

ORDINANCE NO. 25-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FOR A 75.1 ACRE PARCEL FROM 12.3 ACRES OF LIGHT INDUSTRIAL, 27.3
ACRES OF INDUSTRIAL OFFICE PARK, 9.7 ACRES OF LIMITED
COMMERCIAL, AND 10.8 ACRES OF OPEN TO 25.7 ACRES OF LIGHT
INDUSTRIAL, 19.1 ACRES OF GENERAL COMMERCIAL, 3.3 ACRES OF
SHOPPING CENTER COMMERCIAL, AND 10.7 ACRES OF OPEN SPACE
FOR THE WATERMAN PARK 75 #2 PROJECT NO. EG-06-1158
APN: 134-0182-001**

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, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration (MND) 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: Pursuant to CEQA guidelines, City staff prepared an initial study evaluating the potential environmental effects of the previously approved Waterman Park 75 project. The Initial Study identified potentially significant adverse effects in the areas of Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Noise. Mitigation measures that avoid or mitigate the potentially significant effects to a point where clearly no significant effects would occur were identified in the Initial Study and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30-day review and comment period starting on February 10, 2006. The City received written comment letters within the 30-day public review period and responded to those comments in the EG-05-928 project staff report. The City considered the comments received during the public review period, and they did not alter the conclusions in the Initial Study and MND. A Mitigation Monitoring and Reporting Program (MMRP) was prepared to ensure compliance during project implementation.

Staff evaluated the current project description and its anticipated impacts and determined that the City will rely on the previously adopted MND and MMRP to address the environmental impacts of the currently proposed Waterman Park 75 #2 project because: 1) the proposed project is essentially the same as the previously approved Waterman Park 75 project; 2) the environmental impacts were adequately addressed in the MND adopted for the previously approved Waterman Park 75 project; and 3) the changes in the project do not create any new significant adverse environmental impacts beyond those analyzed in the previously adopted MND. The 67 additional net peak hour traffic trips generated by the currently proposed Waterman Park 75 project does not exceed the City's 100 trip threshold that would require a new traffic study. In addition, the applicant will be required to comply with all the applicable mitigation measures contained in the previously adopted and recorded MMRP as specified in Condition # 18.

General Plan

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

Evidence: The project as conditioned divides one approximately 75 acre parcel into nine parcels for future development. The future development of these currently vacant and undeveloped parcels is consistent with General Plan Guiding Goal 1, a high quality of life for all residents.

Rezone

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

Evidence: The proposed changes to the previously approved Rezone reflect the changes in anticipated uses for the project site. The proposed zoning designations will permit a broader range of uses to be developed on the site, including commercial and office uses. The proposed zoning designations are consistent with the proposed General Plan land use designations and uphold the goals and policies of the General Plan.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 134-0182-001 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.

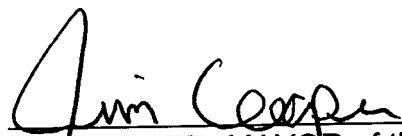
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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 is contingent upon and shall take effect thirty (30) days after the adoption of the related General Plan amendment, if at all. 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).

ORDINANCE NO. 25-2007

INTRODUCED: July 25, 2007
ADOPTED: August 22, 2007
EFFECTIVE: September 21, 2007



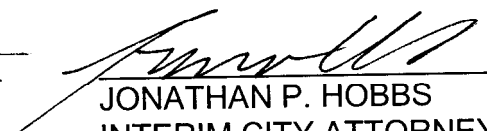
JIM COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



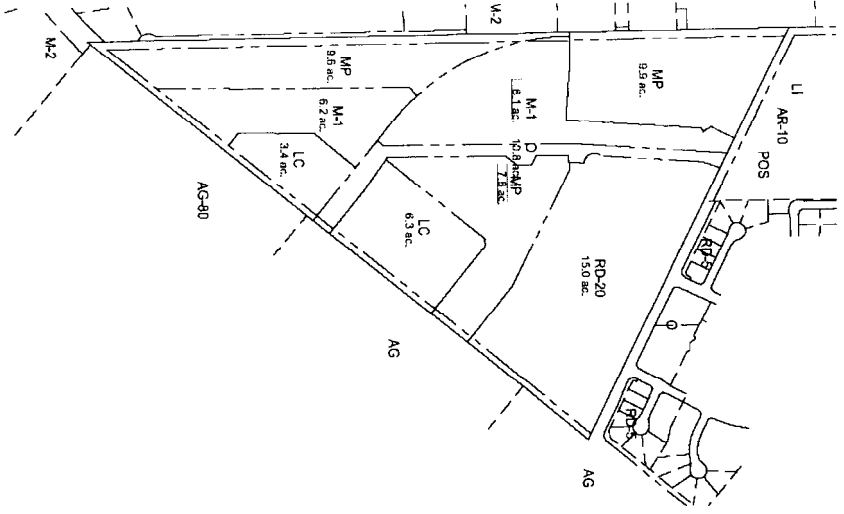
PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



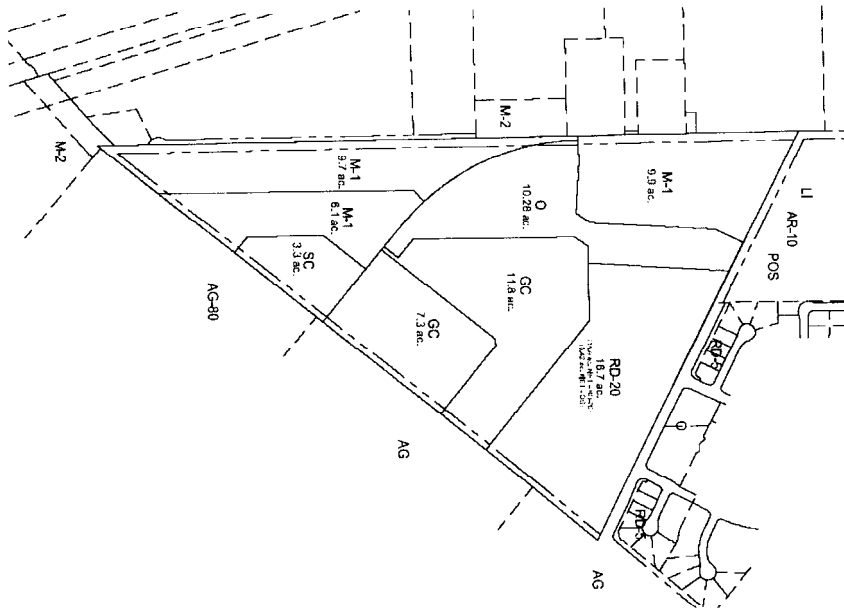
JONATHAN P. HOBBS
INTERIM CITY ATTORNEY

Exhibit A – Rezone Exhibit



EXISTING ZONING

LAND USE DESIGNATION	GROSS AC.
LIGHT INDUSTRIAL	12.3
INDUSTRIAL-OFFICE PARK	27.3
LIMITED COMMERCIAL	9.7
HIGH DENSITY RESIDENTIAL	15.0
OPEN SPACE	10.8
TOTAL	75.1 AC



PROPOSED ZONING

KEY	LAND USE DESIGNATION	GROSS AC.
M-1	LIGHT INDUSTRIAL	25.7
RD-20	HIGH DENSITY RESIDENTIAL	16.3
GC	GENERAL COMMERCIAL	19.1
SC	SHOPPING CENTER	3.3
O	OPEN SPACE	10.7
TOTAL	TOTAL	75.1 AC

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 25-2007**

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 July 25, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 22, 2007 by the following vote:

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

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**

