

ORDINANCE NO. 4-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FOR THE SHOPS AT CALVINE PROJECT NO. EG-08-018, ASSESSOR PARCEL NUMBER 121-0190-009

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 GC as shown in Exhibit A, attached hereto and incorporated by reference.

Section 2: Findings

California Environmental Quality Act (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: An Initial Study with a Mitigated Negative Declaration evaluating the potential environmental effects of the project was prepared for the proposed project. Potentially significant adverse effects related to biological resources were identified in the Initial Study. Mitigation Measures have been imposed on the project and the Applicant has agreed to implement proposed Mitigation Measures that reduce the impacts to a less than significant level. 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 distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on December 3, 2008. It was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on December 3, 2008 and closed on January 2, 2009. The Mitigated Negative Declaration was made available to the public during this review period.

General Plan

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

Evidence: With the approval of the General Plan 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 goals, policies, and implementation programs.

Evidence: The Rezone is consistent with the proposed General Plan Amendment which changes the land use designation to Commercial. The conversion of the site to allow commercial will promote a variety of retail uses to occupy the site. The proposed project is consistent with Economic Element of the General Plan Policies, which encourage full and efficient use of vacant and underutilized parcels.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APNs: 121-0190-009 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: 4-2009
INTRODUCED: February 25, 2009
ADOPTED: March 11, 2009
EFFECTIVE: April 10, 2009



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

Date signed: March 24, 2009

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 4-2009**

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 February 25, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 11, 2009 by the following vote:

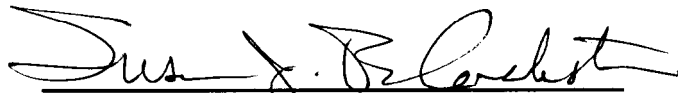
AYES : **COUNCILMEMBERS:** *Hume, Scherman, Cooper, Detrick*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Davis*

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


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