

ORDINANCE NO. 2-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE ELK GROVE AMENDING THE EAST ELK GROVE SPECIFIC PLAN FROM RESIDENTIAL TO COMMERCIAL AND THE CITY OF ELK GROVE ZONING MAP FROM RD-5 RESIDENTIAL TO LC LIMITED COMMERCIAL ZONE FOR A 0.66 ACRE PORTION OF ASSESSOR PARCEL NUMBER 134-110-086 AND 134-110-087 FOR A PROJECT KNOWN AS WINDSOR DOWNS WEST, PROJECT NO. EG-02-309

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 to assign a change to the zoning of the parcels specified within Exhibit A.

Section 2: Findings

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

Evidence: The small land area (0.66 acres) converting from Low Density Residential to Commercial and RD-5 to LC Limited Commercial has no impact on the environment, because the land area will be used for drainage purposes.

2. Finding: The proposed Specific Plan Amendment and Rezone request will implement and be consistent with goals and policies of the East Elk Grove Specific Plan of the City of Elk Grove.

Evidence: The Specific Plan Amendment from Residential to Commercial and the Rezone of RD-5 to LC is consistent with the allowed zoning prescribed in the Specific Plan of the City of Elk Grove within the Town Center Commercial Land Use designation.

3. Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements, which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.

- c) There is little or no possibility of substantial detriment to or interference with the future adopted General Plan if the proposed use or action is ultimately inconsistent with the plan.
- d) The proposed use or action complies with all other applicable requirements of state law and local ordinance

Evidence: The following statements are made in support of the required findings stated above.

- a) The proposed General Plan has acknowledged the East Elk Grove Specific Plan as a key component of the General Plan and has designated a land use category specifically for the Specific Plan. As such, any project proposed would be consistent with the Specific Plan and thus consistent with the proposed General Plan. The rezone will not significantly alter the land use designations or categories within the East Elk Grove Specific Plan and all projects have been reviewed and made consistent with the Specific Plan.
- b) As stated above, the Specific Plan and the latest version of the adopted Draft Land Use Policy Map are consistent with one another. The proposed project is consistent with the policies and guidelines of the East Elk Grove Specific Plan.
- c) The Draft General Plan and the Specific Plan are consistent at this time and there is little possibility that the General Plan would change the designation of commercial for this area.
- d) The proposed project is requesting an amendment to the Specific Plan from Low Density Residential to Commercial and consistent with the policies and development standards as listed in the Plan. The requested rezone of RD-5 to Limited Commercial is consistent with the adopted Land Use Policy Map of the Specific Plan.

Section 3: Action

The City Council hereby amends the East Elk Grove Specific Plan and Zoning Map of the City of Elk Grove for Assessor's Parcel Numbers 134-110-086 and 134-110-087, as shown on the attached Exhibit A and subject to the conditions of approval.

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.

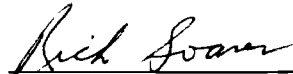
Section 5: Severability

If any such provision of section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of this Ordinance.

Section 6: Effective Date and Publication

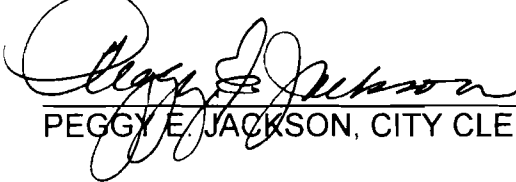
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 19th day of February 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: March 21, 2003

AYES: Soares, Briggs, Cooper
Scherman, Leary
NOES: None
ABSTAIN: None
ABSENT: None

