

RESOLUTION NO. 2010-582

Adopted by the Sacramento City Council

October 5, 2010

ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDMENT TO THE SACRAMENTO ARMY DEPOT REUSE PLAN AND THE ARMY DEPOT SOLAR PROJECT (P10-028) (APN: 062-0010-029)

BACKGROUND

1. On September 9, 2010, the City Planning Commission conducted a public hearing on, and recommended approval of the Army Depot Solar project (P10-028).
2. On October 5, 2010, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(c)(2)(a), (b), and (c), and received and considered evidence concerning the Army Depot Solar project (P10-028).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the verbal and documentary evidence received at the hearing on the Army Depot Solar project, the City Council approves the amendment to the Sacramento Army Depot Reuse Plan and the project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the project entitlements based on the following findings of fact:

A. Army Depot Reuse Plan Amendment: The Army Depot Reuse Plan Amendment as set forth in Exhibit A, to allow the installation of renewable energy equipment within District D, is approved based on the following Findings of Fact:

1. The Army Depot Reuse Plan Amendment conforms to the General Plan goals and policies related to the Industrial land use designation;
2. The Army Depot Reuse Plan Amendment does not change the type or intensity of land use on the subject property or within the Army Depot;
3. The Army Depot Reuse Plan Amendment meets the purposes and criteria stated in the City Zoning Ordinance to promote an integrated and well-designed development; and
4. The Army Depot Reuse Plan Amendment will not be injurious to the public welfare, nor to other property in the vicinity of the development in that any new development will be subject to all applicable development standards within the Zoning and Building codes.

B. Special Permit: The Special Permit to allow renewable energy equipment and ancillary facilities on approximately 18 acres in the Agriculture/Open Space (A-OS-SPD) zone is approved based on the following Findings of Fact:

1. Granting the Special Permit is based upon sound principles in land use in that the overall use and function of the site does not change due to the renewable energy equipment installation, as the proposed location will be vacant. Furthermore, the renewable energy collection equipment will provide an energy source directly to the Army Depot, ensuring its sustainability as a viable industrial center.
2. Granting the Special Permit will not be detrimental to the public health, safety, or welfare, nor result in the creation of a nuisance in that the site will be vacant, and not surrounded by sensitive land uses such as residential uses. In addition, the proposal has been reviewed by all applicable internal and external departments, all of which have found that the plans comply with development policies and standards for renewable energy collection equipment and ancillary facilities.
3. The proposed project is consistent with the General Plan policies relating to sustainability and utilities, and is consistent with the Zoning Code. Additionally, the proposed project meets the goals and objectives of the Army Depot Special Planning District.

Section 3. The City Council approves the project entitlements subject to the following conditions of approval:

B. Special Permit: The Special Permit to allow renewable energy equipment and ancillary facilities on approximately 18 acres in the Agriculture/Open Space (A-OS-SPD) zone is approved subject to the following conditions of approval:

Planning:

1. Applicant shall obtain all necessary building permits prior to commencing construction.
2. Prior to issuance of a building permit for Phase 1 (as identified on the Site Plan, Exhibit C), the applicant shall provide written confirmation that there will be no construction activity within the land described as "Open Space Parcel No. 3" (Exhibit G) and that all required approvals and/or permits, if any, regarding endangered species, jurisdictional wetlands, or water quality have been obtained from applicable resource agencies.
3. Prior to issuance of a building permit for Phase 2 (as identified on the Site Plan, Exhibit C), the applicant shall submit written notice and evidence acceptable to the City that either: a) no permits or approvals are required from the Secretary of the Army, acting on behalf of the United States of America, or from resource agencies with authority regarding endangered species, jurisdictional wetlands, or water quality, or b) that such approvals and/or permits have been obtained as required.

Building:

4. The applicant shall obtain a building permit prior to construction.
5. The applicant shall provide engineering calculations and details for the proposed work upon submittal for a building permit.

