

**ORDINANCE NO. 28-2006**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE ELK GROVE ZONING MAP FOR THE CITY INITIATED  
COMMERCIAL REZONES PROJECT**

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 follows:

<b>Assessor's Parcel Number</b>	<b>Current Zoning Designation</b>	<b>New Zoning Designation</b>
119-1970-013	TC	GC
119-1920-021	TC	GC
132-0460-084	TC	GC
132-0460-086	TC	GC
132-0460-087	TC	GC
132-0460-088	TC	GC
132-0460-099	TC	GC
132-0460-100	TC	GC
132-0460-101	TC	GC
119-0120-134	LC	GC
115-0180-040	LC	GC
115-0180-041	LC	GC
119-0143-047	LC	SC
119-0143-048	LC	SC
116-1380-001	LC	SC
116-0041-012	LC	SC
127-0010-073	LC	SC
127-0010-074	LC	SC
127-0010-078	LC	SC
125-0083-024	LC	SC
134-0670-001	LC	SC
134-0670-002	LC	SC
134-0670-003	LC	SC
134-0670-004	LC	SC
134-0670-018	LC	SC
134-0670-024	LC	SC

Rezone of parcels 132-0460-084, 132-0460-086, 132-0460-087, 132-0460-088, 132-0460-099, 132-0460-100, 132-0460-101 shall be in compliance with the following conditions:

- The existing CUP, including the restrictions limiting alcohol sales to beer and wine, will remain intact.
- The applicant may seek a new CUP seeking expanded alcohol sales beyond beer and wine to include spirits or other alcoholic beverages. The issuance of a CUP for such use shall be discretionary for the City.
- The applicant will continue the appeal hearing on the CUP amendment until after the City Council considers the conditional rezone. If the City Council approves the conditional rezone, as recommended by the Planning Commission, the applicant will withdraw the appeal.

## SECTION 2: Findings

### CEQA

1. Finding: The project will not have a significant adverse impact on the environment and a Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project. No significant environmental impacts are expected to occur as a result of this project. On the basis of the Negative Declaration, comments received, and the entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment. The City received a written comment letter within the 30 day public review period and responded to that comment in the project staff report. However, they do not alter the conclusions in the Initial Study and Negative Declaration.

### Elk Grove General Plan

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

Evidence: As discussed above, this project will amend the City's zoning map to change the commercial zoning designation on 26 individual parcels. The commercial rezones will let the parcels more closely align with the appropriate zoning designations and the General Plan land use designations.

## Rezone

3. Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The proposal is consistent with the Elk Grove General Plan and General Plan Land Use Map.

### Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for the parcels listed above 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.

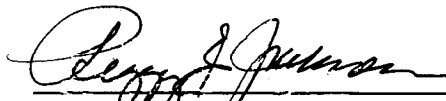
### Section 6: Effective Date and Publication

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 28<sup>th</sup> day of June 2006.

  
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RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

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

EFFECTIVE DATE:            JULY 28, 2006

AYES:	SOARES, SCHERMAN, BRIGGS, COOPER, LEARY
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE