

## ORDINANCE NO. 40-2008

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FOR A 1.12 ACRE PARCEL FROM TRAVEL COMMERCIAL (TC) TO GENERAL COMMERCIAL (GC) FOR LONGPORT COURT REZONE PROJECT NO. EG-08-038 ASSESSOR PARCEL NUMBER: 119-1990-007

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

##### **California Environmental Quality Act (CEQA)**

Finding: The subject project is exempt from the California Environmental Quality Act (CEQA).

Evidence: The proposed project is consistent with the General Plan designation and policies, as well as with zoning designations and regulations. The project parcel has an existing commercial building on 1.12 acres and is surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Staff reviewed the proposed project and did not find any evidence that there is a reasonable probability that the project will have a significant adverse effect on the environment.

##### **General Plan**

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

Evidence: The proposed rezone is consistent with the commercial land use designation in the General Plan. The proposed zoning complies with the description provided within the General Plan for commercial land use designation.

##### **Rezone**

Findings: Pursuant to section 653358 (a) of the Government Code, the proposed rezone is in the public interest. Additionally, rezones shall be granted only when the City Council makes the following findings:

- a. The proposed rezone is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed rezone from TC (Travel Commercial) to GC (General Commercial) is consistent with the description provided in Land Use Policy LU-2 and

LU-3. The rezone complies with the goals and policies of the General Plan.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 119-1990-007 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.

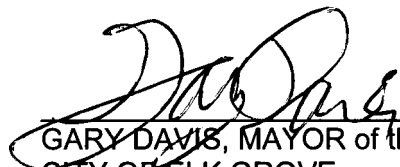
Section 5: Severability.

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:** 40-2008  
**INTRODUCED:** August 27, 2008  
**ADOPTED:** September 10, 2008  
**EFFECTIVE:** October 10, 2008

  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:

  
SUSAN COCHRAN, CITY ATTORNEY

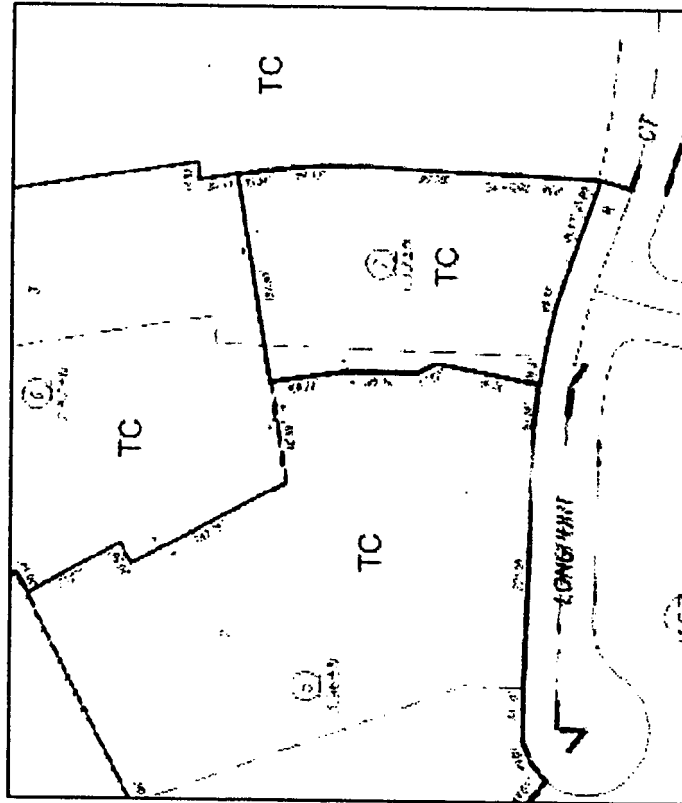
Date signed: Sept. 17, 2008

EXHIBIT A

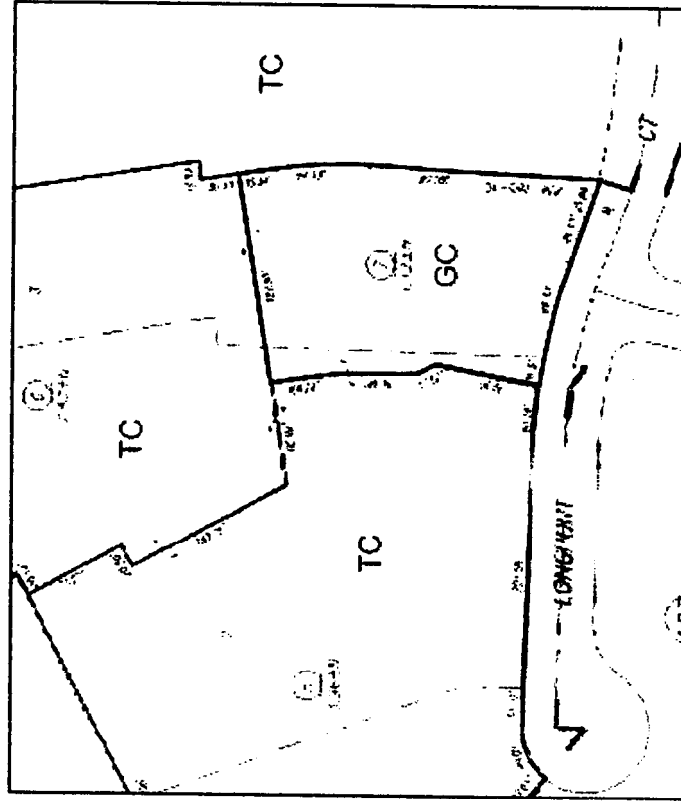
REZONE EXHIBIT

2301 LONGPORT CT

(APN: 119-1990-007)



Existing Zoning



Proposed Zoning



**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 40-2008**

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 August 27, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 10, 2008 by the following vote:*

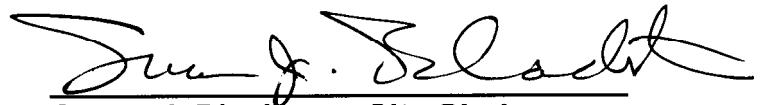
**AYES :**        **COUNCILMEMBERS:**     *Davis, Hume, Scherman, Leary, Cooper*

**NOES:**        **COUNCILMEMBERS:**     *None*

**ABSTAIN:**    **COUNCILMEMBERS:**     *None*

**ABSENT:**     **COUNCILMEMBERS:**     *None*

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



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