

ORDINANCE NO. 6-2005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE EAST ELK GROVE SPECIFIC PLAN FROM COMMERCIAL TO RESIDENTIAL 5 AND THE ELK GROVE ZONING MAP FROM SC TO RD-5 FOR TRIBUTARY AMERICAN DREAM, EG-04-616

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 East Elk Grove Specific Plan from Commercial to Residential 5 and the City of Elk Grove Zoning Map from SC to RD-5 on Assessor Parcel Number 127-0530-021 as shown on attached Exhibit A and B.

Section 2: Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and conditions of approval have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Finding: The project is De Minimis and will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Evidence: Findings have been made that the Negative Declaration had been prepared and completed in compliance with CEQA.

Made findings that on the basis of the Negative Declaration, comments received, and the whole record that there is no substantial evidence that the project will have a significant adverse impact on the environment.

No impacts were identified and mitigation measures were not made a condition of approval of this project.

The City also made findings that there is no evidence before them that the project will have any potential for a significant adverse individual or cumulative effect on wildlife resources.

General Plan

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

Evidence: The General Plan identifies the site for Commercial uses. The project is an amendment to the General Plan land use map, however the amended land use is consistent with the surrounding residential land use designation. The project as designed and conditioned is consistent with the goals and policies of the General Plan for residential development within the City of Elk Grove.

Specific Plan Amendment and Rezone

Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the East Elk Grove Specific Plan, Elk Grove General Plan and Zoning Code. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the East Elk Grove Specific Plan from Commercial to Residential 5 and the City of Elk Grove Zoning Map from SC to RD-5 for APN 127-0530-021 as shown on attached Exhibit A and B subject to approval of the General Plan Amendment for this project and 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.

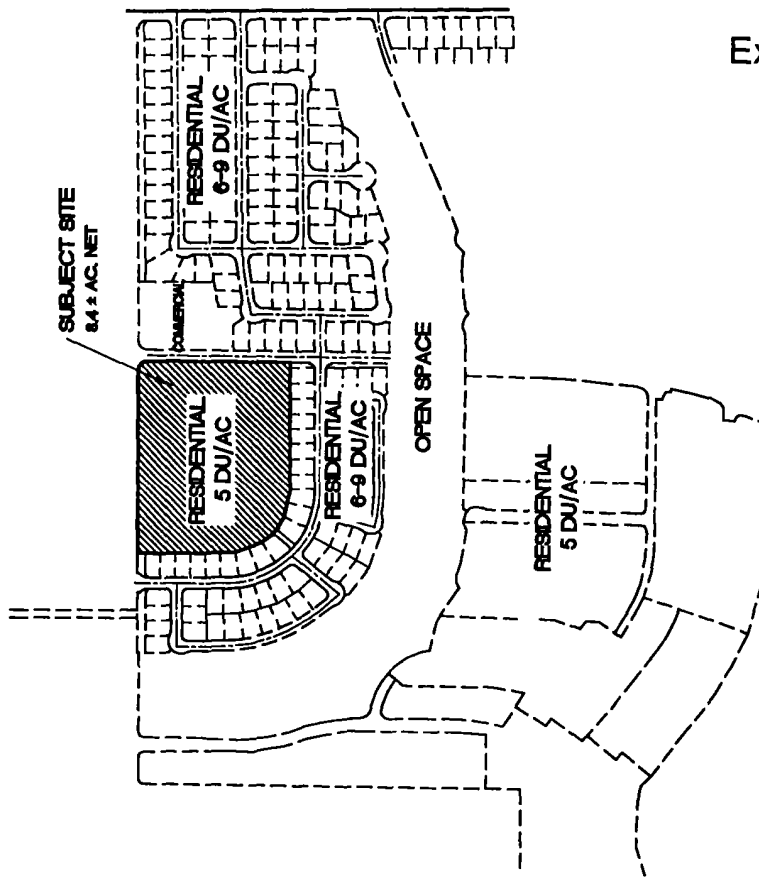
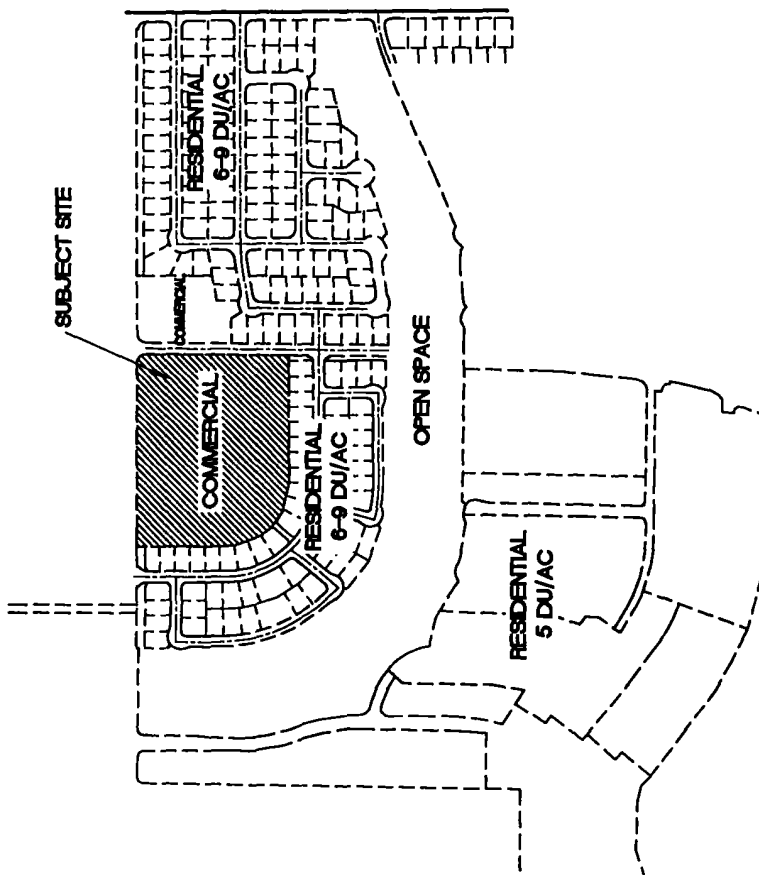
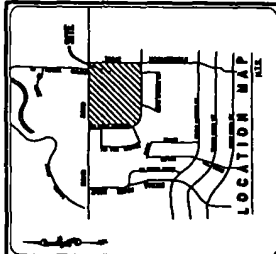


