to support the Housing Element.
- d) The proposed project is requesting no amendments to the General Plan. The requested rezone of MP to RD-30 is consistent with the adopted density range for the Office/Multi-Family Designation in the Land Use Policy Map of the General Plan. The Rezone would allow for the development of an age restricted, affordable senior apartments in the central part of the City, served by many support retail and service businesses.

Section 3: Action

The City Council hereby amends the Zoning Map of the City of Elk Grove for Assessor's Parcel Numbers 116-0320-034 and 116-0320-035, and adopts the conditions of approval as shown on the attached Exhibits A and 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.

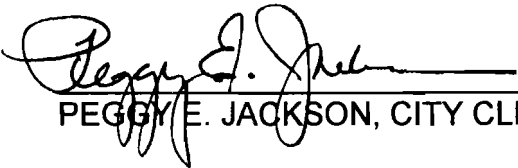
Section 6: Effective Date and Publication

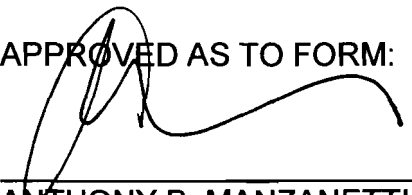
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 6th day of August 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: September 5, 2003

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

**Vintage at Laguna Senior Apartments
Rezone Exhibit**
April 14, 2003

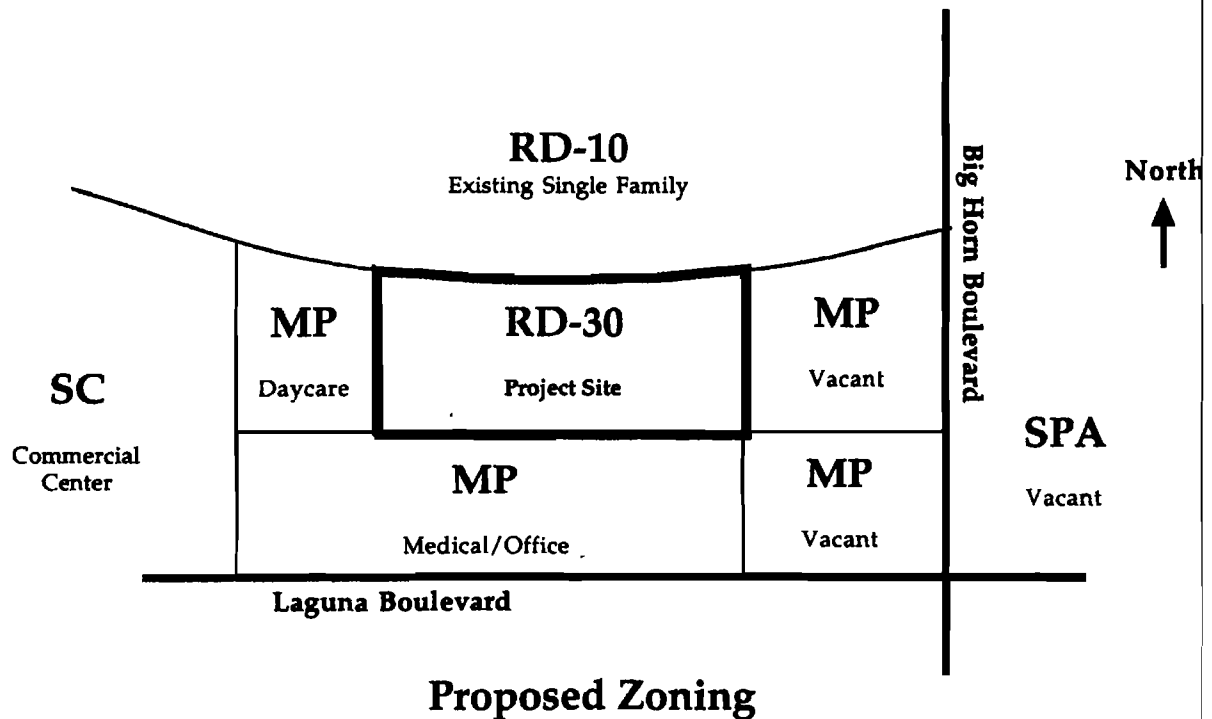
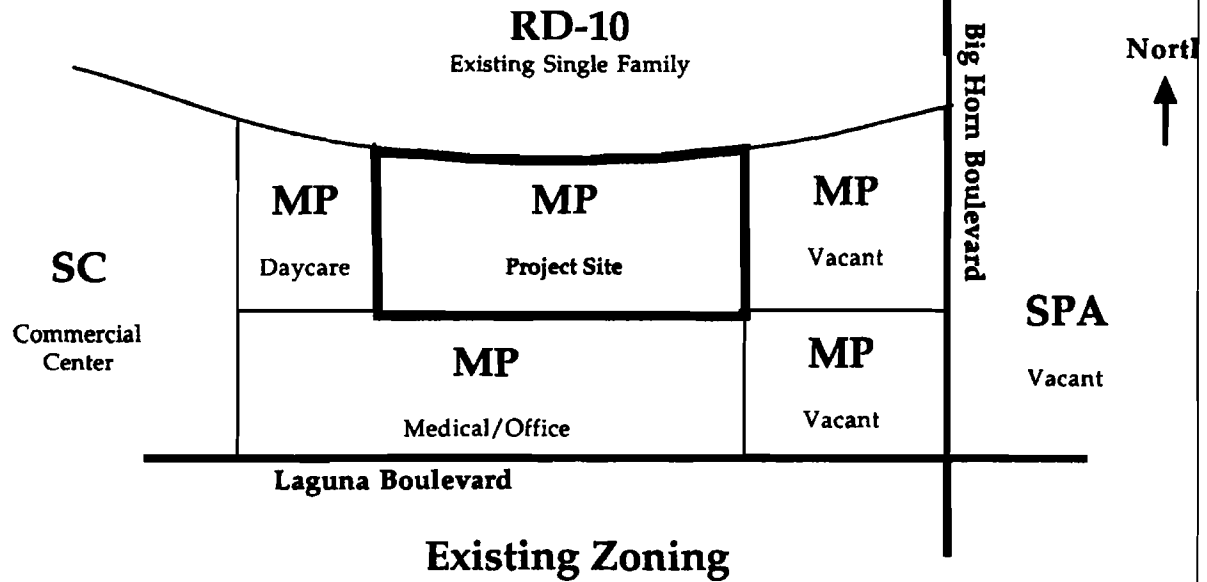


