

**ORDINANCE NO. 7-2004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE ZONING CODE,  
SECTION 508-212.3 OF THE CALVINE 99 SPECIAL PLANNING AREA  
FOR A PROJECT KNOWN AS SHELDON PLACE, PROJECT NO. EG-02-348**

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 Code Section 508-212.3 of the Calvine 99 Special Planning Area Land Use distribution within Low Density Residential A for 1.6 acres of open space for a neighborhood park.

Section 2: Findings

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.

2. Finding: The proposed amendment request will implement and be consistent with goals and policies of the Calvine 99 Special Planning Area of the City of Elk Grove.

Evidence: The amendment of Land Use Table 508-212.3 is substantially consistent with the allowed land uses prescribed in the Calvine 99 Special Planning Area of the City of Elk Grove. The addition of 1.6 acres of open space for a neighborhood park would not materially impact the over all density of Low Density Residential A.

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) The project is consistent with the Land Use Policy Map of the General Plan Elements, which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
  - b) 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 Calvine SPA and the Land Use Policy Map are consistent with one another. Any changes to the Land Use Policy Plan would cause a change to the Specific Plan in order to maintain consistency. The proposed project is consistent with the policies and guidelines of the Calvine 99 SPA and conditions of approval have been recommended for the project that are consistent with the Elements of the General Plan.
- b) The proposed project is requesting an amendment to the Calvine 99 SPA to increase the land area for open space and reduce the land area for residential development.

### Section 3: Action

The City Council hereby amends Section 508-212.3 Land Use Plan of the Calvine 99 Special Planning Area by reducing the Low Density Residential Area A by 1.6 acres and increasing the park area by 1.6 acres.

### 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).

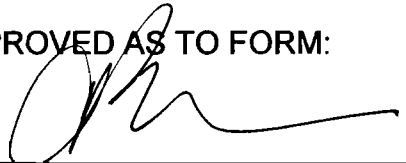
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 7<sup>th</sup> day of April 2004.

  
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SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: May 7, 2004**

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