

ORDINANCE NO. 32-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CALVINE ROAD/HIGHWAY 99 SPECIAL PLANNING AREA FROM ELEMENTARY AND COMMUNITY PARK TO LOW-DENSITY RESIDENTIAL, AND AMEND VARIOUS SECTIONS WITHIN ELK GROVE ZONING CODE SECTIONS 508.204 AND 508.210 FOR ARCADIAN VILLAGE #4 PROJECT NO. EG-02-320

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 Calvine Road/Highway 99 Special Planning Area in the Zoning Code changing the land use designation from Elementary and Community Park to Low-Density Residential attached as Exhibit A, and amend the Calvine 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 Elementary and Community Park 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 project is in response to the School District relocating the Elementary School site farther south on Power Inn Road due to its original proximity to middle/high school site and the SPA Amendment is to update the maps reflecting prior entitlements. The applicant's proposal is consistent with the allowed density ranges and uses in the Calvine 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 508-204 PERMITTED USES – amend and delete as follows:

- (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 508-210 PERFORMANCE STANDARDS – Amend and delete 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. Each property developer shall pay a fair share contribution for the following roadway improvements, as determined by the Transportation Division of the Public Works Agency:
 - (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.

Park and Recreation Facilities

32. A minimum of 16.5 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 or in-lieu fees paid 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.

33. The park development fee component of the Elk Grove/West Vineyard Public Facilities financing plan as applied in the SPA shall be increased as necessary so as to fund improvements to neighborhood parks with: finished grading, soil preparation, turf, automatic irrigation, drainage, concrete walkways, trees and tot lots with equipment.

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.

26. 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.*
29. 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.
44. 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.
46. 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.

47. 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.
54. Dedicate a 25-foot easement to the Elk Grove Community Services District along Power Inn Road and Sheldon Road on Lot F.
55. 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 Calvine Road/Highway 99 Special Planning Area as shown on attached Exhibit A subject to the findings contained in this Ordinance Assessor Parcel Numbers 115-0150-039, 115-0150-047, and 115-0150-048.

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 

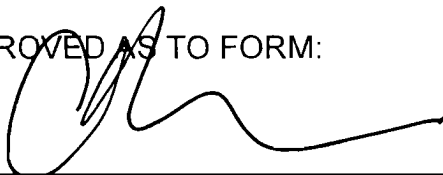
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



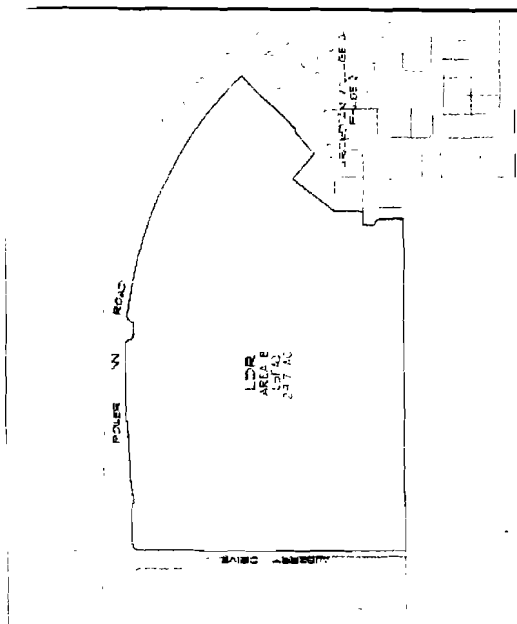
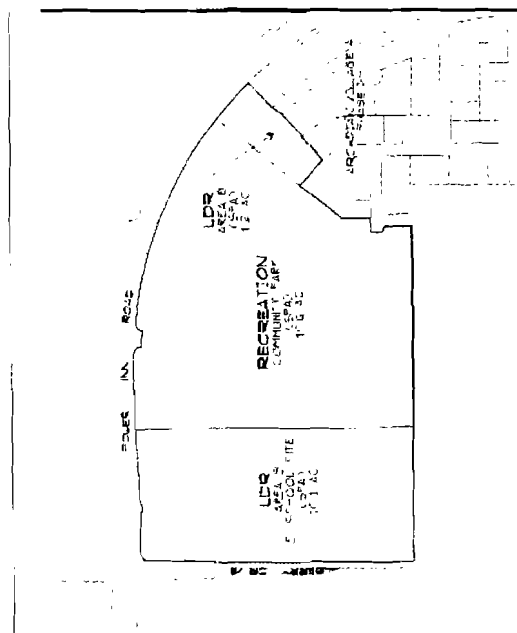
ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: October 3, 2003

