

ORDINANCE NO. 89-044

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUN 7 1989

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550. FOURTH SERIES. AS AMENDED. BY REMOVING PROPERTY LOCATED AT THE NORTH SIDE OF RIVERSIDE BOULEVARD AT 43rd AVENUE FROM THE R-2B (3.37± ACRES IN TWO LOTS) AND R-1 (1.76± ACRES IN THREE LOTS) ZONE(S) AND PLACING THE SAME IN THE R-2B-R (3.37± ACRES IN TWO LOTS) AND R-2B-R (1.76± ACRES IN THREE LOTS) ZONE(S) OR A MORE RESTRICTIVE ZONE(S)

(FILE NO. P88-432) (APN: 029-0021-020,021,034;
029-0010-006,020)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The territory described in the attached exhibit(s) which is in the R-2B (3.37± acres in two lots) and R-1 (1.76± acres in three lots) zone(s) established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the R-2B-R (3.37± acres in two lots) and R-2B-R (1.76± acres in three lots) zone(s).

This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.

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- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission on April 13, 1989, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.

- c. Notice is given that the property on which construction is authorized by this permit may be subject to flooding. It is the applicant and property owners responsibility to ascertain whether and to what extent such flooding may occur, and to review the applicable base flood elevations for the proposed project which are contained in the effective Flood Insurance Rate Map; the Department of the Sacramento District Corps of Engineers, Sacramento, California, Flood Insurance Study for the Sacramento City and County of California, FBFM and FIRM work map, dated January, 1989; and all preliminary flood maps available at the City of Sacramento's Planning Department.

The Federal Emergency Management Agency and the U.S. Army Corps of Engineers ("Corps") are studying portions of the City of Sacramento to determine what improvements and measures may be needed in order to deem the areas under study adequately protected from a 100 year flood. Until the needed improvements and measures are in place, the areas under study may be subject to flooding by a 100 year or lesser flood. (A "100 year flood" refers to the area subject to inundation by flooding once during any given 100 year cycle; however, there is a statistical one percent chance that such flooding could occur in any given year.)

The applicant and property owners should check with the local Corps to ascertain the status of its ongoing study and the projected completion date of any flood control project which might affect your proposed development. If the investigation of the nature of the flood hazard indicates that the property is at risk, it is the applicant and property owners responsibility to ensure that all persons holding a record title interest in the property, and all subsequent owners, tenants, occupants and other interested parties, receive notice, as required under applicable law, of the flooding risk to which your property may be subject.

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This notice is intended to ensure that those persons choosing to develop property in an area subject to flooding have knowledge and the means of acquiring knowledge of the particular risks involved in such development. This notice shall not create liability on the part of the City of Sacramento, or any of its officers, agents or employees for any damages to persons or property caused by flooding.

SECTION 2

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this Ordinance.


SECTION 3

Rezoning of the property described in the attached exhibit(s) by the adoption of this Ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION: MAY 30 1989

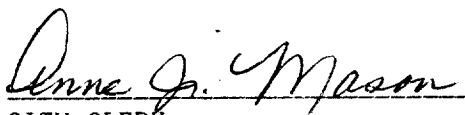
PASSED: JUN 7 1989

EFFECTIVE: JUL 7 1989



MAYOR

ATTEST:



