

ORDINANCE NO. 5-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-5 TO SC FOR THE ELK GROVE CHURCH OF CHRIST PROJECT NO. EG-07-083 APN: 116-0030-003

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 AR-5 to SC for APN 116-030-003, as shown on attached Exhibit A.

Section 2: Findings

CEQA

Finding: The proposed project is categorically exempt from CEQA review pursuant to CEQA Guidelines Section 15332, Class 32, Infill Development, and Section 15183, projects which are consistent with a General Plan for which an EIR was prepared.

Evidence: This project qualifies for an exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, class 32, Infill Development. This exemption applies to projects that are consistent with a General Plan, are located in an urbanized area on a site no larger than five acres, where the site has no value as habitat for special status species, where all services are available and where no significant effects related to traffic, noise, air quality or water quality would occur. The proposed project is consistent with the General Plan. It is proposed on an already developed 1.56 acre parcel which has no value as habitat for endangered, rare or threatened species, all services are available, and its approval will not result in significant effects related to traffic, noise, air quality or water quality. The rezone portion of the proposed project is also exempt from CEQA pursuant to CEQA Guidelines Section 15183, which exempts projects which are consistent with a General Plan for which an EIR was prepared. The commercial designation of the project site was addressed and analyzed in the City of Elk Grove General Plan EIR (SCH# 2002062082). The rezone is an action that will make the zoning designation of the site consistent with its General Plan designation. Therefore, no further environmental review is required.

Zoning Amendment

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

Evidence: The proposed rezone to Shopping Center Commercial (SC) will bring the zoning for the project site into compliance with the General Plan land use designation of commercial. The SC zoning is listed as a consistent zoning district for the commercial land use category under General Plan land use policy LU-3.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 116-0030-003 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).

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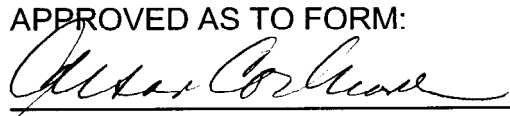
INTRODUCED: February 13, 2008
ADOPTED: February 27, 2008
EFFECTIVE: March 28, 2008



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

<p>Map showing existing zoning designations: SC, AR-5, and LAUFFER. Major roads include STOCKTON BLVD, HWY 99 NB, HWY 99 SB, W STOCKTON BLVD, E STOCKTON BLVD, and HWY 99 NB E STOCKTON BLVD OFF.</p>	<p>Existing Zoning</p>
<p>Map showing proposed zoning designations: SC. Major roads include STOCKTON BLVD, HWY 99 NB, HWY 99 SB, W STOCKTON BLVD, E STOCKTON BLVD, and HWY 99 NB E STOCKTON BLVD OFF.</p>	<p>Proposed Zoning</p>

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 5-2008

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:

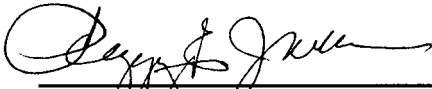
AYES : **COUNCILMEMBERS:** *Davis, Hume, Leary, Scherman, Cooper*

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

