

ORDINANCE NO. 3-2004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE ELK GROVE ZONING MAP FROM MP TO BP AND RESCIND
ZONING AGREEMENT 95-0362 FOR THE CSAA MASTER PLAN APPEAL
PROJECT NO. EG-03-525**

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 Elk Grove Zoning Map as shown on attached Exhibit A and rescind Zoning Agreement 95-0362 on the property.

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 1993 Sacramento County General Plan and Final Environmental Impact Report identified the property as a Transit Orientated Development Land Use. This land use was identified to include office, commercial and multi-family development. Subsequently the Elk Grove Incorporation Final Environmental Impact Report (EIR) prepared and certified in 2000 identified the property as a Transit Orientated Development consistent with the previous Sacramento County General Plan. The Elk Grove General Plan and Final Environmental Impact Report were adopted on November 19, 2003. These documents also identified the property for office/multifamily development. The project will not have a greater impact than was analyzed and mitigated for in previous environmental analysis. No further environmental review is necessary.

General Plan

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

Evidence: The proposed rezone to BP (Business Professional) is consistent with the General Plan Land Use Policy Map designation of Office/Multi-family. The General Plan land use consistency table identifies that the consistent zoning designation is BP with a proposed new zoning designation of BP/MF. The intention of the Office/Multi-family General Plan land use designation is to permit office and professional land uses and high density residential development. This project is consistent with the General Plan requirement for multi-family development within the mixed use land use designations. The project exceeds the minimum 15.1 density for high density residential development

and the project helps to meet some of the low and moderate housing needs of the City. The requested rezone is consistent with state law and local ordinances as discussed by the following findings and evidence.

Rezone and Rescinding the Zoning Agreement

Finding: The proposed rezone is in the public interest and will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general Welfare of the City. (§110-30 of the City of Elk Grove Zoning Code)

Evidence: The City has reviewed the proposed amendment to the Zoning Map. The applicant's proposal is consistent with the land use designation in the General Plan Land Use Policy Map. The proposed amendment is also consistent with the Plan's objectives of orderly and systematic development. The project satisfies the policies and programs of the Housing Element and the City's Regional Housing Needs Allocation.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 116-0330-003, 116-0330-020 and 116-0340-027 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

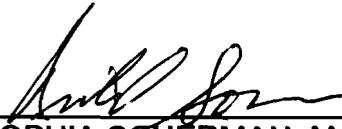
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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 21st day of January 2004.