Utilities:

6. This project is greater than 1 acre in size; therefore, the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained from www.swrcb.ca.gov/stormstr/construction.html. The SWPPP will be reviewed by the DOU prior to issuing a grading permit. The following items shall be included in the SWPPP: (1) vicinity map, (2) site map, (3) list of potential pollutant sources, (4) type and location of erosion and sediment BMP's, (5) name and phone number of person responsible for SWPPP and (6) certification by property owner or authorized representative.
7. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
8. Per the Letter of Map Revision effective February 18, 2005, of the FIRM (Flood Insurance Rate Map), the parcel is located in a shaded Zone X area, defined as areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood. Accordingly, the project site lies in an area with no flood restrictions.

Fire:

9. A clear brush area of 10 feet is required for ground mounted photovoltaic arrays. Per office of The State Fire Marshal Solar Photovoltaic Installation Guidelines.
10. All turning radii for fire access shall be designed as 35' inside and 55' outside.
11. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more. *Since the proposed area for the Photovoltaic system is undeveloped land, and there is limited access from surrounding access roads, interior access roads will be required.*
12. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. CFC 503.2.3

13. The furthest projection of the exterior wall of a building shall be accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (CFC 503.1.1) *This shall apply to the PV system.*
14. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
15. Existing access gates shall be provided with approved Knox padlocks.
16. Comply with the California Department of Forestry and Fire Protection Office of the State Fire Marshal Solar Photovoltaic Installation Guidelines.

Section 4. Exhibits A, B, C, D, E, F, and G are a part of this Resolution.

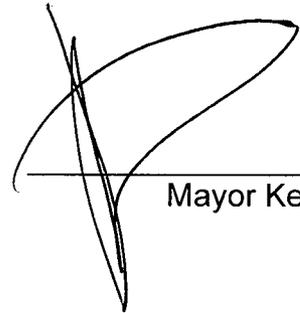
Adopted by the City of Sacramento City Council on October 5, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, McCarty, Pannell, Sheedy, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmembers Hammond and Tretheway



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Depot Park Solar Project (P10-028)

Proposed Amendments to
Army Depot Reuse Plan (M94-020) (Resolution 94-648)

1. Army Depot Reuse Plan, page 1-13, amend the description of District D to read as follows:

DISTRICT D

The area to the west of the existing warehouses and the area to the south of the Department of Corrections site is District D. This district is an open space area protecting existing sensitive natural resources and the existing baseball field south of the Department of Corrections. It is anticipated that active and passive open space use, pedestrian and bicycle trails, and habitat mitigation will be sensitively integrated in this area. In addition, renewable energy installations appropriately designed and scaled to be consistent with the open space character and natural resource preservation purposes of District D may be allowed. District D has a total of 83.1 acres, which includes 63.8 acres of habitat preservation, and 19.3 acres of existing ball field.

2. Army Depot Reuse Plan, Page 9-8 through 9-9, amend the description of District D to read as follows:

DISTRICT D

The area to the west of the existing warehouses and the area to the south of the Department of Corrections site is District D (Exhibit 9.15.). This district is an open space area protecting existing sensitive natural resources and the existing baseball field south of the Department of Corrections. It is anticipated that active and passive open space use, pedestrian and bicycle trails, and habitat mitigation will be sensitively integrated in this area. In addition, renewable energy installations appropriately designed and scaled to be consistent with the open space character and natural resource preservation purposes of District D may be allowed. District D has a total of 83.1 acres, which includes 63.8 acres of habitat preservation, and 19.3 acres of existing ball field.

