

ORDINANCE NO. 29-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FROM AR-10 TO RD-4, MP AND "O", AND AMENDING THE EAST ELK GROVE SPECIFIC PLAN DWELLING UNIT CAP FROM 98 UNITS TO 99 UNITS, FOR NEWTON RANCH UNIT 2 PROJECT NO. EG-02-370

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 Elk Grove Zoning Map as shown on attached Exhibit A, and to amend the East Elk Grove Specific Plan as shown on attached Exhibit B.

Section 2: Findings

CEQA

- 2.1 Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

- 2.2 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 probability 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 ordinances.

Evidence:

- a. The Newton Ranch Unit 2 project has been reviewed and is consistent with the land use densities and design in the East Elk Grove Specific Plan. Therefore, 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 proposed Newton Ranch Unit 2 project is consistent with the East Elk Grove Specific Plan and the General Plan Land Use Policy Map, and conditions of approval have been recommended for the project which is consistent with the draft policies of the Elements of the General Plan.
- c. Since the project is an implementation of the adopted East Elk Grove Specific Plan, there is little or no probability of substantial detriment to or interference with the future adopted general plan despite the project includes a vesting development agreement.
- d. The requested Rezone, Tentative Subdivision Map, Abandonment of I.O.D. and Minor Amendment to East Elk Grove Specific Plan are consistent with state law and local ordinances as discussed by the following findings and evidence.

Rezone

- 2.3 Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code).

Evidence: The City has reviewed the proposed rezone and accompanying staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the General Plan. The proposed amendment is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Minor Amendment to East Elk Grove Specific Plan

- 2.4 Finding: The proposed Minor Amendment to the Specific Plan is one which complies with the requirements and intent of the Specific Plan and which will not change the basic configuration or intent of the Plan.

Evidence: According to the East Elk Grove Specific, the proposed RD-4 (4du/ac) density is permitted as a matter of right despite the number of dwellings proposed (99-lot subdivision) is in excess of the 98-dwelling cap imposed on to the project site. Staff has reviewed the Newton Ranch Unit 2 project and concluded that the proposal complies with the overall requirements and intent of the East Elk Grove Specific Plan and which will not change the basic configuration or intent of the Plan.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map 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.

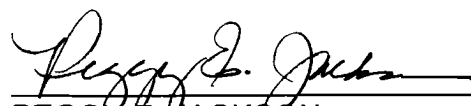
Section 6: Effective Date and Publication

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).

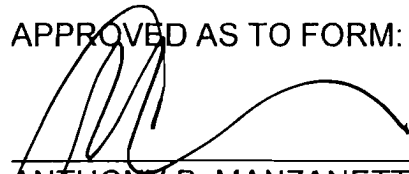
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 3rd day of September 2003.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: October 3, 2003

