

ORDINANCE NO. 4-2008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AR-5(MF) TO SC(MF)
BOND WATERMAN RETAIL PROJECT NO. EG-07-049**

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 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 October 5, 2007 and November 5, 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. A condition of approval has been imposed on the project that requires conformance with the MMRP. The City of Elk Grove, Development Services Planning Department, located 8401 Laguna Palms Way, Elk Grove, California 95758 is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.

Rezone

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

Evidence: The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APNs: 127-0010-082 and 127-0010-095 in 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).

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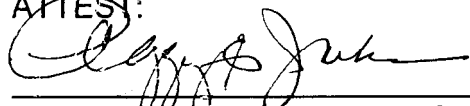
INTRODUCED: February 13, 2008

ADOPTED: February 27, 2008

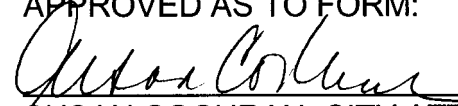
EFFECTIVE: March 28, 2008



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


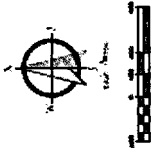
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

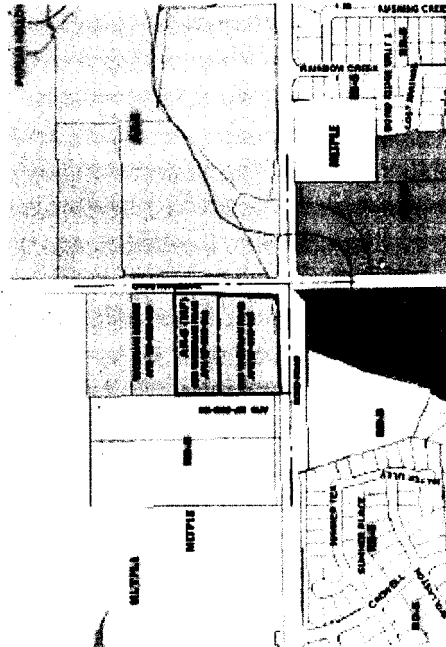
Date signed: March 3, 2008

EXHIBIT A

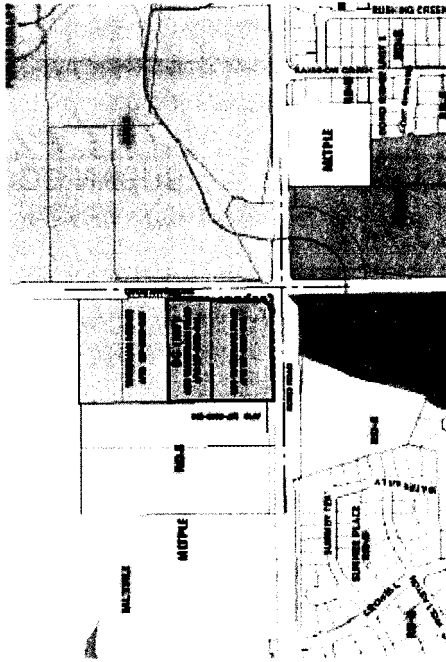


REZONE EXHIBIT
BOND/WATERMAN N.W.C. (9170 & 9180 Waterman Rd.)
 CITY OF ELK GROVE COUNTY OF SACRAMENTO CALIFORNIA
TAYLOR PROPERTIES DEVELOPMENT CO.

EXISTING ZONING AR-5 (MF)



PROPOSED ZONING SC (MF)



APPLICANT

Taylor Properties Development Co.
 1732 Tilden Rd, #278
 Sacramento, CA 95833
 (916) 423-4200

ENGINEER

TSD Engineering, Inc.
 31 Myers Blvd
 Folsom, CA 95630
 (916) 864-0101

DEVELOPER

Taylor Properties Development Co.
 1732 Tilden Rd, #278
 Sacramento, CA 95833
 (916) 423-4200

Acres

4.27 Acres
 472 Net Acre

JANUARY 02, 2008



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 4-2008**

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, published and posted in compliance with State law, was duly introduced on February 13 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 27, 2008 by the following vote:

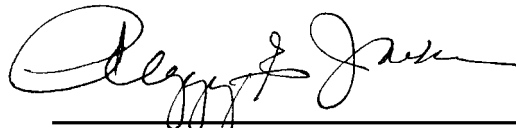
AYES : **COUNCILMEMBERS:** *Davis, Hume, Leary, Scherman, Cooper*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



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