3. Army Depot Reuse Plan, Page 9-21, amend Section 1 under District D to read as follows:

1. Goal

This area includes the baseball field area to the south of the Department of Corrections and the area on the west side of the Army Depot which is designated as an open space and natural resource protection area. It is

anticipated that active and passive open space uses, pedestrian and bicycle trails and habitat mitigation will be sensitively integrated in this area. In addition, renewable energy installations appropriately designed and scaled to be consistent with the open space character and natural resource preservation purposes of District D may be allowed. The habitat preservation areas and the little league field have the same zoning designation of Agriculture-Open Space (A-OS SPD). The development of the two areas, however, is different. With the exception of appropriately designed and scaled renewable energy installations, the habitat preservation areas will have no structures, and only minor ancillary uses. The little league field will contain active recreation uses.

4. Army Depot Reuse Plan, Page 9-22, amend Section 3 under District D to read as follows:

3. Allowed/Prohibited Uses

In the habitat preservation areas, the accessory uses that are customarily incidental to any of the approved uses shall be permitted in discrete open space areas. These include picnic structures, benches, and the like. In addition, renewable energy installations appropriately designed and scaled to be consistent with the open space character and natural resource preservation purposes of District D may be allowed. Under no circumstances shall any building or structure, except for those noted above or necessary for public accommodation or maintenance, be permitted.

The uses within the little league open space area are active recreation uses and any accessory structures necessary for public accommodation or maintenance.

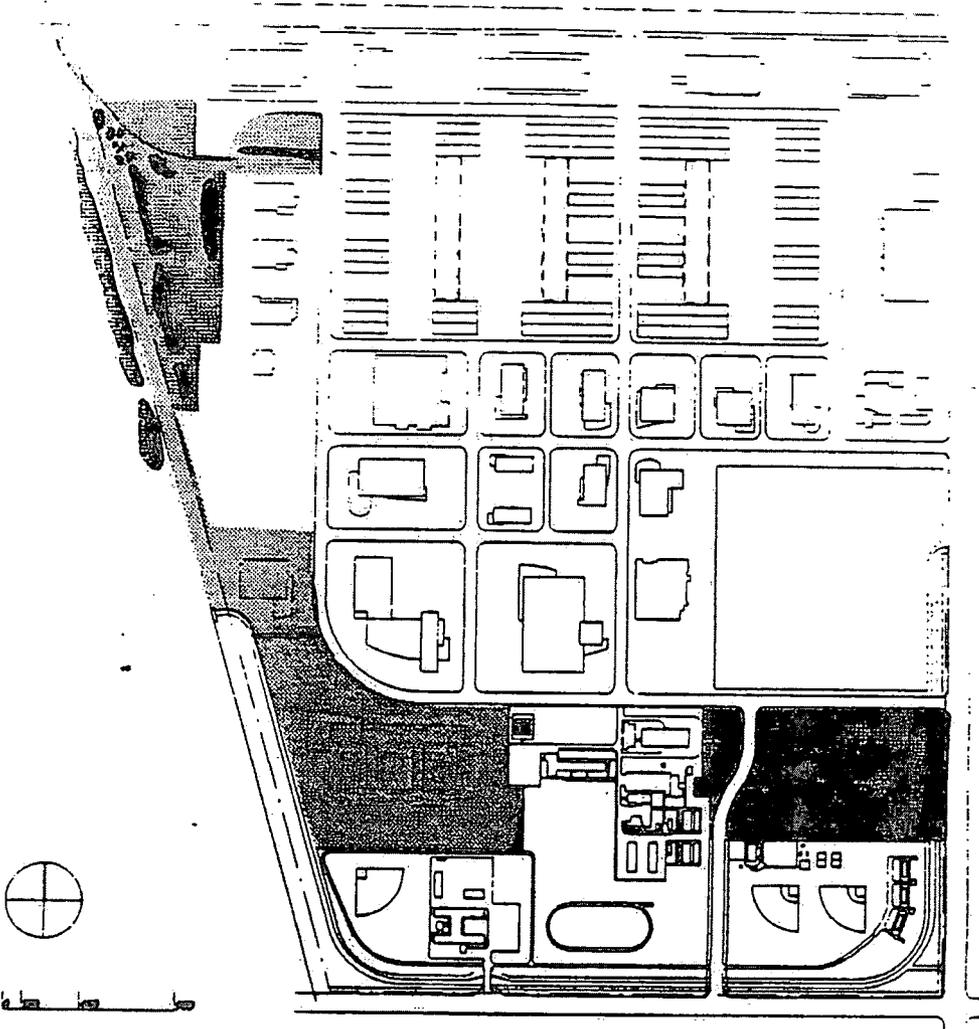
5. Army Depot Reuse Plan, Page 9-23, added Section 5 under District D to read as follows:

