

ORDINANCE NO. 31-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FOR A 20.23 ACRE PARCEL FROM AR-10 TO 8.05 ACRES OF INDUSTRIAL OFFICE (MP),
8.03 ACRES OF LIGHT INDUSTRIAL (M-1) AND 4.15 ACRES OF OPEN SPACE (O) FOR THE
WATERMAN 20 PROJECT NO. EG-05-898
APN: 134-0110-015**

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 as shown on attached Exhibit A.

Section 2: Findings

CEQA

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The mitigated negative declaration reflects the independent judgment and analysis of the City.

Evidence: Pursuant to CEQA guidelines, City staff prepared an initial study evaluating the potential environmental effects of the project. The Initial Study identified potentially significant adverse effects in the areas of Air Quality and Biological Resources. Mitigation measures that avoid or mitigate the potentially significant effects to a point where clearly no significant effects would occur were identified in the Initial Study and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30 day review and comment period between November 15, 2007 and December 14, 2007. The City received written comment letters within the 30 day public review period and responded to those comments in the project staff report. The City has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance during project implementation and the applicant has agreed to implement the mitigation measures. A condition of approval has been imposed on the project to ensure conformance with the MMRP.

Rezone

Finding: The proposed rezone is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed rezone is consistent with the General Plan land use designations for the project site. The GP identifies the land use as Light Industry and Open Space. The rezone is to Light Industrial, Industrial Office Park and Open Space. Both the Light Industrial and the Industrial Office Park zoning are consistent with the Light Industry General Plan land use designation. The Open Space Zoning is consistent with the Open Space land use designation.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 134-0110-015 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.

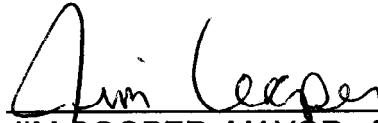
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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 is contingent upon and shall take effect thirty (30) days after the adoption of the related General Plan amendment, if at all. 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).

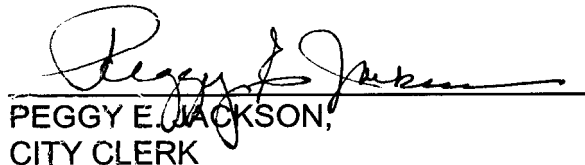
ORDINANCE NO. 31-2007

INTRODUCED: September 26, 2007
ADOPTED: October 10, 2007
EFFECTIVE: November 9, 2007



JIM COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



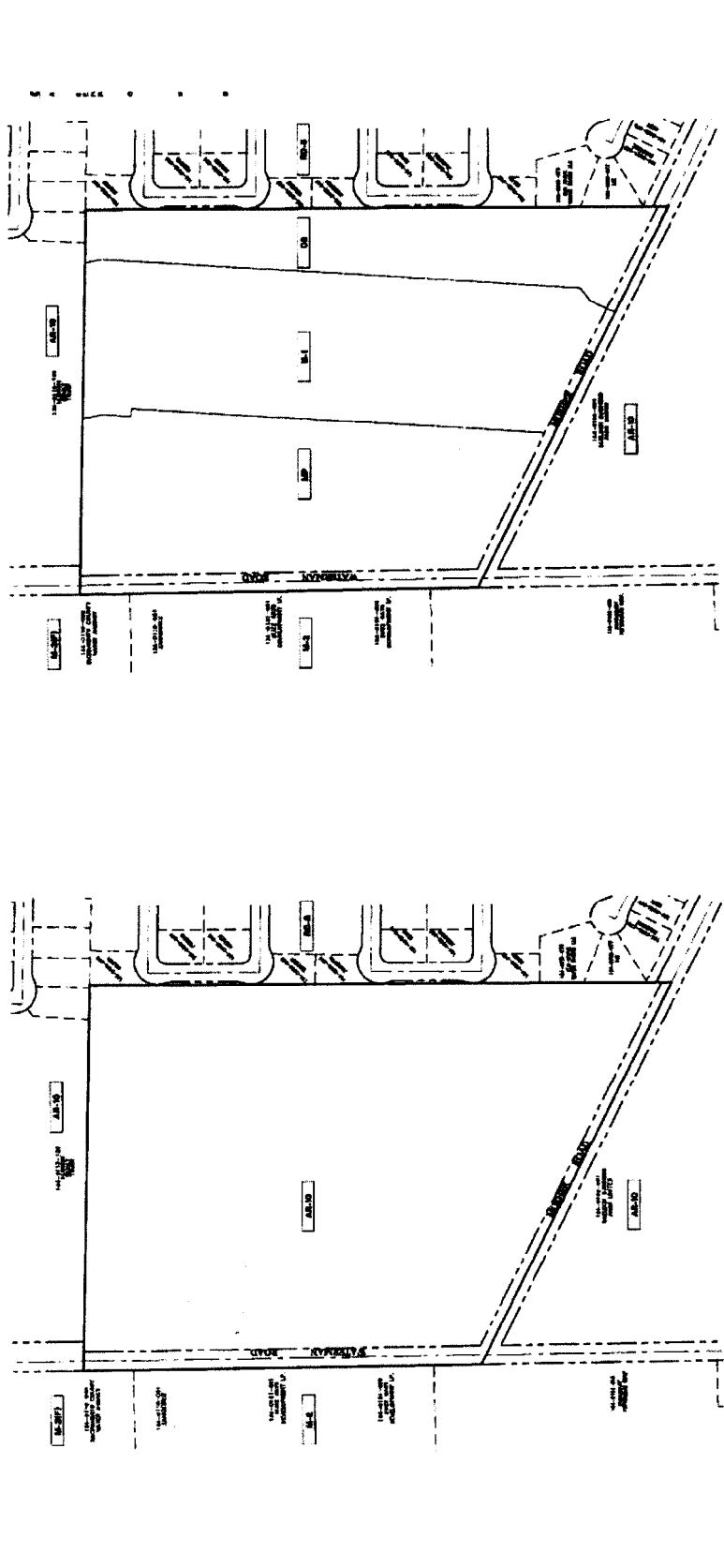
PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN
CITY ATTORNEY

Exhibit A: Rezone Exhibit



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 31-2007**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on September 26, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 10, 2007 by the following vote:

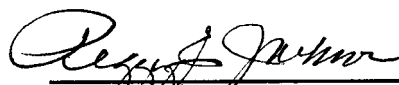
AYES : COUNCILMEMBERS: Cooper, Hume, Davis, Leary, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

A summary of the ordinance was published pursuant to GC 36933(c) (1).

 10/18/07

**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

