

ORDINANCE NO. 51-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FOR A 3.2 ACRE PARCEL FROM RESIDENTIAL-FIVE UNITS PER ACRE (RD-5) TO RESIDENTIAL-THIRTY UNITS PER ACRE (RD-30) FOR THE MEADOWS SENIOR ASSISTED LIVING FACILITY PROJECT NO. EG-07-126, ASSESSOR PARCEL NUMBER 116-0090-020

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

California Environmental Quality Act (CEQA)

Finding: The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines §15301.

Evidence: CEQA Guidelines §15301 provides that projects which include minor alterations of existing structures with negligible expansion of the existing use are categorically exempt from CEQA review. The proposed project involves a 9,901 square foot expansion to an existing facility. All public services and facilities are available and the area is not considered environmentally sensitive. The expansion of the already existing use is not anticipated to generate any significant change in the operating characteristics or impacts of the facility. The project site has no known value as habitat for endangered, rare or threatened species. No special circumstances exist that would create a reasonable possibility that the proposed development will have an adverse effect on the environment. Therefore, the proposed project qualifies for the exemption under CEQA Guidelines Section 15301.

Rezone

Finding: Pursuant to Section 65358(a) of the Government Code, the proposed rezone is in the public interest. Additionally, Zoning Amendments shall be granted only when the City Council makes the following findings:

- a. The proposed Zoning Amendment is consistent with the General Plan goals, policies, and implementation programs.

Evidence: General Plan Land Use policy LU-2 indicates that the Institutional designation is intended to include facilities such as hospitals, congregate care facilities, and the like. General Plan Land Use policy LU-3 indicates that Institutional uses may be allowed in residential zoning districts. The proposed Zoning Amendment is consistent with the General Plan goals, policies, and implementation programs in that it implements Land Use policies LU-2 and LU-3.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 116-0090-020 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.

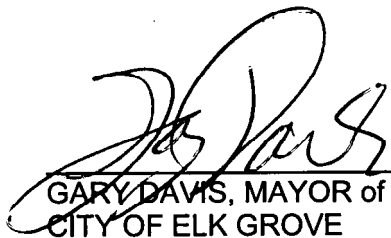
Section 5: Severability.

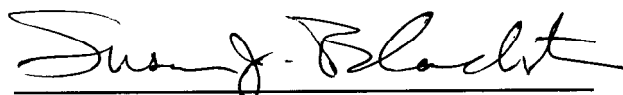
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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 is contingent upon and shall take effect thirty (30) days after the adoption of the related General Plan amendment, if at all. 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).

ORDINANCE: 51-2008
INTRODUCED: October 22, 2008
ADOPTED: November 12, 2008
EFFECTIVE: December 12, 2008

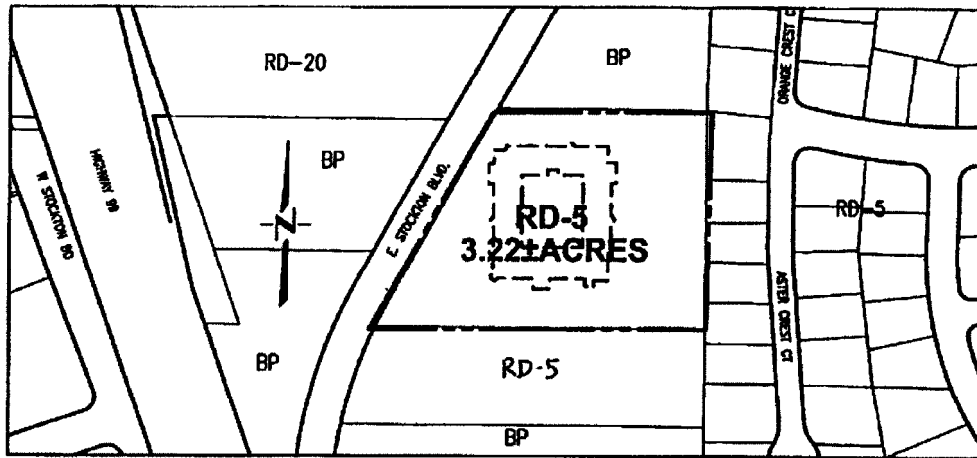

GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

SUSAN J. BLACKSTON, CITY CLERK

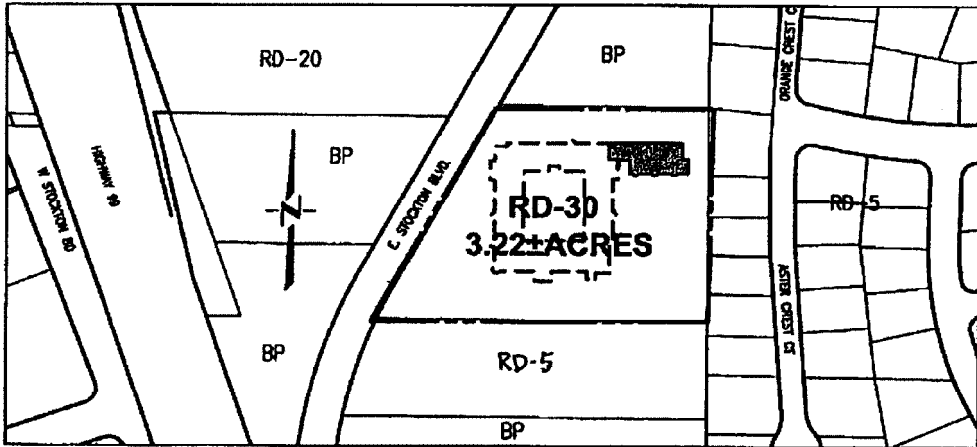
APPROVED AS TO FORM:

SUSAN COCHRAN, CITY ATTORNEY

Date signed: November 21, 2008

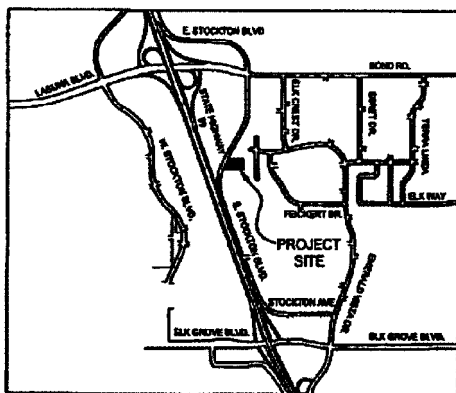
Exhibit A: Rezone Exhibit



EXISTING ZONING (NTS)



PROPOSED ZONING (NTS)



VICINITY MAP

**REZONE EXHIBIT
THE MEADOWS
9325 E. STOCKTON BLVD.
CITY OF ELK GROVE, CA**

Received 9/25/2007

1913
CITY OF ELK GROVE
PLANNING DEPARTMENT



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**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 51-2008**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on October 22, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on November 12, 2008 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Hume, Cooper, Leary, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Susan J. Blackston, City Clerk
City of Elk Grove, California**