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

RLZONE EXHIBIT
ARCADIAN VILLAGE 4
CITY OF ELK GROVE, CALIFORNIA
ILLINOIS, 1997, 1998

ZONING SUMMARY TABLE			
SUBDIVISION	PROPOSED		DIFFERENCE
	ZONE	ZONE	
1. BAYVIEW	10	10	0
2. BAYVIEW	10	10	0
3. BAYVIEW	10	10	0
4. BAYVIEW	10	10	0
5. BAYVIEW	10	10	0
6. BAYVIEW	10	10	0
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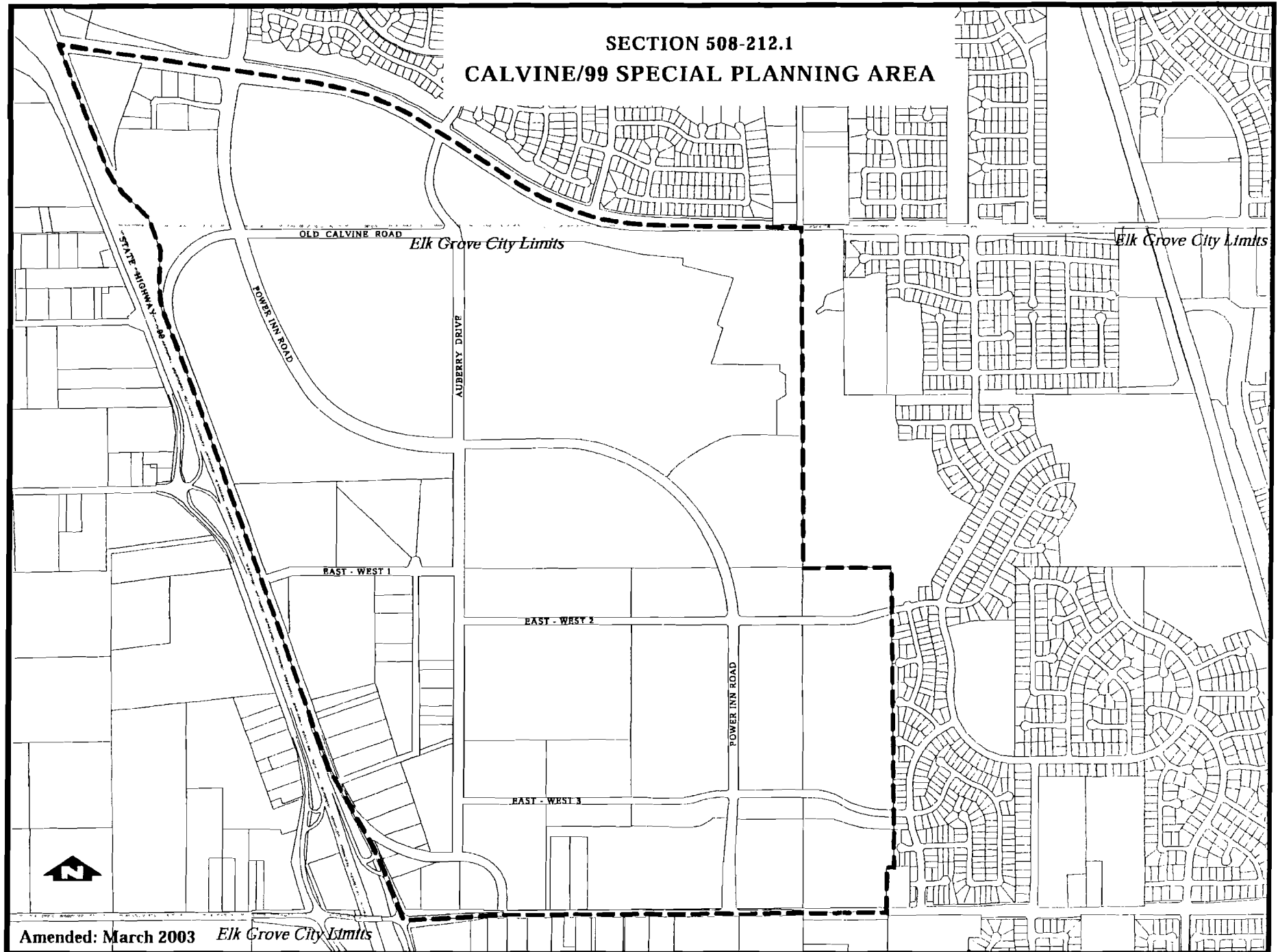
Existing Zoning

