

ORDINANCE NO. 19-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AR-10 AND RD-4 TO RD-3, RD-4 AND RD-5 FOR
STONE SPRINGS ESTATES UNIT 2 SUBDIVISION
PROJECT NO. EG-05-970
APNs: 127-0140-007 AND 127-0140-029**

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 Findings

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

Evidence: An Initial Study evaluating the potential environmental effects of the project was prepared and circulated. Potentially significant adverse effects related to noise were identified in the Initial Study. A mitigation measure has been imposed on the project that reduces the impact to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with the City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on October 23, 2006. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30-day review and comment period was opened on November 1, 2006 and closed November 30, 2006. The Mitigated Negative Declaration was made available to the public during this review period. The City received four written comment letters within the 30-day public review period and prior to public hearing on this matter and responded to those comments in the February 15, 2007 staff report. The City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study/Mitigated Negative Declaration.

Rezone

Finding: The proposed rezoning is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Elk Grove General Plan identifies the site as Estate Residential and Low Density Residential. The density of the 18 new residential units is consistent with these land use designations (RD-3, RD-4, and RD-5) as identified in General Plan Land Use Policy LU-3. Further, the proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The proposed project implements the General Plan's objectives for orderly and systematic development and responds to opportunities and constraints in the local community area.

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

Evidence: The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan, General Plan Land Use Map, and East Elk Grove Specific Plan. The proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The proposed project implements the General Plan's objectives for orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APNs 127-0140-007 and 127-0140-029 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).


INTRODUCED: May 9, 2007
ADOPTED: May 23, 2007
EFFECTIVE: June 22, 2007



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

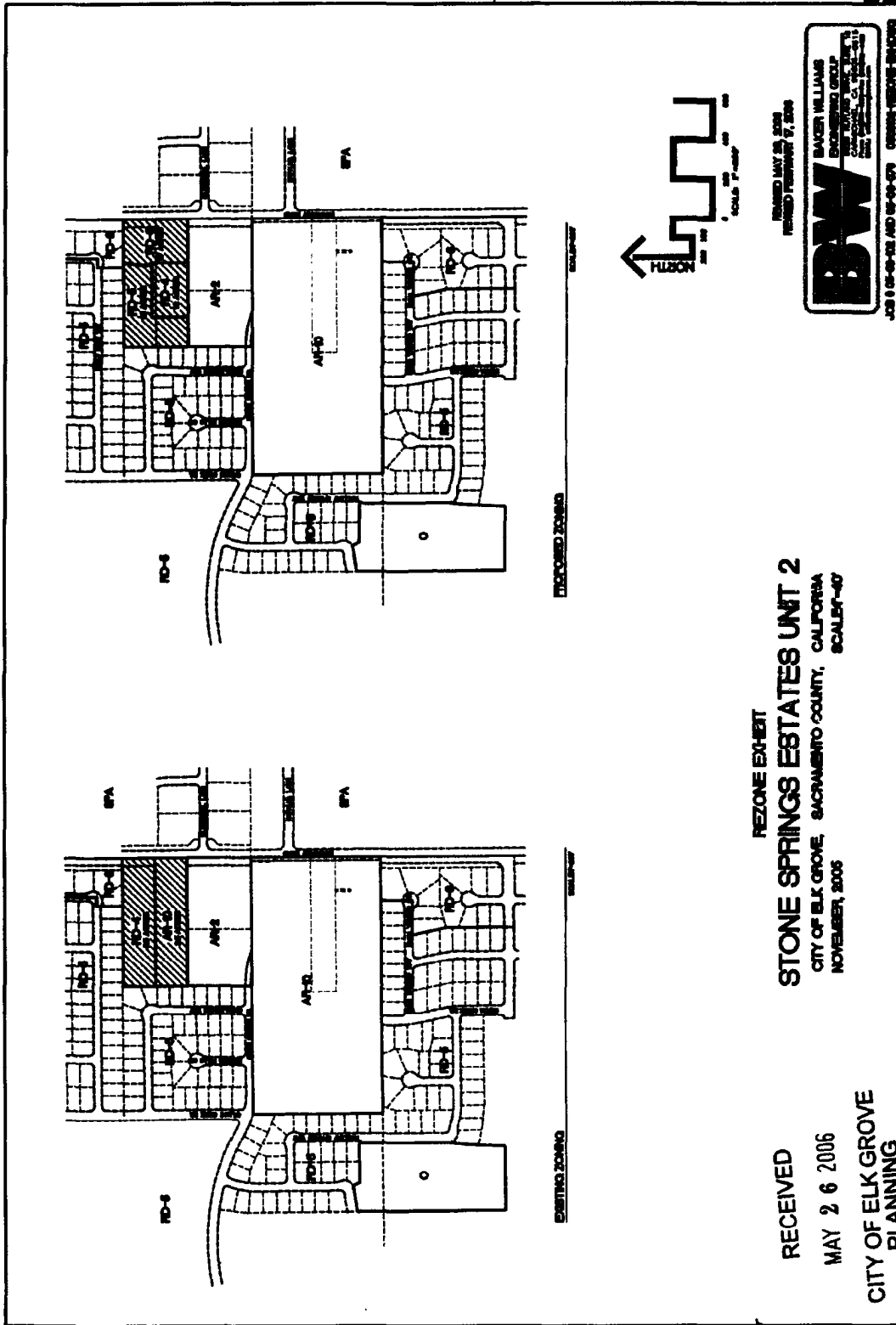


PEGGY E. JACKSON, CITY CLERK



JONATHAN P. HOBBS,
INTERIM CITY ATTORNEY

Exhibit A – Rezone Exhibit



REZONE EXHIBIT
STONE SPRINGS ESTATES UNIT 2
 CITY OF ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA
 NOVEMBER, 2006
 SCALE 1/4" = 40'

RECEIVED
 MAY 26 2006
 CITY OF ELK GROVE
 PLANNING



DRAWN MAY 26, 2006
 REVISION FEBRUARY 7, 2004

JOB # 05-09-01 AND 07-09-07 000000-REZONE-REVISIONS

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 19-2007**

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

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on May 9, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 23, 2007 by the following vote:

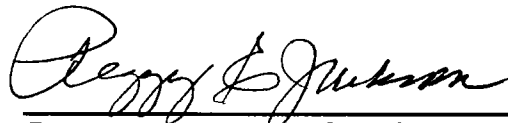
AYES : **COUNCILMEMBERS:** *Cooper, Davis, Leary, Scherman, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