5. Renewable Energy

The development and use of renewable energy is encouraged as part of a sustainable approach to the redevelopment of the industrial facilities. In furtherance of this goal, utilities and related facilities including solar energy equipment and ancillary facilities may be permitted in discrete open space areas where appropriately designed and scaled to be consistent with the open space character and natural resource preservation purposes of District D.

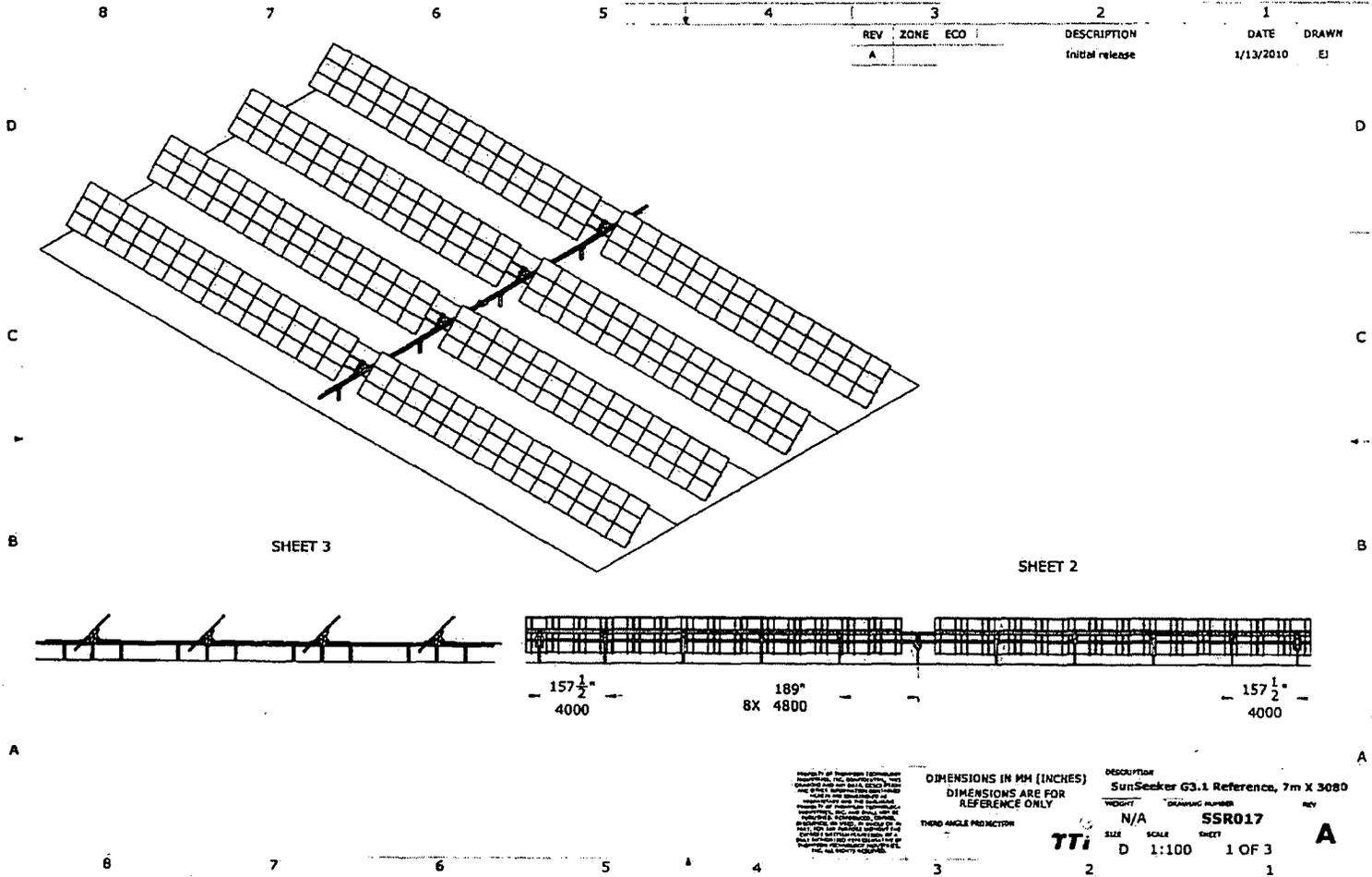
ATTACHMENT F DISTRICT D

District "D"