Proposed Zoning

WOOD RODGERS
ENGINEERING • PLANNING • MAPPING • SURVEYING
1101 P STREET, BLDG 103 B SACRAMENTO, CA 95811
PHONE 916/761-7260 FAX 916/34-7260

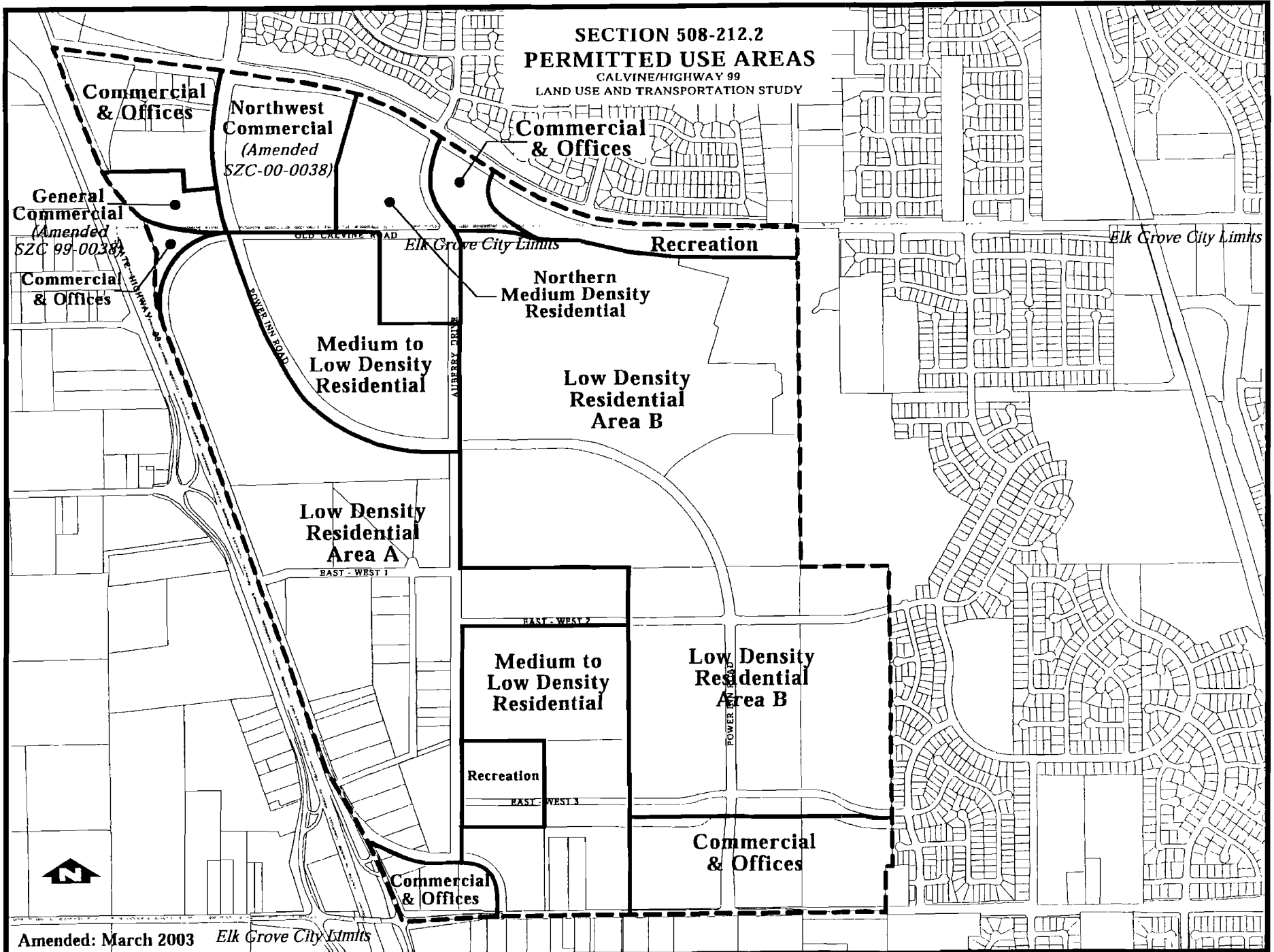


SECTION 508-212.1
CALVINE/99 SPECIAL PLANNING AREA



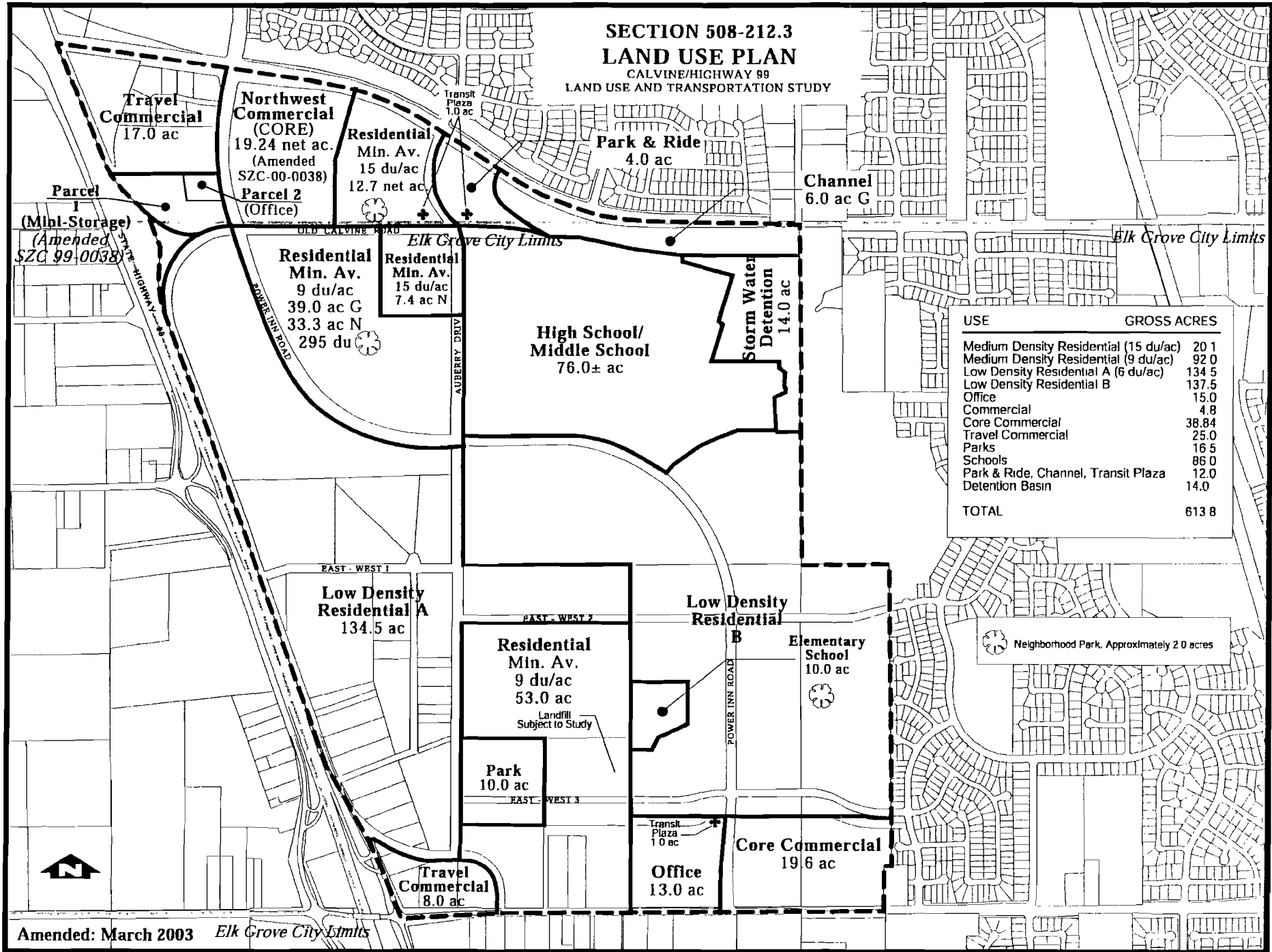
Amended: March 2003 *Elk Grove City Limits*