Exhibit A- Rezone

Exhibit B: Conditions of Approval.

<u>Conditions of Approval</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. The Rezone will change the MP Industrial/Office Park to RD-30 High Density Residential for an age restricted (62 years and older), affordable Senior Apartment project, as shown on Exhibit A Rezone and provided in Exhibit B Conditions of Approval .	Adoption of the Ordinance of the City Council	City of Elk Grove	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	City of Elk Grove	
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	City of Elk Grove	
4.	Applicant shall pay the Laguna Community Facilities District rezone avoidance tax, as calculated by Infrastructure Finance.	Prior to the rezone of the property	Planning	
5.	Prior to issuance of building permits, the project developer/owner shall receive Development Plan Review by the Planning Commission, in accordance with Zoning code Section 110 – 80, inclusive.	Prior to the Issuance of Building Permits	Planning	

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 mitigation measures of the project.

- a. 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. (Fire Department)
- b. This development is required to provide a fire flow from a public water system capable of delivering as a minimum 50 PSI static pressure and 1,000 gpm at 20 psi residual pressure. Hydrants shall be spaced a maximum of 500 feet apart. 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. (Fire Department)
- c. A permit release letter from the Elk Grove Community Services District Fire Department shall be required prior to any construction. (Fire Department)
- d. All required private roadways, water mains, fire hydrants and fire flow shall be provided. The roadways shall be constructed to a 40-foot minimum width with a minimum of 3 inches of AC over 6 inches of AB and shall have good drainage. (Fire Department)
- e. 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 Community Services District Fire Department and the water purveyor having jurisdiction. (Fire Department)
- f. The installation of addresses, landscaping, tree wells and/or traffic islands are subject to the standards outlined by the Community Services District. (Fire Department)
- g. The project shall conform to the specific provisions of the Sacramento County Landscape Water Conservation Ordinance (Chapter 14.10 of the Sacramento County Code) to the satisfaction of the County Landscape/Oak Tree Coordinator. (Water Supply)
- h. Gas service may be available to this project if desired. The developer should contact PG&E's Service Planning Department at (916) 386-5067 as soon as possible to coordinate construction so as not to delay the project. (PG&E)
- i. Mitigate the potentially isolating impact of physical barriers such as soundwalls and landscaped corridors.
- j. On-site source and control measures are required for this project in accordance with the latest version of the City/County Guidance Manual (Guidance Manual of On-Site Storm Water Quality Control Measures). In all cases, source control measures on the improvement plans will include provision of a permanent storm drain message "No Dumping – Flows to Creek" or other approved message at each inlet. Other on-site source and treatment control measure(s) should also be used in accordance with specific residential activities referenced in the Guidance Manual. Prior to development plan approval, the final design of the proposed on-site source and treatment controls will be approved by the City of Elk Grove Department of Water Resources. (Water Resources)