Wetland-like and Fairy Shrimp Habitat

LPA



P10-028
APRIL 14, 2010

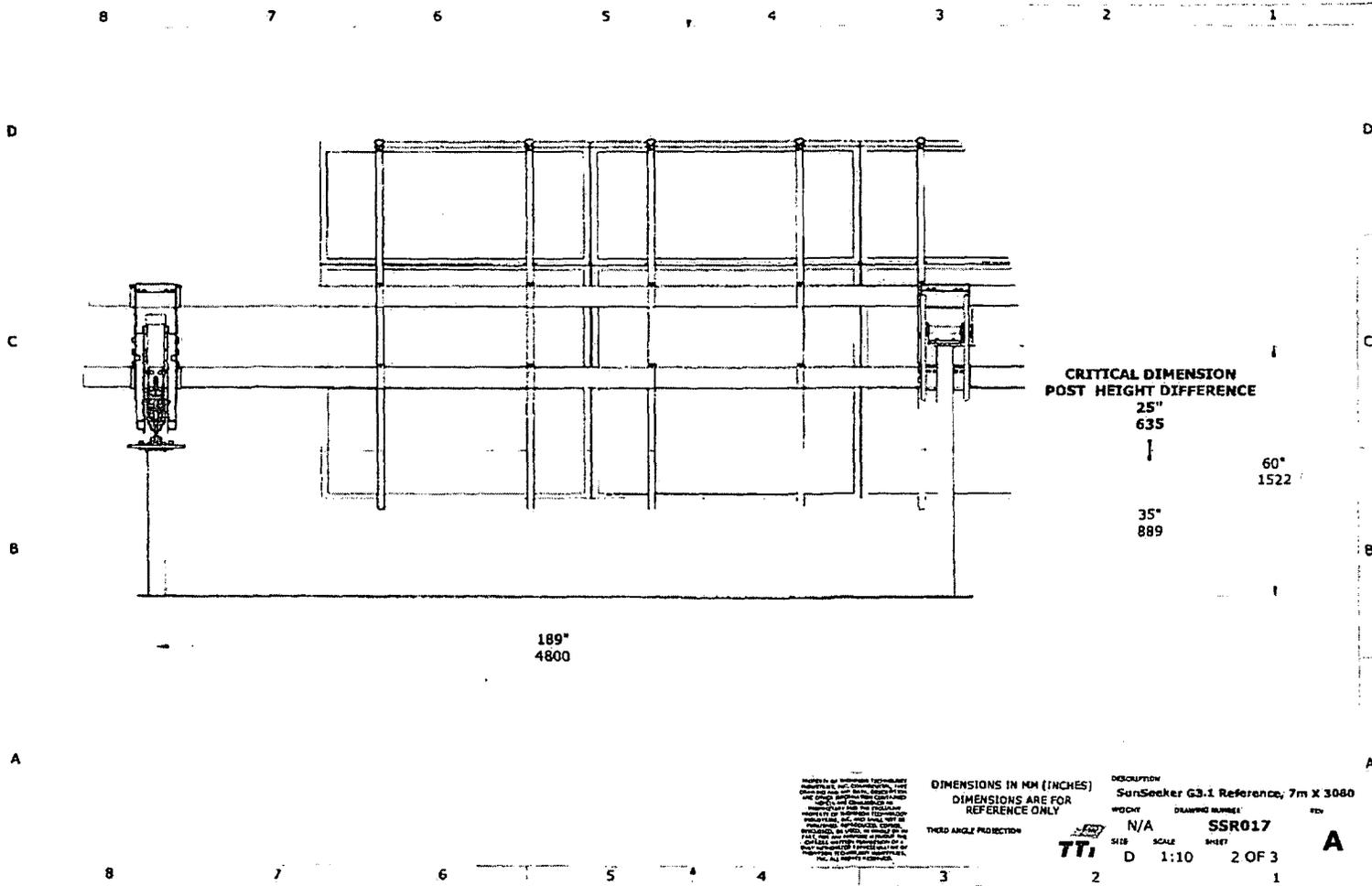


Exhibit E – Solar Panel Detail

P10-028
APRIL 14, 2010

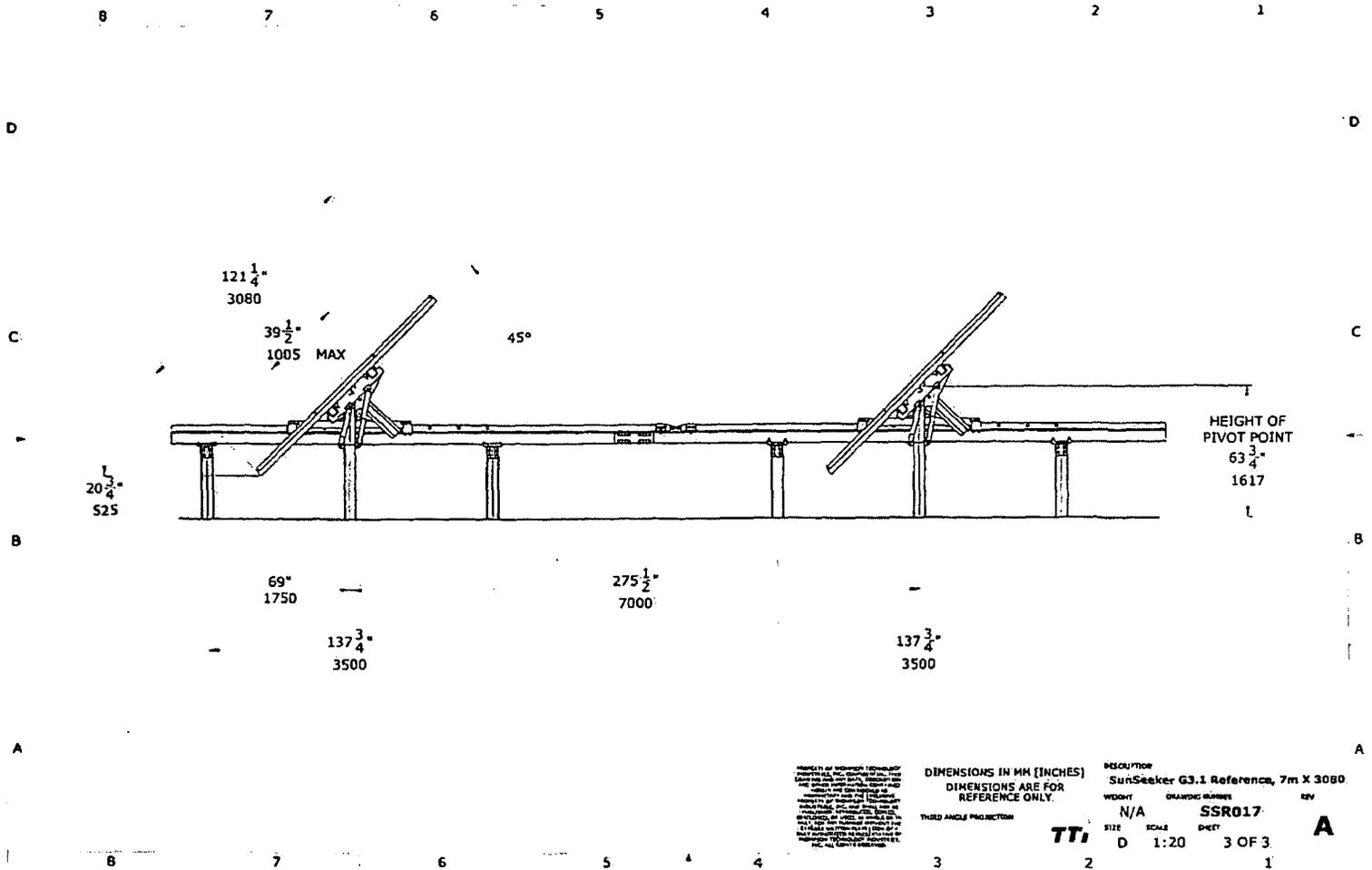


Exhibit F – Solar Panel Detail

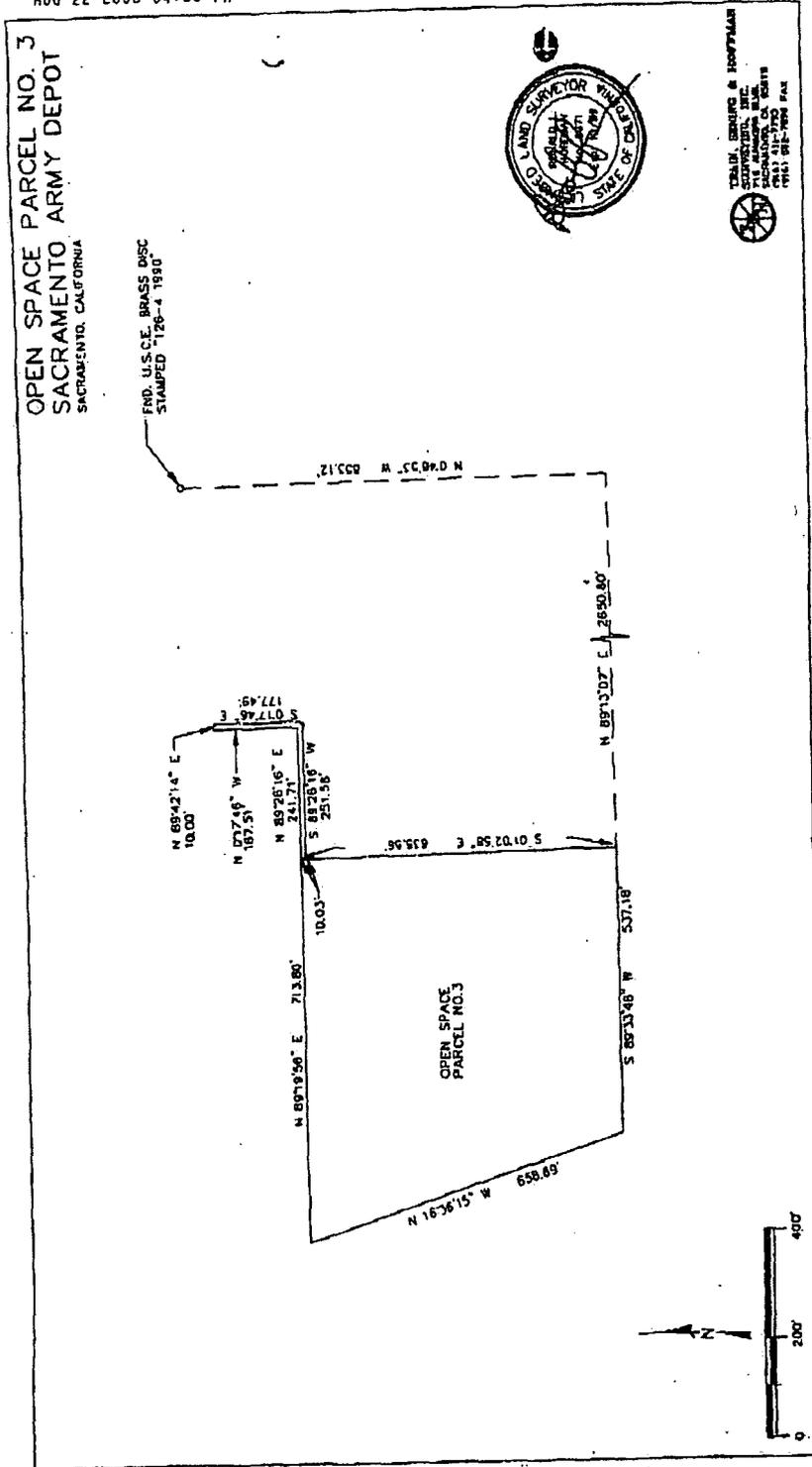
P10-028
APRIL 14, 2010

Exhibit G – Open Space Parcel Number 3

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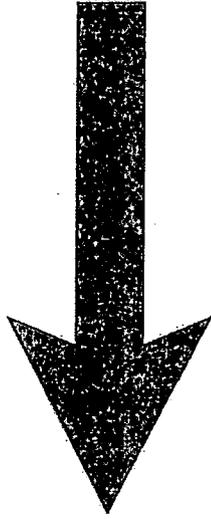
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CITY MANAGER 2005-0409
 AGREEMENT NO. _____