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



Amended: March 2003 Elk Grove City Limits

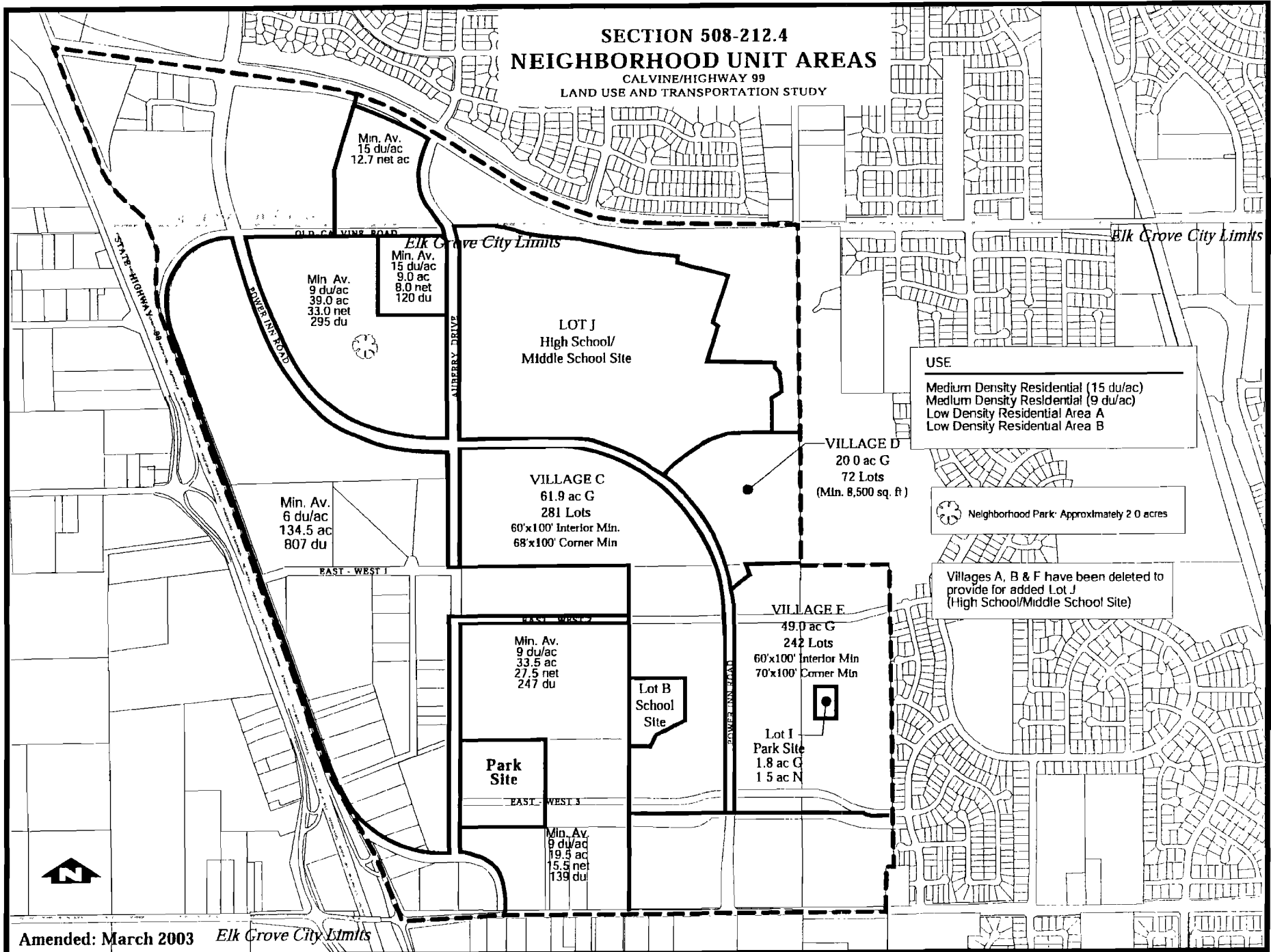
SECTION 508-212.3
LAND USE PLAN
 CALVINE/HIGHWAY 99
 LAND USE AND TRANSPORTATION STUDY



USE	GROSS ACRES
Medium Density Residential (15 du/ac)	20.1
Medium Density Residential (9 du/ac)	92.0
Low Density Residential A (6 du/ac)	134.5
Low Density Residential B	137.5
Office	15.0
Commercial	4.8
Core Commercial	38.84
Travel Commercial	25.0
Parks	16.5
Schools	86.0
Park & Ride, Channel, Transit Plaza	12.0
Detention Basin	14.0
TOTAL	613.8