for 

SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

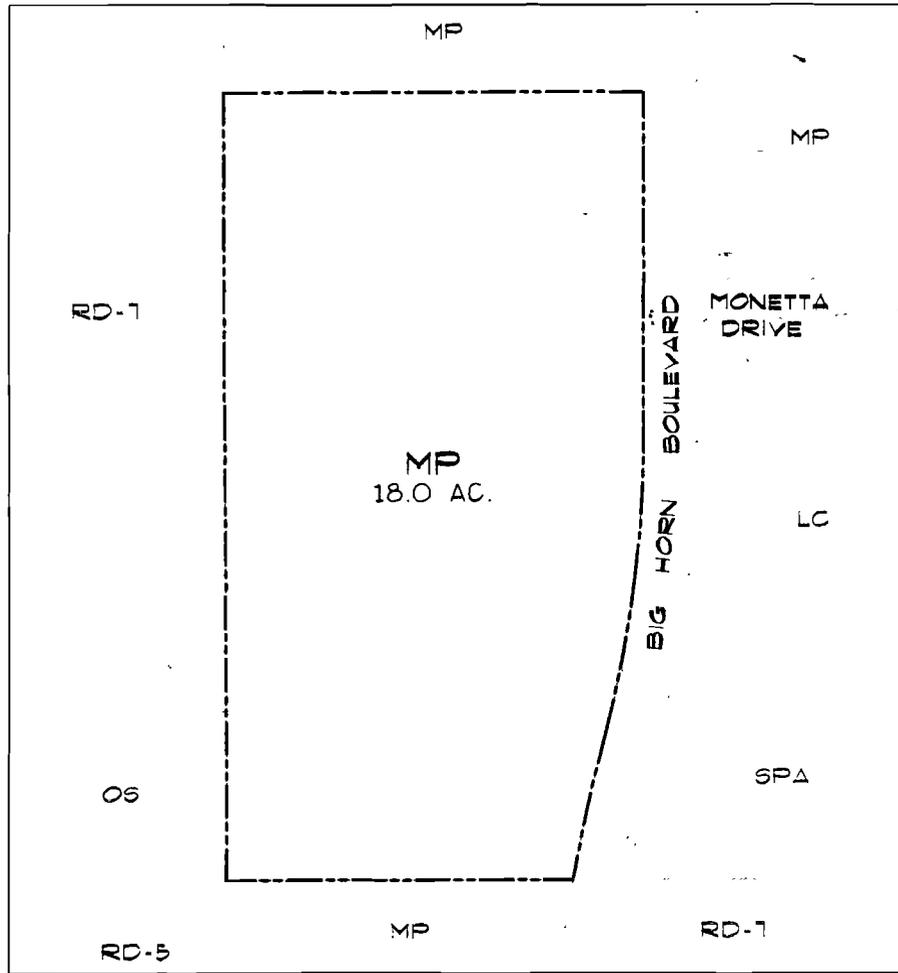
Effective Date: February 20, 2004

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

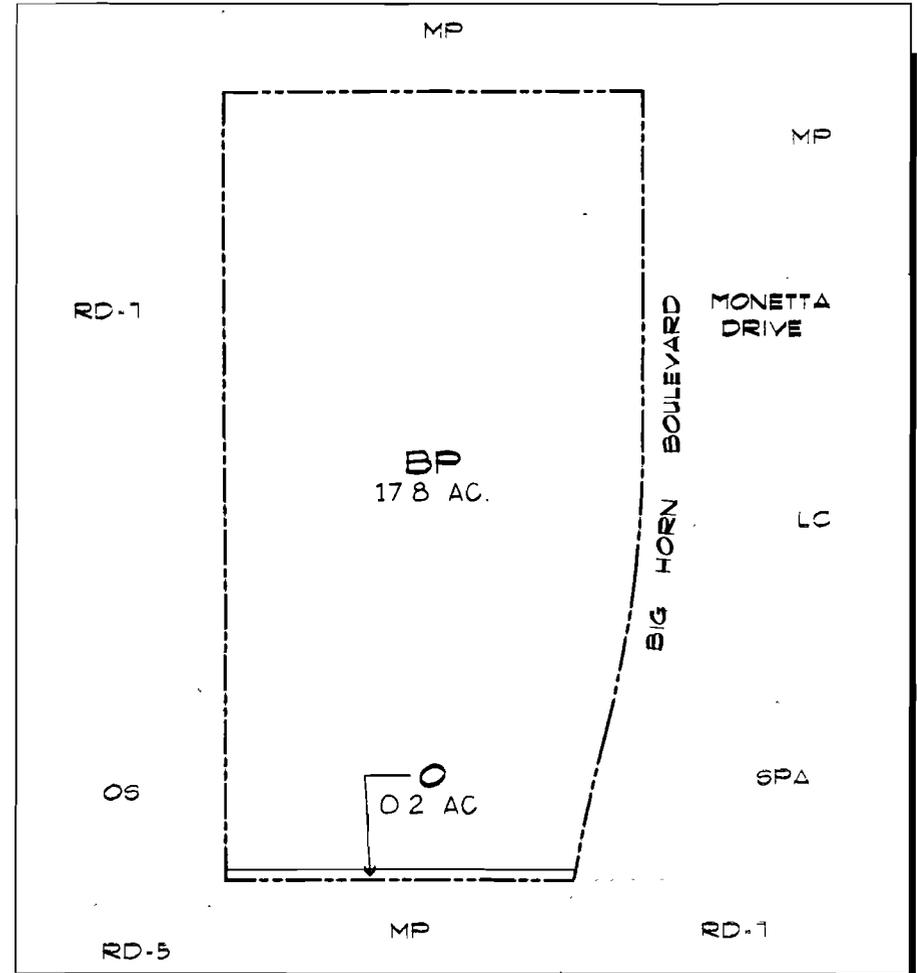
REZONE EXHIBIT LAGUNA BIG HORN

CITY OF ELK GROVE, CALIFORNIA

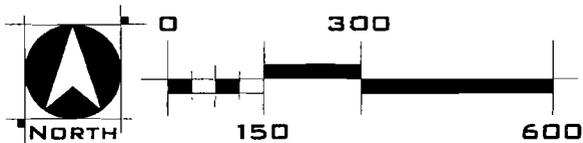
JULY 25, 2003
(REVISED 10-8-03)



Existing Zoning



Proposed Zoning



WOOD RODGERS
ENGINEERING • PLANNING • MAPPING • SURVEYING
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

Exhibit A