

ORDINANCE NO. 10-2002

AN ORDINANCE OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-80 TO AC ON A PORTION OF ASSESSOR PARCEL NUMBER 132-0280-011 ELK GROVE AUTO MALL PHASE II EG-01-143

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 to assign revised zoning to the parcel shown on attached Exhibit A.

Section 2: Findings

1. **Finding:** The proposal will not have a significant adverse impact on the environment and a Mitigated 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 and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

The Planning Commission eliminated a mitigation measure from the Mitigated Negative Declaration. In accordance with section 15074.1 of the CEQA Guidelines, a lead agency may conclude that certain mitigation measures are not necessary and may be deleted if other mitigation measures may be substituted that are equivalent or more effective. Mitigation Measure 8 from the Mitigated Negative Declaration was eliminated, however Mitigation Measures 9 and 10 will ensure that impacts to native and heritage trees are less than significant and the Mitigated Negative Declaration is appropriate for this project.

2. **Finding:** The proposed Rezone implements and is consistent with the General Plan and does not create problems detrimental to the public health, safety and general welfare of the residents of Elk Grove.

Evidence: The City reviewed the proposed amendment to the Zoning Map and received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the General Plan. Also, the proposed amendment is consistent with the Plan's objectives of orderly and systematic development. The Zone Amendment will not go into effect unless and until the City Council approves the corresponding General Plan Amendment.

Section 3: Action

The City Council hereby amends the Zoning Map of the City of Elk Grove for Assessor's Parcel Number 132-0280-011 as shown on Exhibit A, subject to approval of the General Plan Amendment for this project and 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 1st day of May 2002.



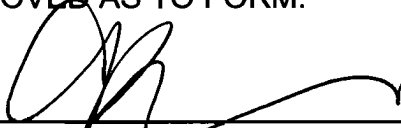
MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

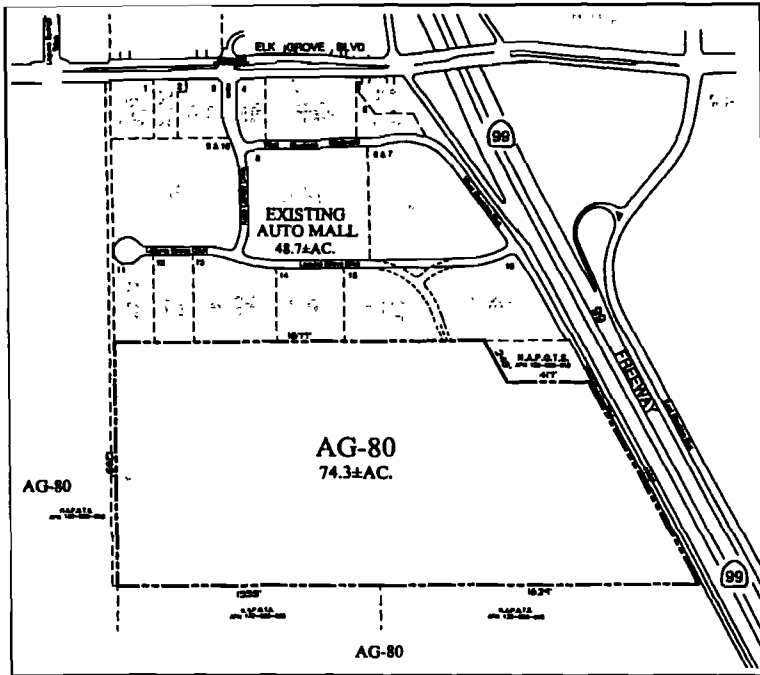
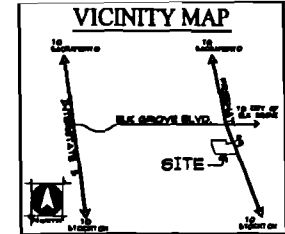
AYES: Leary, Scherman, Cooper,
Soares, Briggs
NOES: None
ABSTAIN: None
ABSENT: None

Effective Date: May 31, 2002

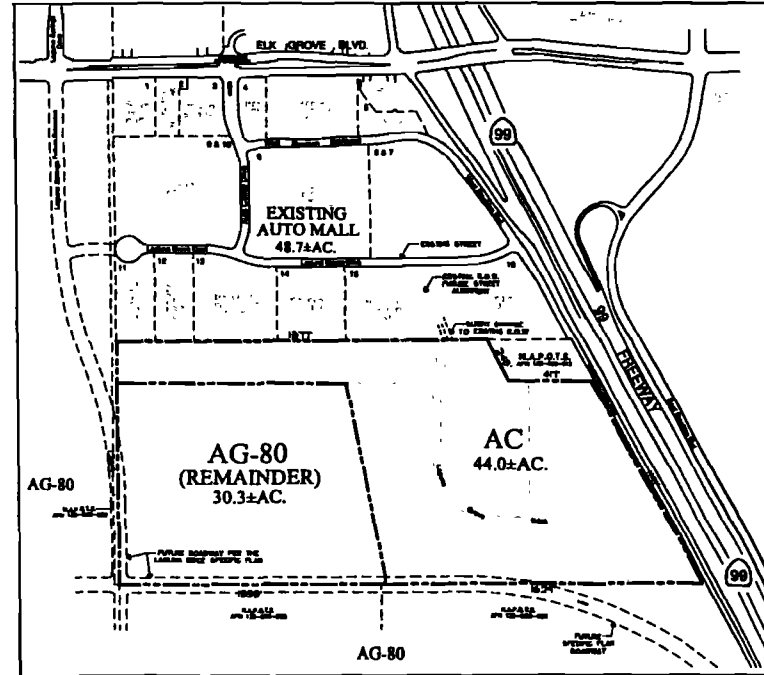
REZONE EXHIBIT ELK GROVE AUTO MALL EXPANSION(PHASE II)

CITY OF ELK GROVE, CALIFORNIA
FEBRUARY 20, 2002

REZONE SUMMARY TABLE			
DESIGNATION	LAND USE	EXISTING ZONE	PROPOSED ZONE
AG-80	AGRICULTURE-80 ACRES	74.3±AC.	30.3±AC.
AC	AUTO COMMERCIAL	0.0±AC.	44.0±AC.
		74.3±AC.	74.3±AC.



EXISTING ZONE



PROPOSED ZONE

