

ORDINANCE NO. 47-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-10 TO SC FOR LAGUNA CREEK COURTYARD PROJECT NO. EG-07-055 ASSESSOR PARCEL NUMBER 116-0011-011-0000

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 from Agricultural Residential – 10 acre minimum (AR-10) to Shopping Center (SC) for APN 116-0011-011, as shown on attached Exhibit A.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed project is exempt from CEQA review pursuant to CEQA Guidelines Sections 15183 (Projects consistent with a General Plan for which an EIR was certified) and 15332 (In-fill development).

Evidence: CEQA Guidelines Section 15183 mandates that projects which are consistent with the density established by General Plan policies for which an EIR was certified shall not require additional environmental review except as needed to analyze project specific environmental issues not addressed in said EIR. As stated in this staff report, the proposed project is consistent with all applicable General Plan policies. The City Council certified an EIR for its General Plan in November, 2003. Staff review of the proposed project concludes that there are no project-specific significant adverse environmental effects which are peculiar to the proposed project or its site that were not analyzed in the previously certified EIR.

CEQA Guidelines Section 15332 exempts from further CEQA review those projects which: are consistent with the General Plan; are within city limits on a site no larger than five acres substantially surrounded by urban uses; are located on a site that has no value as habitat for rare or endangered species; would not result in significant adverse effects related to traffic, noise air quality or water quality; and are located on a site that can be adequately served by all required utilities and public services. The proposed project is located on a 1.4-acre site in an urbanized area substantially surrounded by commercial and residential development. The site was previously developed and does not represent habitat for rare or endangered species. All public utilities and services are available and no significant adverse effects related to traffic, noise air quality or water quality were identified during project review.

Therefore, the proposed project qualifies for these exemptions and no further CEQA review is required.

Zoning Amendment/Rezone

Finding: Pursuant to Section 65358(a) of the Government Code, the proposed rezone is in the public interest. Additionally, Zoning Amendments shall be granted only when the City Council makes the following findings:

The proposed Zoning Amendment is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed project would rezone the parcel from Agricultural Residential (10 acre minimum) zone to Shopping Center (SC) zone, consistent with the General Plan designation Commercial/Office/Multi-Family. It is in the public interest to bring the existing zoning of this project site into compliance with the policies and goals of the General Plan's land use designation. Therefore, this rezone is consistent with General Plan goals, policies, and implementation programs.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 116-0011-011-0000, 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.

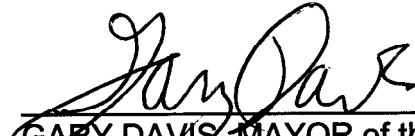
Section 5: Severability.

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 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).

ORDINANCE: 47-2008
INTRODUCED: September 10, 2008
ADOPTED: October 8, 2008
EFFECTIVE: November 7, 2008



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

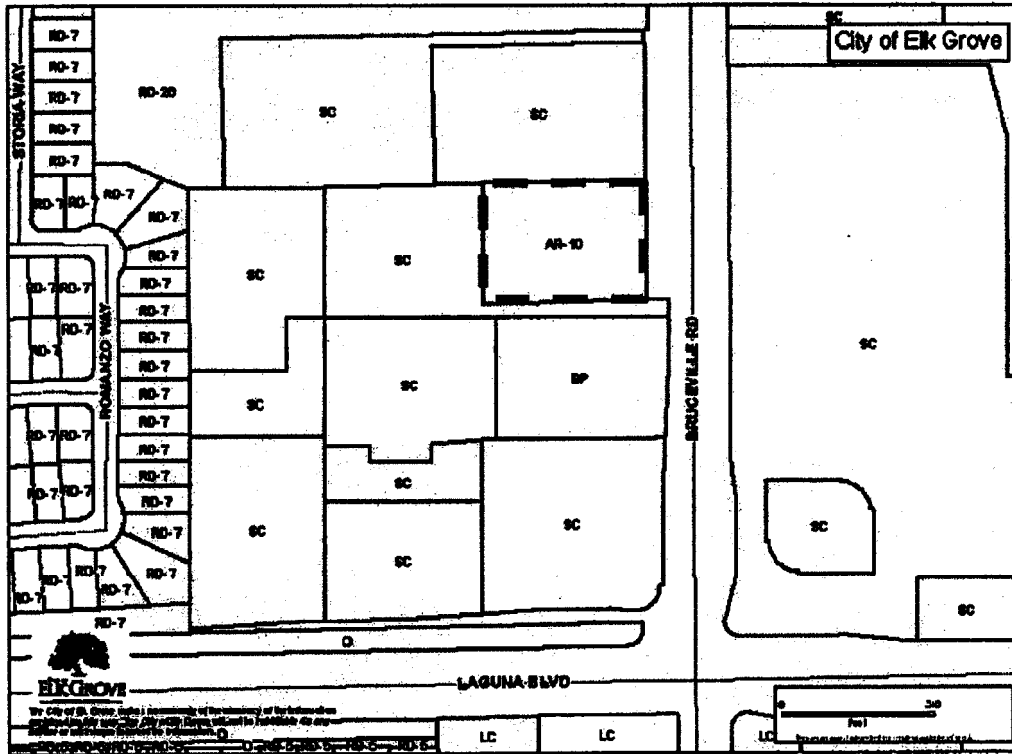
APPROVED AS TO FORM:



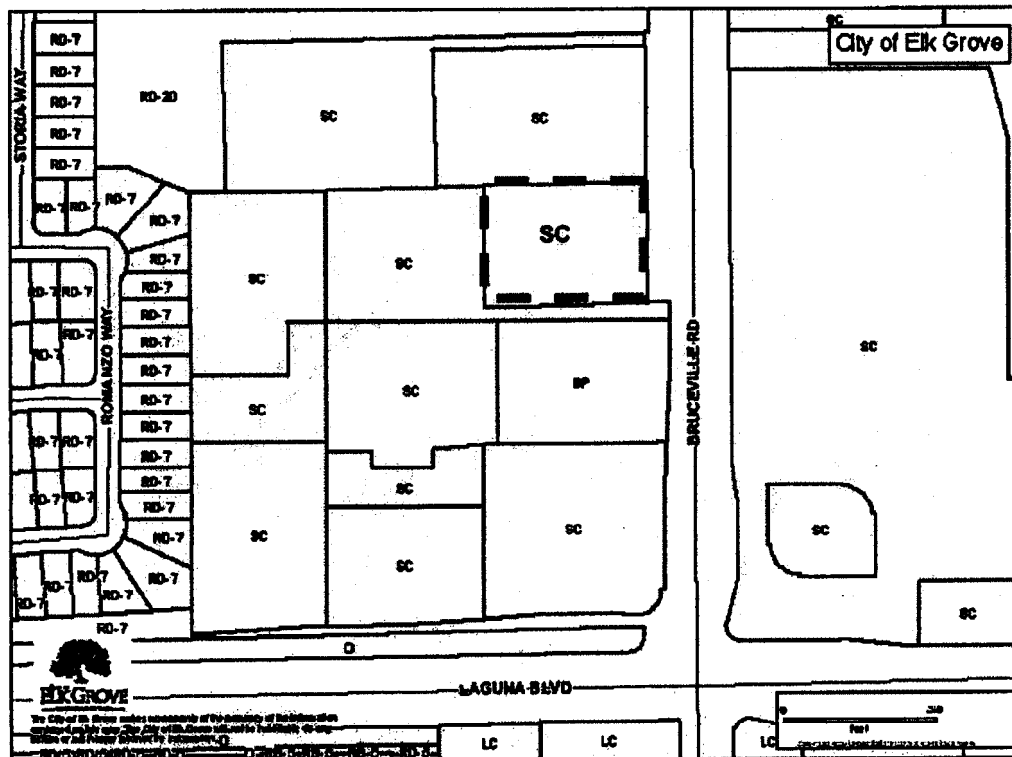
SUSAN COCHRAN, CITY ATTORNEY

Date signed: October 10, 2008

Existing Zoning



Proposed Zoning



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 47-2008**

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 September 10, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 8, 2008 by the following vote:


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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Scherman*

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


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