

ORDINANCE NO. 36-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FOR A FOUR ACRE PARCEL FROM RESIDENTIAL-FIVE UNITS PER ACRE (RD-5) TO SHOPPING CENTER COMMERCIAL (SC) FOR REYNOLDS AND BROWN PLAZA III, PROJECT NO. EG-06-1051, ASSESSOR PARCEL NUMBER 125-0030-029

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

California Environmental Quality Act (CEQA)

Finding: The Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act (CEQA) and it reflects the independent judgment and analysis of the City.

Evidence: Pursuant to CEQA and the CEQA guidelines, City staff prepared a Draft Environmental Impact Report (EIR) for the project. The EIR analyzed potentially significant impacts and showed impacts in the areas of Visual Resources, Air Quality, Biological Resources, Hazards and Hazardous Materials, Noise, Public Services and Utilities, and Transportation. A Notice of Availability for the Draft EIR was published on February 27, 2008. The Draft EIR was distributed to the State Clearinghouse (SCH No. 2007042125) and to other public agencies and interested parties. A 45-day public review period for the Draft EIR was from February 27, 2008 through April 11, 2008.

Comments from public agencies were received during or subsequent to the public review period. Those comments were addressed in the Final EIR.

In conjunction with the Final EIR, the City has prepared a Mitigation Monitoring and Reporting Program ("MMRP"), as required by CEQA. The MMRP includes: (a) all significant or potentially significant impacts, level of significance without mitigation, proposed mitigation measures and the resulting level of significance. Included with each mitigation measure is a specification for timing/implementation and enforcement/monitoring responsibility.

Rezone

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

Evidence: The proposed rezone implements the General Plan Economic Development Policies, specifically ED-3, which "encourages the full and efficient utilization of vacant and underutilized parcels in appropriately designated areas to support the development

and expansion of targeted industrial and commercial facilities”.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 125-0030-029 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: 36-2008
INTRODUCED: July 23, 2008
ADOPTED: August 27, 2008
EFFECTIVE: September 26, 2007



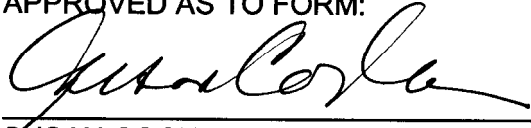
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

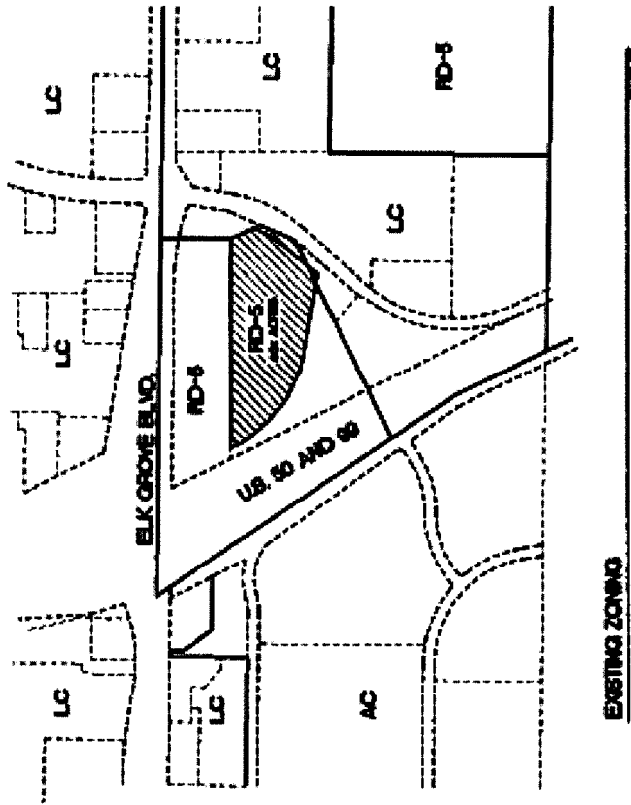
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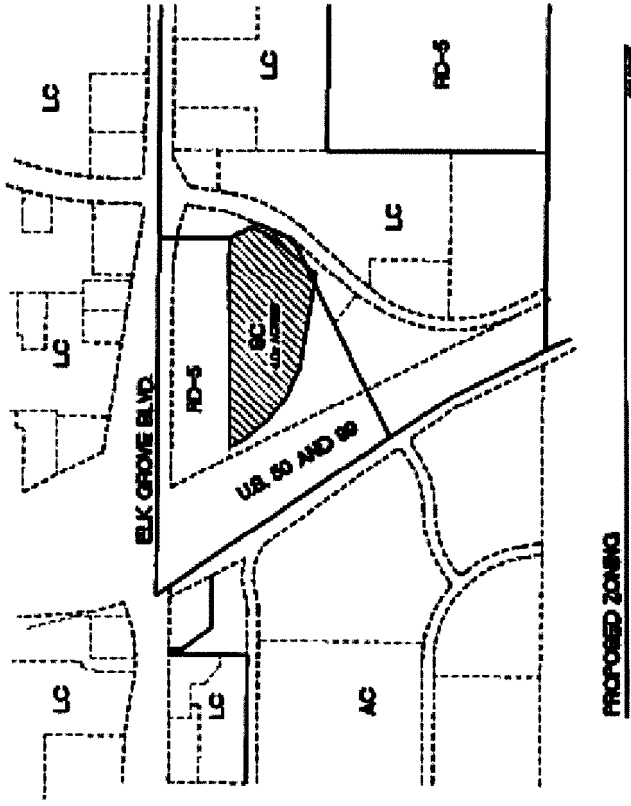
SUSAN COCHRAN, CITY ATTORNEY

Date signed: Sept. 2, 2008

Exhibit A: Rezone Exhibit



EXISTING ZONING



PROPOSED ZONING

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 36-2008

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

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 23 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 27, 2008 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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


Susan J. Blackston, City Clerk
City of Elk Grove, California