

ORDINANCE NO. 36-2004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE ELK GROVE ZONING MAP FOR MULTI-FAMILY REZONE
PROJECT NO. EG-062.**

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 as follows:

Assessor's Parcel Number	Current Zoning Designation	New Zoning Designation
121-0150-016	AR-5	RD-20
121-0150-011	AR-5	RD-20
121-0150-012	AR-5	RD-20
116-0030-053	SC	SC(MF)
116-0042-026	SC	SC(MF)
116-0042-027	SC	SC(MF)
116-0042-003	SC	SC(MF)
116-0042-028	SC	SC(MF)
116-0042-023	SC	SC(MF)
116-0042-024	SC	SC(MF)
116-0042-025	AR-5	AR-5(MF)
116-0042-007	AR-5	AR-5(MF)
116-0320-024	MP	MP(MF)
116-0320-034	MP	MP(MF)
116-0330-003	BP	BP(MF)
116-0330-007	SPA	SPA(MF)
116-0330-008	MP	MP(MF)
116-0330-020	BP	BP(MF)
116-0330-032	MP	MP(MF)
116-0330-033	MP	MP(MF)
116-0330-036	SPA	SPA(MF)
116-0340-005	SPA	SPA(MF)
116-0340-006	SPA	SPA(MF)
116-0340-027	BP	BP(MF)
116-0340-055	SPA	SPA(MF)
116-0340-057	SPA	SPA(MF)
116-0340-058	SPA	SPA(MF)
116-0340-059	SPA	SPA(MF)
127-0010-011	AR-5	AR-5(MF)
127-0010-018	RD-5	RD-5(MF)
127-0010-037	AR-5	AR-5(MF)
127-0010-038	AR-5	AR-5(MF)

127-0010-039	AR-5	AR-5(MF)
127-0010-053	AR-5	AR-5(MF)
Eastern 12.4 acre portion of 132-0050-037	AG-20	RD-20

SECTION 2: Findings

CEQA

1. **Finding:** The project 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. No significant environmental impacts are expected to occur as a result of this project and mitigation measures from the East Franklin Specific Plan were incorporated and apply only to the development of the Kuhn property (Area 8). On the basis of the Mitigated Negative Declaration, comments received, and the entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment. The City received written comment letters within the 30 day public review period and responded to those comments in the project staff report. However, they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.

Elk Grove General Plan

2. **Finding:** The project is consistent with the goals, policies, and actions of the Elk Grove General Plan.

Evidence: As discussed above, this project will amend the City's zoning code to add a multi-family overlay zoning designation as well as apply that zoning designation to approximately 69 acres of property located throughout the city limits. The amendments to the Zoning Code relate to the establishment of a Multi-family Overlay District and restrictions of the permitted uses listed in the Residential-Open Space Land Use Table. This ordinance is consistent with the following Goal of the General Plan: Goal 1-6 to promote safe and affordable housing for all residents. Therefore, the proposed amendments are consistent with the General Plan and all other applicable state and local regulations.

In addition, four properties, totaling 24 acres, will be directly rezoned to RD-20, with an average development density of 20 dwelling units per acre. Approval of the project will implement Housing Element H-1 Action 1, which requires that the City rezone adequate sites suitable for the development of multi-family housing and Housing Element H-1 Action 4, by developing zoning to support mixed use land use designations.

Rezone

3. Finding: The proposed rezone 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 rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The proposal is consistent with the Elk Grove General Plan and General Plan Land Use Map.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for the parcels listed above subject to the findings contained in this Ordinance.

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).

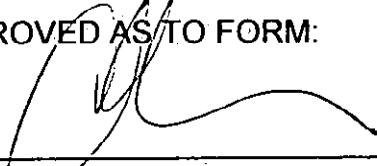
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 15th day of December 2004.


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: January 14, 2005

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