

## ORDINANCE NO. 27-2005

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM SC TO RD-20 FOR A PORTION OF MONTEREY VILLAGE PROJECT NO. EG-04-784

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 shown on attached Exhibit A.

#### Section 2: Findings

##### CEQA

Finding: The project will not have a significant impact on the environment because all potentially significant effects have been adequately analyzed in the Mitigated Negative Declaration previously prepared for the Franklin Meadows project (EG-00-053) and the EFSP Amendment project (EG-01-240) in accordance with the California Environmental Quality Act (CEQA).

Evidence: The environmental impacts of related to development of the Monterey Village project site was previously analyzed in a Mitigated Negative Declaration, prepared at the time the subject property was rezoned from AG-20 to RD-7 and SC (Franklin Meadows Project EG-00-053) pursuant to the California Environmental Quality Act (CEQA). Additional environmental analysis was conducted when a portion of the project site was rezoned from RD-7 to RD-20 (EFSP SPA Project EG-01-240). The environmental analysis concluded that development of the site would not result in any significant environmental impacts that could not be mitigated. The entitlements requested herein will not result in any environmental impacts above those addressed within the previous Mitigated Negative Declaration as well as the East Franklin Specific Plan EIR and additional CEQA analysis is not required.

##### General Plan

Finding: The proposed Monterey Village project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The Monterey Village project site is currently designated Commercial, Multi-family Residential and Low Density Residential on the General Plan land use map. This project includes a request for a minor specific plan amendment to change the Commercial portion of the site to Multi-family Residential. Upon approval of the

entitlements, the proposed project has been designed and is consistent with the applicable goals and policies of the City's General Plan. Additionally, compliance with City standards and the project-specific conditions of approval will ensure that the project is consistent throughout the life of the project.

## Rezone

**Finding:** The proposed rezone is in the public interest (Section 65358(a) of the Government Code).

**Evidence:** The City has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The proposed rezone is consistent with proposed Specific Plan Amendment request, all applicable goals and policies of the Elk Grove General Plan, all applicable zoning code standards, and design guidelines.

## Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for a portion of APN 132-0020-108 as shown on attached Exhibit A 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.

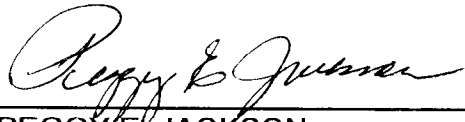
## Section 6: Effective Date and Publication

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 27<sup>h</sup>  
day of July 2005.

  
DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON,  
CITY CLERK

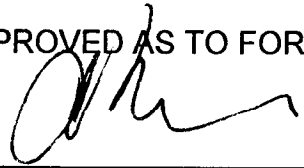
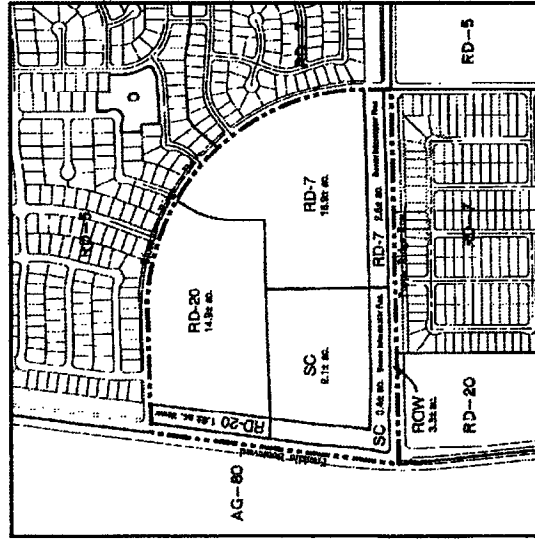
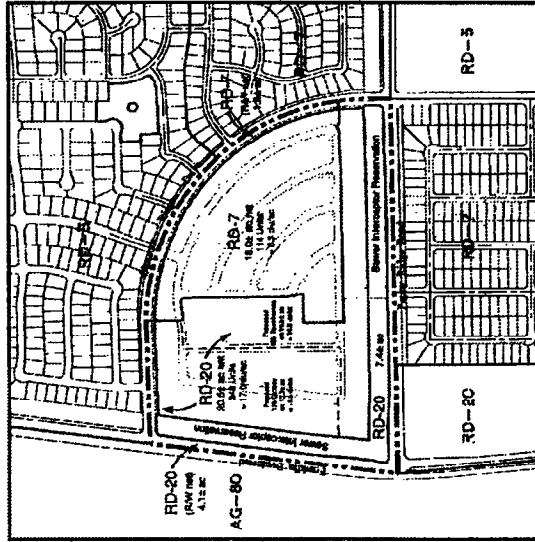
APPROVED AS TO FORM:  
  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

EXHIBIT A



Existing Zoning



Proposed Zoning

*Rezoned Exhibit*  
**Monterey Village**  
 City of Elk Grove, California  
 Ordinance No. 2004  
 December 16, 2004

RECEIVED

DEC 16 2004

CITY OF ELK GROVE  
 PLANNING