Exhibit A

PROPOSED SPECIFIC PLAN DESIGNATION

EXISTING SPECIFIC PLAN DESIGNATION

<p>IBW BAKER-WILLIAMS ENGINEERING GROUP Engineering / Surveying / Land Planning / Environment Planning / GIS Services 4900 N. Main Street, Suite 100 - Davis, CA 95618 916-835-4400 - Fax 916-835-4401 - info@bakermw.com</p>	<p>SPECIFIC PLAN AMENDMENT EXHIBIT TREBURY POINT LOT 28 CITY OF ELK GROVE - SACRAMENTO COUNTY - CALIFORNIA</p>
<p>DATE: 01/14/03 DRAWN BY: [Name] CHECKED BY: [Name] DATE: DEC. 2003</p>	<p>SCALE: 1" = 100' NORTH: [Arrow]</p>
<p>PROJECT NO: [Number] SHEET NO: [Number]</p>	<p>DATE: 01/14/03 SCALE: 1" = 100'</p>

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 9th day of March 2005.




DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

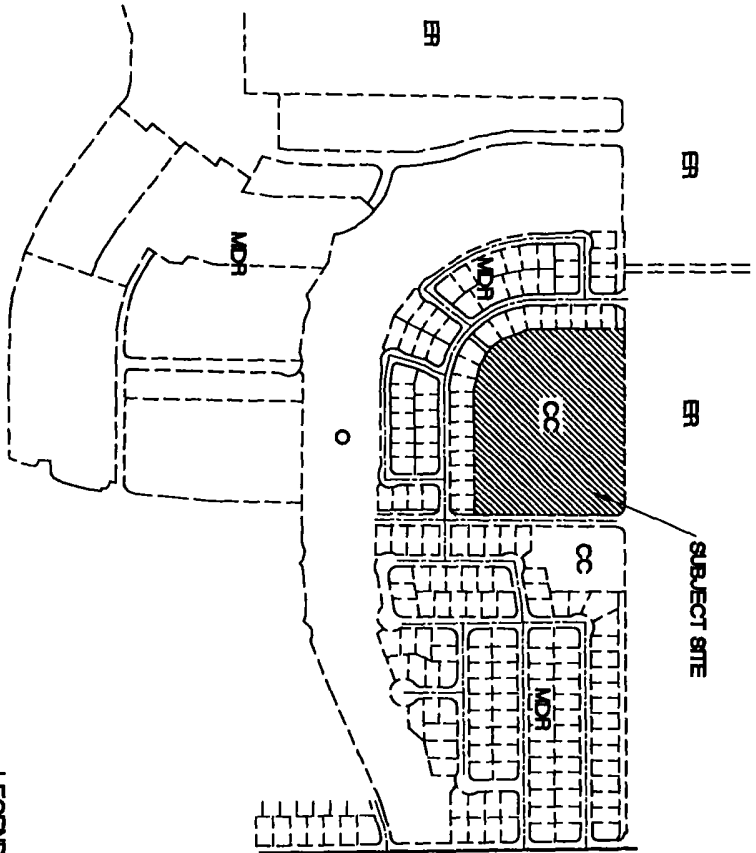
APPROVED AS TO FORM:



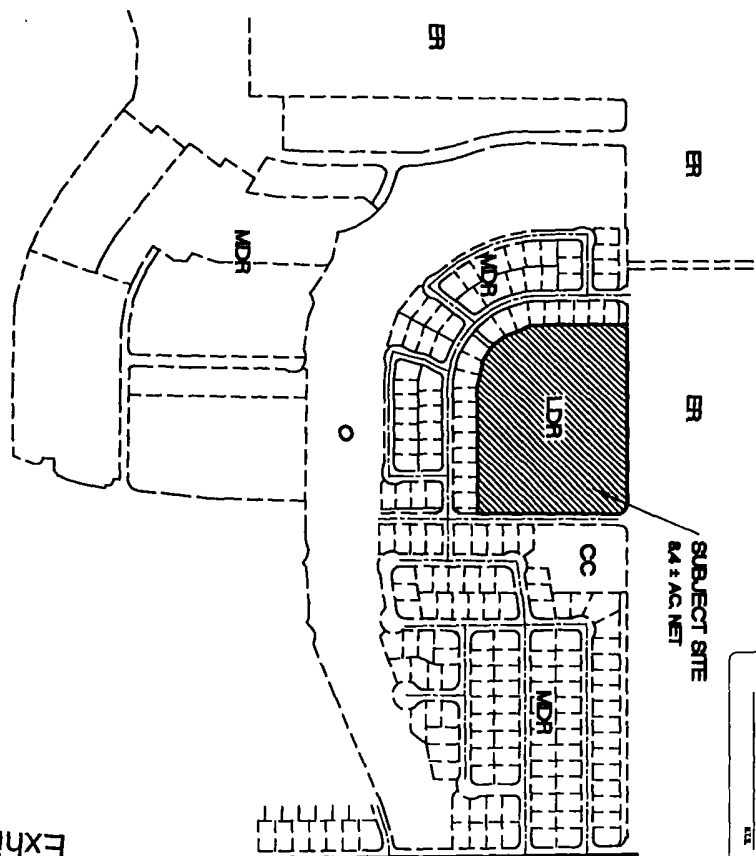
ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: April 8, 2005

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

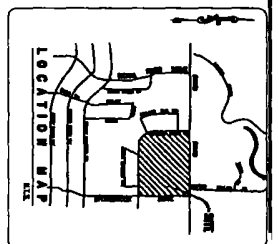


EXISTING ZONING



PROPOSED ZONING

- LEGEND:**
- CC COMMUNITY COMMERCIAL
 - ER ESTATE RESIDENTIAL
 - LDR LOW DENSITY RESIDENTIAL
 - MDR MEDIUM DENSITY RESIDENTIAL
 - OPEN SPACE



PROJECT NO.	DATE	BY	CHKD.	DATE	BY	CHKD.	DATE	BY	CHKD.
BW BAKER-WILLIAMS ENGINEERING GROUP Engineering, Surveying, Land Planning, Environmental Engineering, and Services 4000 Riverside Drive, Suite 10 - Sacramento, CA 95825 916-486-4444 - No. 916-486-4444 - www.baker-williams.com									
GENERAL PLAN AMENDMENT EXHIBIT TRIBUTORY POINT LOT 28 CITY OF ELK GROVE - SACRAMENTO COUNTY - CALIFORNIA									
SCALE	1" = 100'								

Exhibit B