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RESOLUTION NO. 2010-583

Adopted by the Sacramento City Council

October 5, 2010

ILLEGAL DUMPING PROGRAM

BACKGROUND

- A. The Sacramento City Council recognized that illegal dumping was a pervasive problem in the City, and in 2001 assigned the Solid Waste Division to address this issue.
- B. Since its inception, the Illegal Dumping Program operated by the Solid Waste Division has been funded by garbage collection rate revenues.
- C. To comply with legal limitations governing the use of such rate revenues, it is necessary to fund the Illegal Dumping Program through a different funding source or sources.
- D. In order to maintain this critical City program, staff is recommending that the Illegal Dumping Program be transferred from the Department of Utilities (DOU) to the Community Development Department (CDD).
- E. The elimination of this program in DOU was included as a Fiscal Year (FY) 2010/11 budget adjustment resulting in a reduction of \$793,754 in the Solid Waste Fund (Fund 6007).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Illegal Dumping Program is transferred from DOU to CDD.
- Section 2. The FY2010/11 Operating Budget is amended to:
 - (a) Add 1.0 FTE Code Enforcement Officer in Dept ID 21001313 in CDD, funded through the General Fund (Fund 1001); and
 - (b) Adjust the CDD labor budget to reflect this change.
- Section 3. The City Manager is authorized to appropriate \$250,000 in one-time Landscaping and Lighting Funds (Fund 2232) from its contingency to Dept ID 21001313 for the purpose of funding the Illegal Dumping Program in CDD.

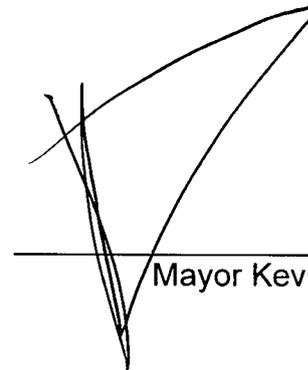
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Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk