

ORDINANCE NO. 5-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CALVINE/99 SPECIAL PLANNING AREA TO MODIFY LAND USES FOR APNS 115-0162-010, -011, -019, -021, -023, -024, -027, -030, -031, 115-0150- 064, -067, AND -073 FROM LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL AND HIGH DENSITY RESIDENTIAL AND TO REZONE APNS 115-0162-010, -011, -019, -021, -023, -024, -027, -031, 115-0150-064, -067, -073, 116-0030-045, -068, -069, -078, -081, -083, AND -089 FROM SPA AND AR-5 TO GC, LC, AND RD-20

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

Calvine/99 SPA Amendment

Finding: The proposed Special Planning Area amendment is consistent with the goals, policies, and objectives of the General Plan.

Evidence: The proposed amendment to the Calvine/99 SPA will increase the amount of Commercial and High Density Residential acreage available for development in the City. The goals, policies, and objectives of the General Plan which support this amendment are identified in the Economic Development Element, Land Use Element, and Housing Element. The proposed increase in commercial and high density residential sites within the City will provide local shopping opportunities for the City's residents, will directly benefit the City's general fund by capturing sales tax revenue, and will increase the diversity of the housing stock. The proposed amendment is consistent with these goals of the General Plan as well as the identified objectives of the Calvine/99 SPA.

Rezone

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

Evidence: The project proposes to rezone approximately 39 acres to reflect General Plan Amendments to Commercial or High Density Residential land use designations. The rezone actions have been reviewed for consistency with the General Plan, specifically for economic development and state housing requirements. In response to the reconfigured Sheldon Road/SR 99 Interchange, the proposed rezones is anticipated to "encourage the full and efficient utilization of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted

industrial and commercial facilities,” as established in the Economic Development Element.

Section 3: Action

The City Council hereby amends the Calvine/99 Special Planning Area to amend land uses for APNs 115-0162-010, -011, -019, -021, -023, -024, -027, -030, -031, 115-0150-064, -067, and -073 from Low Density Residential and Medium Density Residential to Commercial and High Density Residential. To facilitate this amendment, these parcels will be rezoned from SPA (Special Planning Area) zoning to the zoning designations indicated in the Table below. All other provisions of the SPA will still be applicable to these parcels as appropriate. The City Council hereby amends the City of Elk Grove Zoning Map as follows and as shown in Exhibit A:

Parcel	Acres	Existing Zoning	Proposed Zoning
115-0162-010	4.94	SPA	RD-20
	1.35	SPA	GC
115-0162-011	1.58	SPA	RD-20
115-0162-019	1.12	SPA	RD-20
115-0162-021	0.29	SPA	GC
115-0162-023	0.81	SPA	RD-20
115-0162-024	0.66	SPA	GC
115-0162-027	2.74	SPA	GC
115-0162-031	0.86	SPA	GC
115-0150-073	7.1	SPA	GC
115-0150-064	2.17	SPA	RD-20
115-0150-067	1.87	SPA	LC
116-0030-069	1.80	AR-5	GC
116-0030-045	0.72	AR-5	GC
116-0030-089	0.44	AR-5	GC
116-0030-068	1.12	AR-5	GC
115-0162-030	2.30	SPA	GC
116-0030-081	2.58	AR-5	GC
116-0030-078	2.40	AR-5	GC
116-0030-083	2.28	AR-5	GC

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).

ORDINANCE: 5-2009
INTRODUCED: February 25, 2009
ADOPTED: March 11, 2009
EFFECTIVE: April 10, 2009