Exhibit A

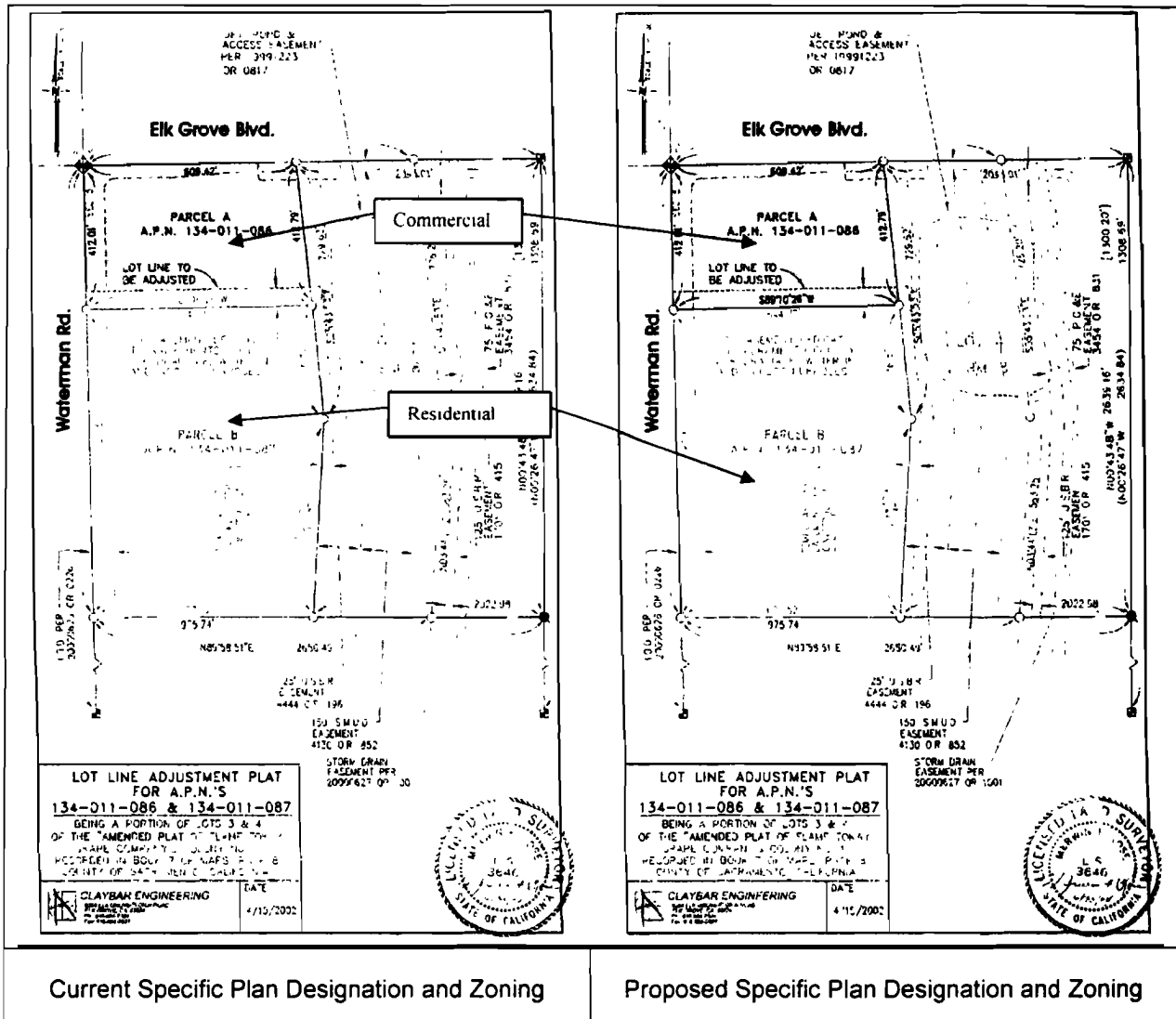


Exhibit B Conditions of Approval				
<u>Conditions of Approval</u>		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	The development approved by this action is for a Specific Plan Amendment and a Rezone. The Specific Plan Amendment would change the Low Density Residential to Commercial designation and the Rezone would change the RD-5 Residential to LC Limited Commercial, according to the attached exhibit.	Adoption of the Ordinance and Resolution of the City Council	City of Elk Grove	
2.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, procedures and all adopted conditions for active projects.	On-Going	City of Elk Grove	
3.	The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	City of Elk Grove	
4.	<p>Provide on-site drainage easements and install facilities pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvement Standards, including any fee required by the Sacramento County Water Agency Code.</p> <ul style="list-style-type: none"> Off-site drainage improvements and easements shall 	Prior to issuance of improvement plans	Water Resources	

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	<p>be provided pursuant to the City of Elk Grove Floodplain Management Ordinance, Sacramento County Water Agency Code, and City of Elk Grove Improvement Standards.</p> <ul style="list-style-type: none"> Easement shall be for drainage, landscape and parking improvements, approved by the Planning Commission, no commercial structures shall be allowed within the easement, except the required masonry wall along the southern boundary of the easement to be installed at the time the commercial Center is constructed. 			