

**ORDINANCE NO. 30-2005**

**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  
CALVINE POINTE PROJECT NO. EG-01-156**

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.

Section 2: Findings

CEQA – EIR Certification

Finding: The City of Elk Grove certifies that:

- a. The Calvine Pointe Final EIR has been completed in accordance with CEQA.
- b. The Final EIR was presented to the Planning Commission of the City of Elk Grove and that body has reviewed and considered the information contained in the Final EIR prior to approving the project.
- c. The Final EIR reflects the independent judgment and analysis of the City of Elk Grove, the lead agency for the Calvine Pointe project.

Evidence: As described in this staff report, the Calvine Pointe EIR, which is comprised of the Draft EIR, Volume 2, and Errata, was prepared and made available in accordance with CEQA. The Final EIR and its components were reviewed and considered by the Planning Commission of the City of Elk Grove prior to any approval of the project. The Final EIR and its components have been prepared by City staff, with technical information provided the applicant and reviewed by City staff, and reflect the independent judgment and analysis of the City.

CEQA – Project Approval

Finding: Please refer to the *Findings of Fact and Statement of Overriding Considerations for the Calvine Pointe EIR*.

Evidence: Please refer to the *Findings of Fact and Statement of Overriding Considerations for the Calvine Pointe EIR*.

## General Plan

**Finding:** The project is consistent with the goals and policies of the Elk Grove General Plan.

**Evidence:** The General Plan identifies the site within an area designated as Low Density Residential, which is proposed to be amended to the Commercial land use designation by the City Council as the decision making body. Upon approval of the proposed amendment, the project is consistent with the goals and policies of the General Plan for commercial development within the City of Elk Grove.

## Rezone

**Finding:** The proposed rezone is consistent with the General Plan commercial land use designation.

**Evidence:** The City Council has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density and intensity of uses for commercial purposes in the Elk Grove General Plan and General Plan Land Use Map, as proposed for approval by the City Council. The proposed amendment 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 APN 115-0180-003, 009, 010, 011, 021 & 022 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).


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of August 2005.

  
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DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
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PEGGY E. JACKSON,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

Effective Date: September 24, 2005

Ayes: Scherman, Soares, Briggs, Cooper  
Noes: None  
Abstain: None  
Absent: Leary