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



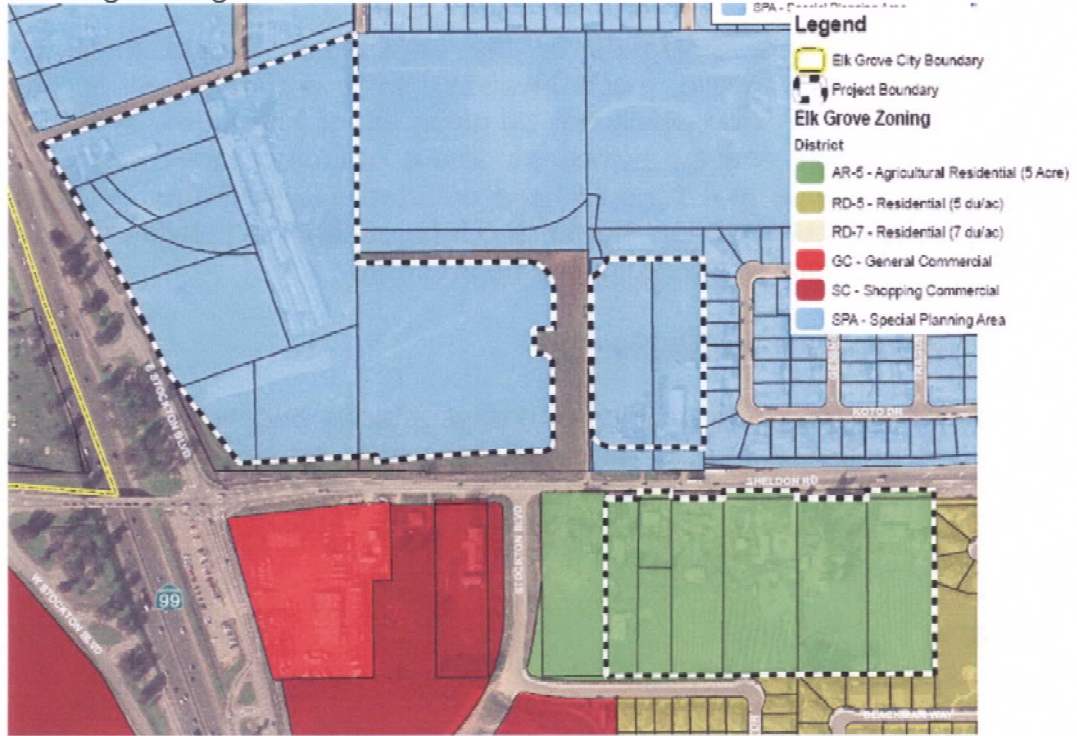
SUSAN COCHRAN, CITY ATTORNEY

Date signed: March 24, 2009

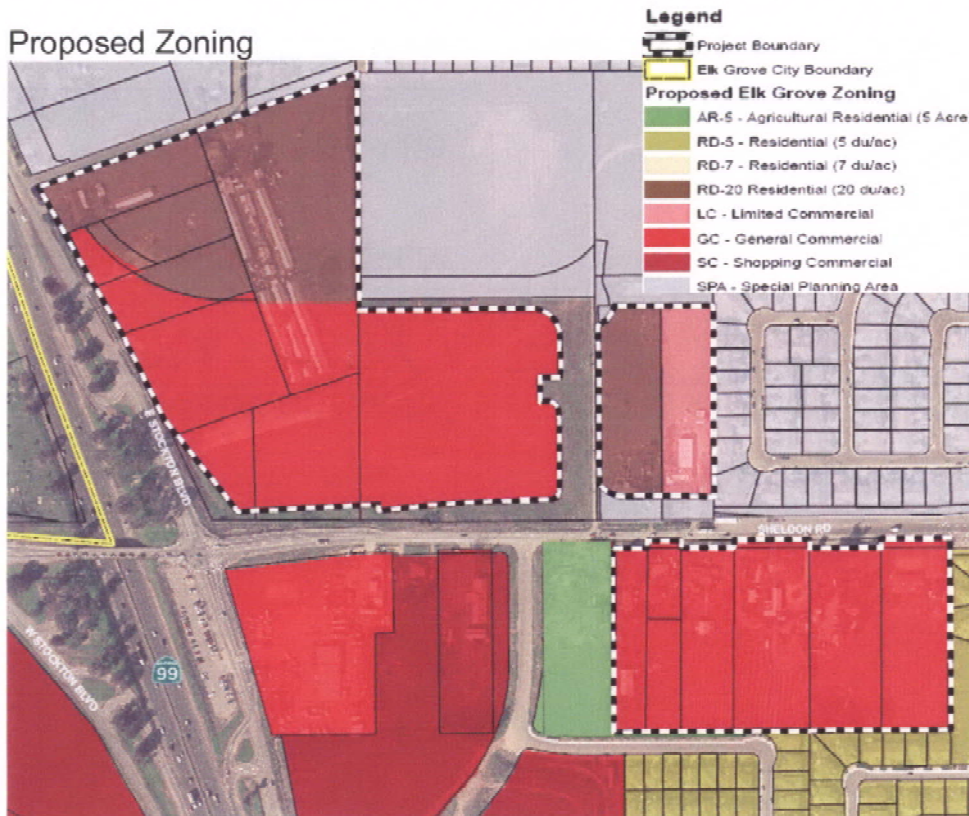
EXHIBIT A

Rezone Exhibit for the Sheldon/99 GPA and Rezone Project

Existing Zoning



Proposed Zoning



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 5-2009**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on February 25, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 11, 2009 by the following vote:

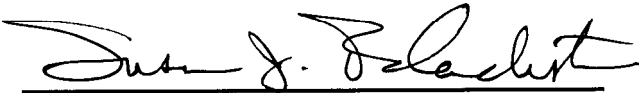
AYES : **COUNCILMEMBERS:** *Hume, Scherman, Cooper, Detrick*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Davis*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Susan J. Blackston, City Clerk
City of Elk Grove, California**