

ORDINANCE NO. 13-2006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-2 TO RD-5 DUONG CHUNG PROJECT NO. EG-04-565

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: On the basis of the whole record, there is no substantial evidence that the project as designed and conditioned 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 Environmental Study was prepared for the proposed project analyzing site specific issues. Mitigation measures have been identified and imposed on the project that will reduce potential environmental impacts to less than significant levels. In addition the project is subject to the Environmental Impact Report and Mitigation Monitoring and Reporting Program prepared for the East Elk Grove Specific Plan adopted by the Sacramento County Board of Supervisors. The EIR addresses overall development of the East Elk Grove area.

General Plan

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

Evidence: The subject project as conditioned creates nine (9) new residential parcels from of one 2.2-acre lot in a residential area of the city. The Elk Grove General Plan designates the site Low Density Residential Use, which allows a density range from 4.1 to 7.0 units per acre. The East Elk Grove Specific Plan designates the site for residential development. The site is suitable for residential development and is consistent with surrounding parcels which consist of residential uses and undeveloped parcels.

Rezone

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 and 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.

Tentative Subdivision Map

Finding: None of the findings (a) through (g) in Section 66474 of the California Subdivision Map Act that require a City to deny approval of a tentative map apply to this project.

Evidence: Findings (a) through (g) in Section 66474 of the Subdivision Map Act do not apply to the project.

- a. The proposed map is consistent with the Elk Grove General Plan, East Elk Grove Specific Plan and current and proposed zoning that identifies the site as appropriate for residential uses.
- b. The design of the improvements of the proposed subdivision is consistent with the General Plan and East Elk Grove Specific Plan that designate the site for low density residential development.
- c. The site is physically suitable for residential development. The surrounding area is developed with and/or designated for residential uses. Access to the site will be provided or is available. Necessary services and facilities are available or can be provided.
- d. The site is appropriate for the proposed density of development, 5-units per acre. Services and facilities to serve the project will be provided or are available.
- e. The proposed Tentative Subdivision Map will not cause substantial environmental damage. The project is a low density residential use located in the urbanized area of Elk Grove and is consistent with the General Plan, East Elk Grove Specific Plan, and proposed zoning.
- f. The proposed Tentative Subdivision Map will not cause serious public health problems. The project has been reviewed by local agencies, including Fire, Water Resources, Public Works, Planning, Police, Sanitation, Parks, and Community Enhancement, for conformance to applicable policies and regulations. Comments and requirements have been addressed or incorporated as conditions of approval and ensure protection of public health, welfare, and safety.
- g. No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 127-0140-024-0000 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

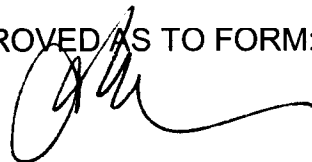
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 26th day of April 2006.

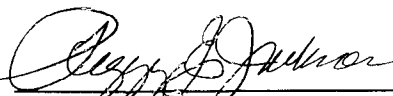


RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY



PEGGY E. JACKSON,
CITY CLERK

EFFECTIVE DATE: MAY 26, 2006

AYES: SCHERMAN, SOARES, BRIGGS, COOPER, LEARY

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

REZONE PLAN

STONE SPRINGS ESTATES

A.P.N. # 127-0140-024

Date: DECEMBER, 2003

Owner/Applicant:

DOUNG CHUNG
5639 WINTERMAN WAY
SACRAMENTO, CA 95623
(916) 718-2624

Site Address:

STONE SPRINGS DRIVE, ELK GROVE, CA 95624

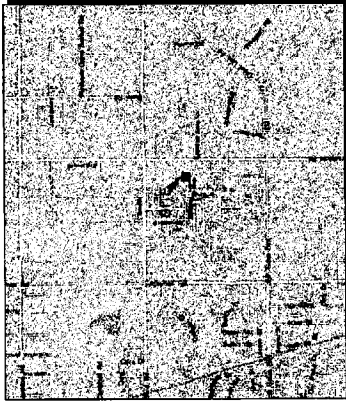
Submitted by:

ROSE'S ENGINEERING
9148 ELK GROVE BLVD.
ELK GROVE CA, 95624
916-688-5446

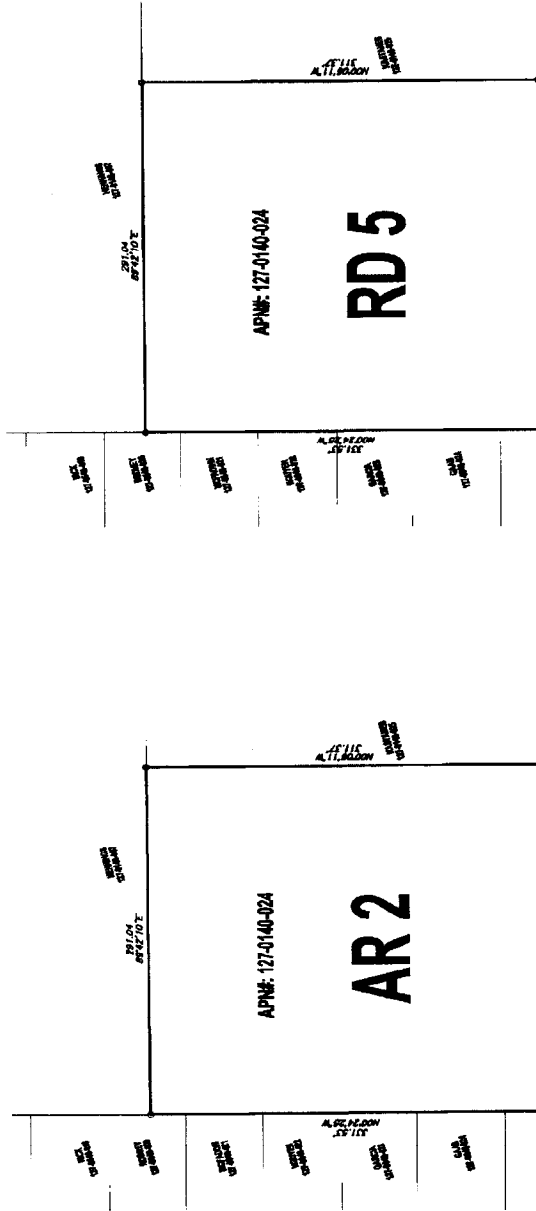
Parcel Description:

2.214 acre in SW 1/4 of the NE 1/4 of the SE 1/4 of the NE 1/4 of section 32, T 7 N, R 6 E, M.D.M.

Source of Topo: Field Survey
Contour Interval: 1 Foot
Existing Stakes: 2.214 ac
Existing Zoning: AR 2
Proposed Zoning: RD 5
Proposed Use: Single Family Dwelling
Existing Improvements: Vacant
Water: Zone 11/EK Grove
Sewage: CSD-1
Roads: City of Elk Grove
Gas: Pacific Gas & Electric
Electric: S.M.U.D.
Telephones: Pacific Bell
F.E.M.A. Zone X
Special District: Elk Grove CSD
Fire: Elk Grove Unified School District
Drainage: City of Elk Grove
Recreation & Parks: Elk Grove CSD



VICINITY MAP
NO SCALE



PROPOSED ZONING

CURRENT ZONING