

## ORDINANCE NO. 7-2005

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE OLD TOWN SPECIAL PLANNING AREA MAP FROM RESIDENTIAL AND FLOODPLAIN COMBINING ZONE TO COMMERCIAL FOR OLD TOWN MIXED-USE DEVELOPMENT PROJECT NO. EG-03-488

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 Old Town Special Planning Area map from Residential and Floodplain Combining Zone to Commercial as shown on attached Exhibit A.

#### Section 2: Findings

##### CEQA

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 conditions of approval 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

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

Evidence: Subject to the proposed amendments, the proposal is consistent with various City of Elk Grove General Plan policies. Land Use Element Policy LU-20 establishes specific criteria in promoting, preserving and improving Old Town Elk Grove. Historical Resource Element Policy HR-5 emphasizes preservation of the aesthetic quality and architectural diversity in Old Town Elk Grove. Economic Development Policies ED-1 and ED-12 addresses the needs for a mixed commercial uses and actively promote revitalization and a strong sales base in Old Town Elk Grove.

##### Rezone

Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

**Evidence:** The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the policies and objectives of the Elk Grove General Plan and Old Town Special Planning Area. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

**Section 3: Action**

The City Council hereby amends the Old Town Special Planning Area Map from Residential and Floodplain to Commercial for Assessor Parcel Number 134-0072-013, 134-0072-014, 134-0072-015, 134-0072-016 as shown on attached Exhibit A, subject to approval of the General Plan Amendment for this project and 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 on this 9<sup>th</sup> day of March 2005.

  
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DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
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PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

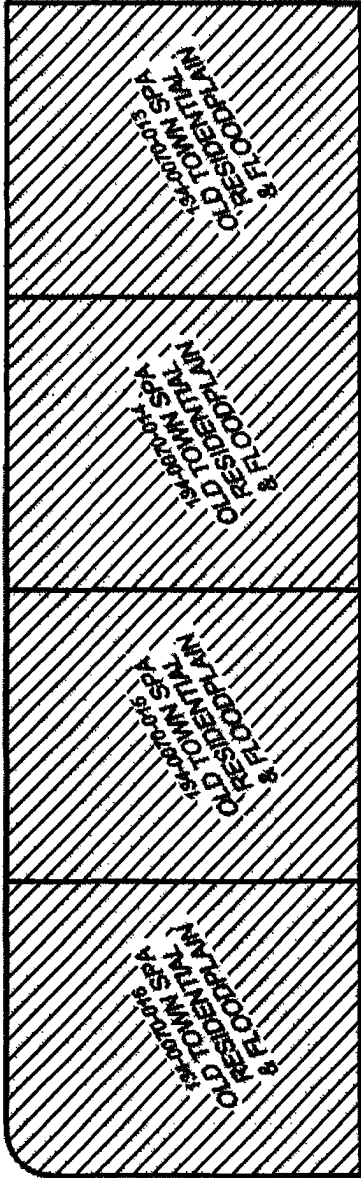
  
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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: April 8, 2005**

**AYES: Briggs, Leary, Scherman, Soares**  
**NOES: None**  
**RECUSED: None**  
**ABSENT: None**

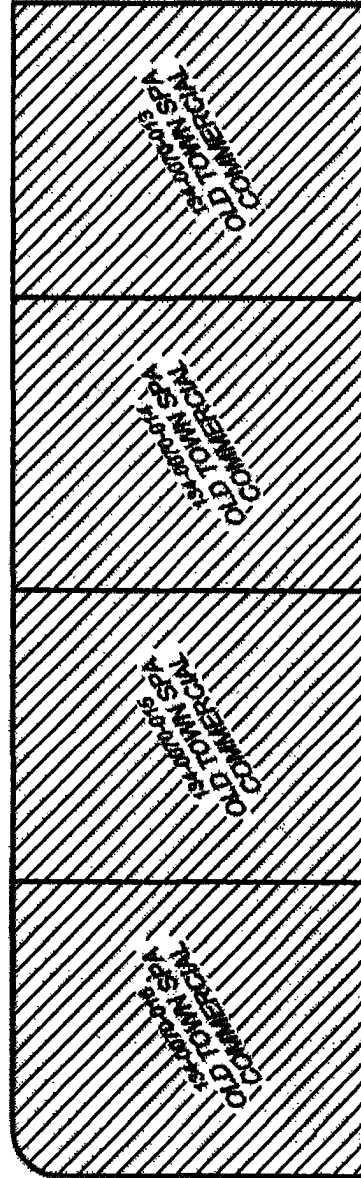


ELK GROVE BOULEVARD



EXISTING ZONING

ELK GROVE BOULEVARD



PROPOSED ZONING

WEBB STREET

WEBB STREET

Exhibit A: Rezoning