

**ORDINANCE NO. 8-2005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE CITY OF ELK GROVE ZONING MAP  
FROM AR-5 TO SC FOR  
SACA BOND ROAD PROJECT NO. EG-03-462**

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 proposal will not have a significant adverse impact on the environment and the project is exempt from the provisions of the California Environmental Quality Act (CEQA).

**Evidence:** The project is not subject to the requirements of CEQA under section 15061(b)(3). The subject property has been heavily disturbed as a result of construction of the Elk Grove Marketplace. The site offers no environmental resources. There is no potential for environmental impacts to result from development of the proposed project

**General Plan**

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

**Evidence:** The recent General Plan Amendment changed the land use designation of this property to Commercial. The proposed project is part of the Elk Grove Marketplace project as well as the overall commercial development occurring along Bond Road. The proposed project was reviewed and is consistent with the goals and policies of the General Plan.

**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

proposal is consistent with the Elk Grove General Plan and General Plan Land Use Map.

## Design Review

**Finding:** The proposed project is consistent with the objectives of the General Plan as well as complies with applicable zoning regulations and the Citywide Design Guidelines adopted by the City.

**Evidence:** The site plan, building elevations, landscape plan, and signage for the proposed restaurant building were reviewed for compliance with the design standards established by previous approvals for the Elk Grove Marketplace development as well as the Citywide Design Guidelines for non-residential development. The project meets all applicable design requirements. Additionally, the project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

**Finding:** The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site, and will enhance the character of the neighborhood and community.

**Evidence:** The site plan, building elevations, landscape plan, and signage for the proposed restaurant building were reviewed for compliance with the design standards established by previous approvals for the Elk Grove Marketplace development as well as the Citywide Design Guidelines for non-residential development. As designed, the project provides consistent architectural detailing as well as pedestrian connectivity throughout the commercial center. The proposed restaurant will enhance the character of the surrounding community and provide an important resource for the city's residents. Additionally, the project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

**Finding:** The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

**Evidence:** The proposed restaurant building will provide all required design elements, which, in conjunction with the other commercial buildings throughout Elk Grove Marketplace, will establish a cohesive and attractive commercial development. The project is subject to conditions of approval that will ensure compliance with all applicable development standards and requirements.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 116-0041-017 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.

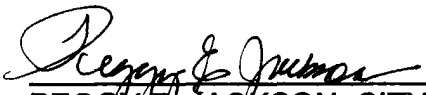
Section 6: Effective Date and Publication

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).

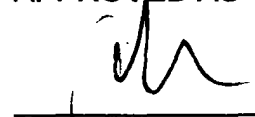
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove on this 9<sup>th</sup> day of March 2005.

  
DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

Effective Date: April 8, 2005

AYES: Briggs, Leary, Scherman, Soares  
NOES: None  
RECUSED: None  
ABSENT: None

