

**ORDINANCE NO. 11-2015**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM BP TO SC  
FOR THE 99 CENTS ONLY STORE PROJECT (EG-14-018)  
ASSESSOR PARCEL NUMBER 121-0140-013**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on June 11, 2014 from PM Design Group, Inc. (the "Applicant") requesting a General Plan Amendment, Rezone, and Design Review (the "Project"); and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN: 121-0140-013; and

**WHEREAS**, the Planning Department considered the Project request pursuant to the General Plan, Title 23 of the Elk Grove Municipal Code (Zoning Code), City's Design Guidelines, and all other applicable State and local regulations; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on February 5, 2015, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting, and voted 4-0 to recommend denial of the Project to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on March 25, 2015, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting; and

**WHEREAS**, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §21000-21189.3; and

**WHEREAS**, on March 25, 2015, the City Council adopted Resolution No. 2015-057, adopting a Mitigated Negative Declaration (MND) for the Project; and

**WHEREAS**, on March 25, 2015, the City Council adopted Resolution No. 2015-058 declaring the City Council's intent to adopt a General Plan Amendment; Rezone, and approve a Design Review for the Project.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City Council of the City of Elk Grove does hereby 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 the attached Exhibit A, incorporated herein by this reference.

## Section 2: Enactment of New Zoning

The City Council hereby amends the City of Elk Grove Zoning Map for APN: 121-0140-013 as shown on attached Exhibit A, incorporated herein by this reference, based upon the following finding:

### **Rezoning**

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

Evidence: The proposed rezone of the site to Shopping Center (SC) is consistent with the zoning designation of the property to the north and would implement the General Plan land use designation proposed concurrently as part of the General Plan Amendment. The Project implements the General Plan's policies and goals for orderly development that is supported by public infrastructure and services. The proposed rezoning meets all applicable development standards established in Elk Grove Municipal Code Title 23 Zoning.

## Section 3: 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 4: 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 5: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

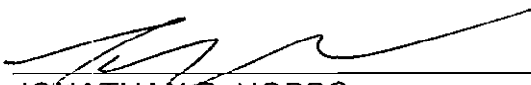
Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) 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:** 11-2015  
**INTRODUCED:** June 24, 2015  
**ADOPTED:** July 8, 2015  
**EFFECTIVE:** August 7, 2015

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: July 17, 2015

Exhibit A: Rezone Exhibit




**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 11-2015**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )        ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, 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 June 24, 2015 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 8, 2015 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**        Davis, Hume, Ly  
**NOES:**        **COUNCILMEMBERS:**        None  
**ABSTAIN:**   **COUNCILMEMBERS:**        None  
**ABSENT:**     **COUNCILMEMBERS:**        Detrick, Suen

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

  
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Jason Lindgren, City Clerk  
City of Elk Grove, California