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

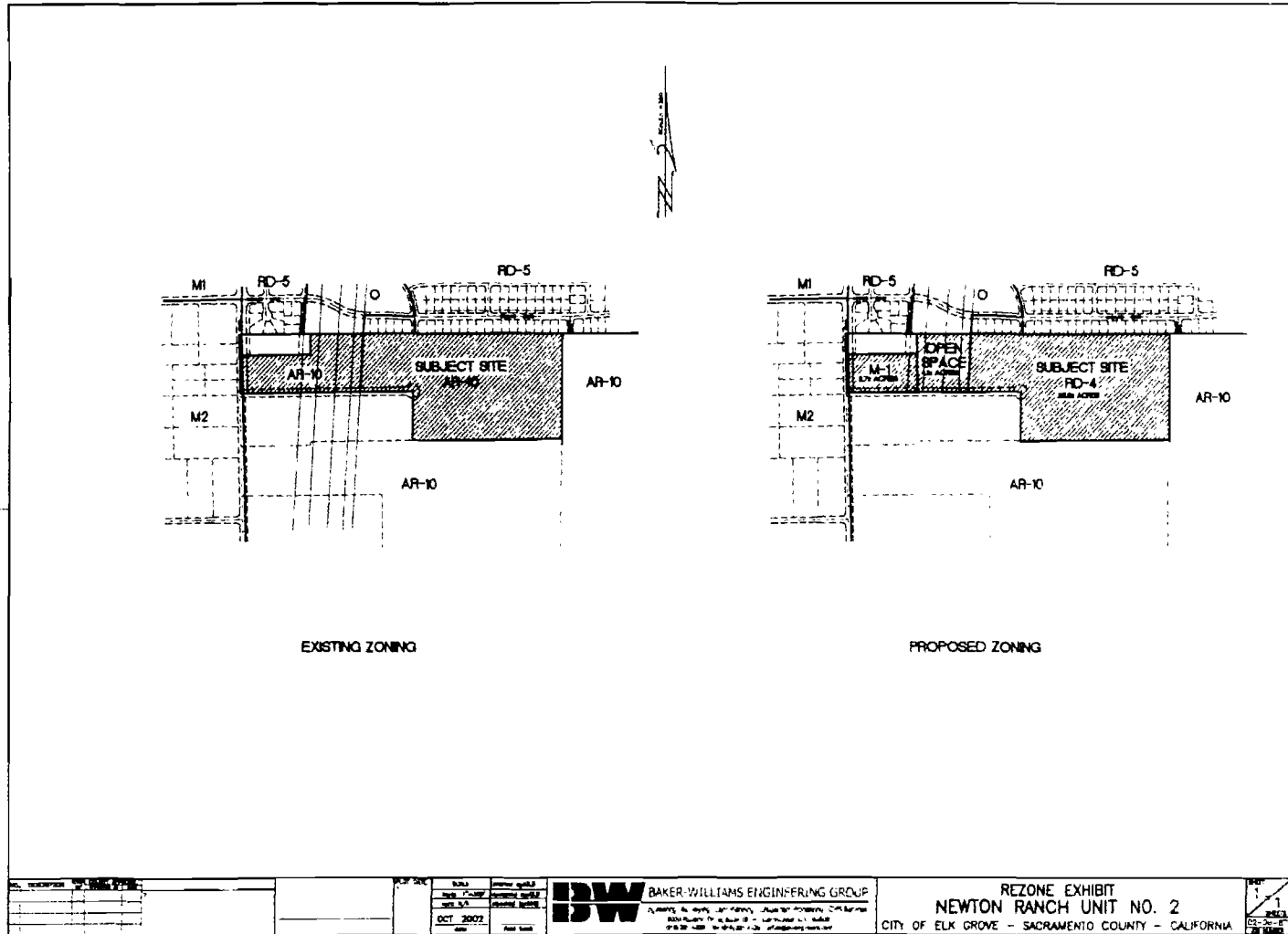


Exhibit A
Newton Ranch Unit 2

PREPARED FOR: DATE:	PROJECT NO.:	SHEET NO.:	DATE:	BW BAKER WILLIAMS ENGINEERING GROUP 10000 N. 10TH AVE., SUITE 100, DENVER, CO 80231 (303) 751-1000 FAX (303) 751-1001	REZONE EXHIBIT NEWTON RANCH UNIT NO. 2 CITY OF ELK GROVE - SACRAMENTO COUNTY - CALIFORNIA	SCALE: 1" = 1'
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Exhibit B
to East Elk Grove Specific Plan Ordinance Table 602-17.4
for Newton Ranch Unit 2

<u>Assessor's Parcel Number</u>	<u>Sub-Parcel Number</u>	<u>Property Owner</u>	<u>Assigned Land Use (du/ac)</u>	<u>Area (acres)</u>	<u>Dwelling Units</u>	<u>Owners Total Allocation</u>
134-0110-072	2	Elk Grove Masonic Lodge #173	4	4	16.33	17
134-0110-074	1	Lechuga, Reginald	4	21	81.95	82
Total Dwelling Unit Allocation						99