

ORDINANCE NO. 28-2005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-10 TO RD-10 MORADI REZONE AND TENTATIVE SUBDIVISION MAP NO. EG-04-782

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 proposed project is categorically exempt as a Class 32 Exemption (CEQA §15332).

Evidence: Class 32 consists of projects characterized as in-fill development that are consistent with general plan policies and designations, occur on project sites less than five acres substantially surrounded by urban uses, have no value as habitat, can be adequately served by utilities and public services, and would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed project consists of a Rezone of a 1-acre parcel from AR-10 to RD-10, and a Tentative Subdivision Map that would divide the subject parcel into six parcels that range in size from 5,063 to 17,614 square feet. The proposed Rezone is consistent with the General Plan designation for the site (Medium-Density Residential) and the lots created by the Tentative Subdivision Map are consistent with the development standards of the Zoning Code. Access to Parcels 1 through 5 would be off of Generations Drive, while access to Parcel 6 (the northern lot) would be provided via a 15' ingress/egress right-of-way. The project site contains maintained lawn and disturbed grassland. Two pine trees and an oak tree are currently located on the site. There are two structures on the site: a single family residence and a detached garage, which is proposed to be removed. The project site is substantially surrounded by urban uses and has no value as habitat for endangered, rare, or threatened species. The proposed project will be served by the Sacramento County Sanitation District-1, SMUD, and PG&E. Planning staff reviewed the proposed project and did not find any evidence that there is a reasonable probability that the project will have a significant adverse effect on the environment.

General Plan

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

Evidence: The General Plan identifies the site for Medium Density Residential use. The project is consistent with the goals and policies of the General Plan for residential development with the City of Elk Grove.

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 Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. 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 City of Elk Grove Zoning Map for APN 116-1090-103 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.

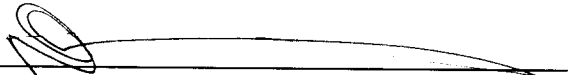
Section 5: Severability.

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).

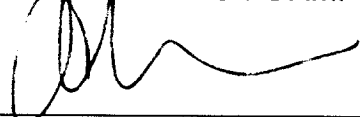
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27th day of July.


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: AUGUST 27, 2005

AYES: SCHERMAN, SOARES, BRIGGS, COOPER
NOES: NONE
ABSTAIN: NONE
ABSENT: LEARY

