

ORDINANCE NO. 34-2011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM LIMITED
COMMERCIAL (LC) TO SHOPPING CENTER (SC)
FOR THE BP ARCO PROJECT NO. EG-08-060
ASSESSOR'S PARCEL NUMBER: 132-0410-040**

WHEREAS, the Planning Department of the City of Elk Grove received an application on September 4, 2008 from MAM Design Build (the "Applicant") requesting a Rezone, Design Review, Variance, and Minor Deviation for the BP Arco Project (the "Project"); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor's Parcel Number (APN)132-0410-040; and

WHEREAS, the proposed rezone is consistent with the General Plan goals, policies, and implementation programs; and

WHEREAS, the proposed rezone of the site to Shopping Center (SC) is consistent with the zoning designation and density range of the General Plan; and

WHEREAS, the proposed zoning implements the General Plan's policies and goals for orderly development that is adequately supported by public infrastructure and services; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resources Code sections 21000-21178 but is exempt; and

WHEREAS, Section 15332 (In-Fill Development Projects) of Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) provides an exemption from CEQA for projects that are categorized as in-fill development; and

WHEREAS, the 0.63 acre site accommodates an existing service station within the City limits surrounded by other commercial uses on a site that has no value as habitat for endangered, rare, or threatened species; and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a Design Review, Parking Reduction Permit, and Minor Deviation for this Project will have a significant effect on the environment beyond what was previously analyzed and disclosed; and

WHEREAS, Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) provides an exemption from CEQA for projects that are consistent with the applicable General Plan and Zoning for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, an EIR was certified by the City Council for the adoption of the City of Elk Grove General Plan (SCH 2002062082) which identified the Project site as Commercial; and

WHEREAS, the Planning Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code Title 23 (Zoning), and all other applicable State and local regulations; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on November 17, 2011 and recommended the City Council approve the Project; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, 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 the attached Exhibit A, incorporated herein by this reference.

Section 2: Enactment of New Zoning.

The City Council hereby amends the City of Elk Grove Zoning Map for APN: 132-0410-040, as shown on attached in Exhibit A, incorporated herein by this reference.

Section 3: 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 4: 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 5: 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 fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) 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: 34-2011
INTRODUCED: December 14, 2011
ADOPTED: January 11, 2012
EFFECTIVE: February 10, 2012



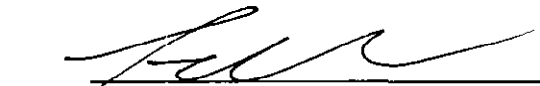
JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK

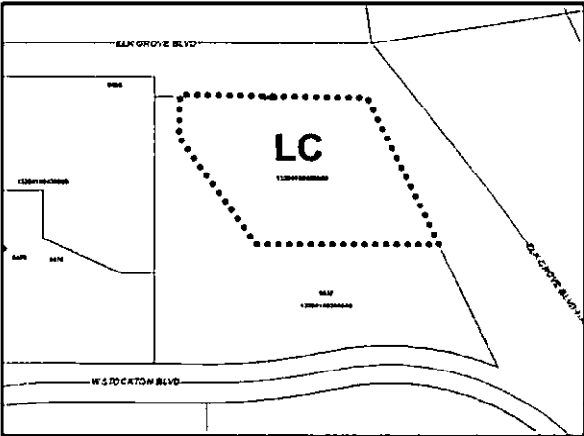


JONATHAN HOBBS,
INTERIM CITY ATTORNEY

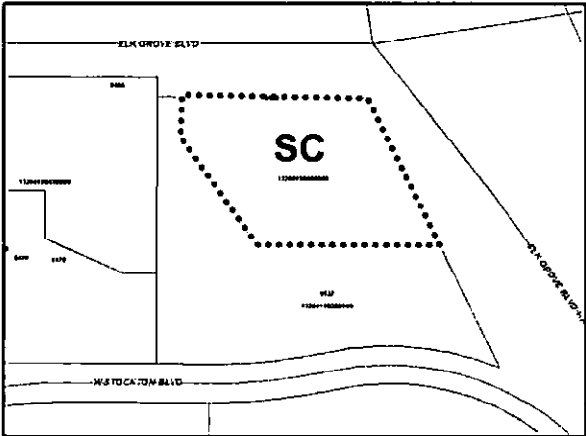
Date signed: January 17, 2012

EXHIBIT A

EXISTING



PROPOSED



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 34-2011**

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

I, Jason Lindgren, 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 December 14, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 11, 2012 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Detrick*

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



**Jason Lindgren, City Clerk
City of Elk Grove, California**