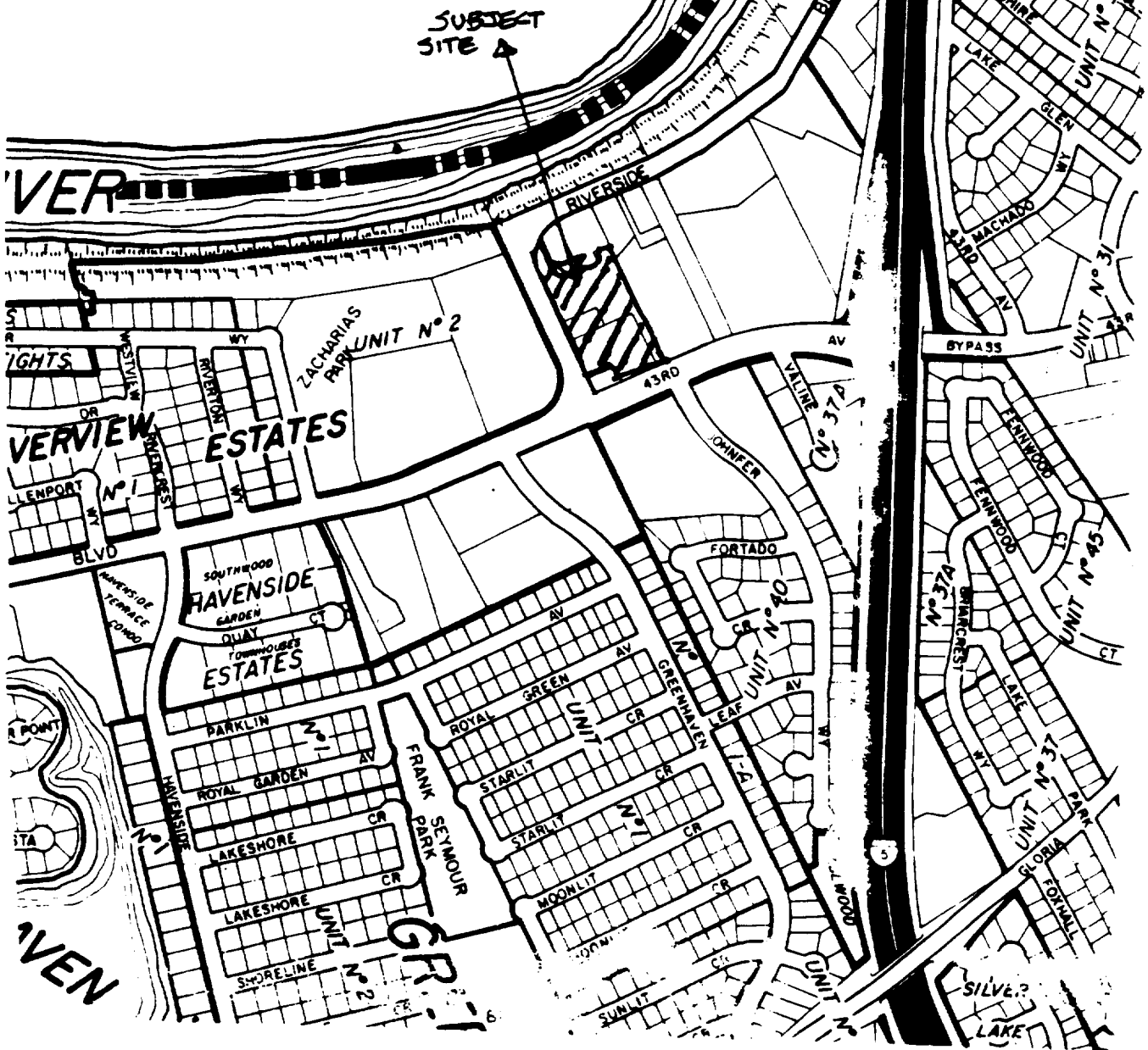
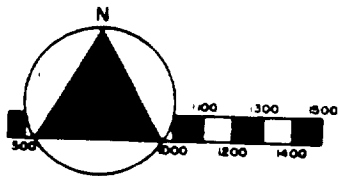
ACTING CITY CLERK

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VICINITY MAP ORDINANCE NO 89-044

PBB-432

4-13-89 #5
3/29/89

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SACRAMENT

BLVD.

"ERSIDE

APTS.

SUBJECT SITE

R-3-R

11
APTS.

R-3

BLVD

BYP

43RD AVE.

JOHNFER

APTS R-3

LAND USE & ZONING MAP

P88-432

4-13-89
~~3-29-89~~

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Proposed or Existing?

Superseded
10-21-88
DJH

All that certain real property situate in the County of Sacramento, State of California, being a portion of Swamp Land Survey as recorded in the Office of the Recorder of Sacramento County in Book 9 of Surveys, Map No. 40, described as follows:

Beginning at a point located S 66°41'02" W 86 feet and S 64°05'26" W 352.13 feet from the intersection of the west line of South Land Park Hills Unit No. 37 with the northerly line of 43rd Ave; thence from said point of beginning N 23°34'20" W 88 feet; thence S 66°25'40" W 101 feet; thence N 23°34'20" W 422.75 feet; thence along a curve to the right on an arc of a 150 feet radius subtended by a chord bearing N 06°01'50" W 90.38 feet; thence S 26°10'20" E 69.43 feet; thence N 62°53'20" E 75 feet; thence S 26°10'20" E 11.98 feet; thence N 62°53'20" E 78.22 feet; thence N 26°10'20" E 30 feet; thence N 62°53'20" E 72.50 feet; thence S 26°00'50" E 56.55 feet; thence N 36°01'10" E 105.35 feet; thence S 29°23'50" E 82 feet; thence N 62°53'20" E 90.40 feet; thence S 24°38'19" E 451.96 feet to said northerly line of 43rd Ave.; thence southwesterly along said northerly line of 43rd Ave. to the point of beginning. Containing 191.75 acres more or less.

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