 Neighborhood Park. Approximately 2.0 acres

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

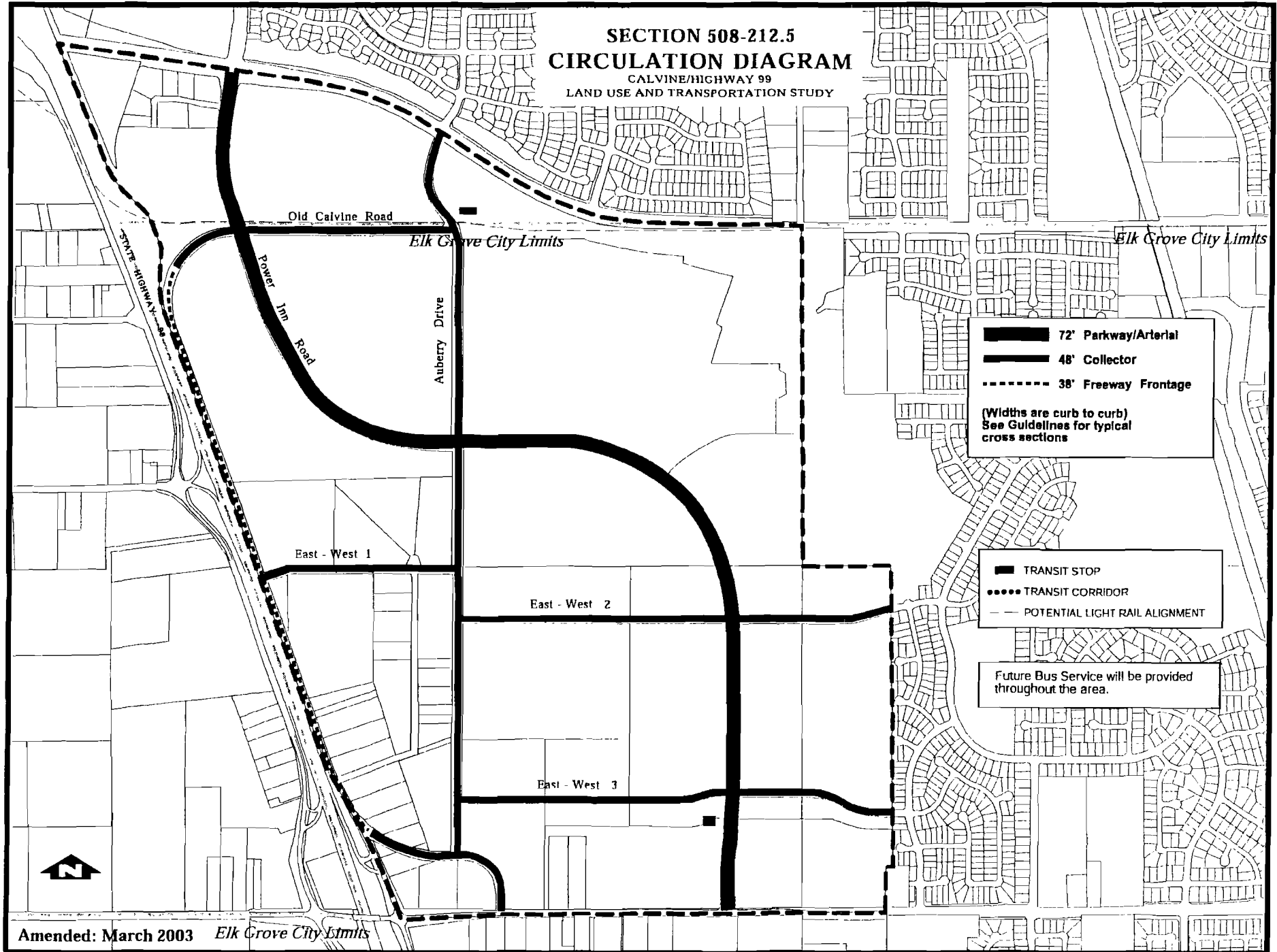


USE
 Medium Density Residential (15 du/ac)
 Medium Density Residential (9 du/ac)
 Low Density Residential Area A
 Low Density Residential Area B

Neighborhood Park: Approximately 2.0 acres

Villages A, B & F have been deleted to provide for added Lot J (High School/Middle School Site)

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

