

ORDINANCE NO. 11-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE LAGUNA GATEWAY PHASES 3 & 4 (EG-15-044) SPECIAL PLANNING AREA AMENDMENT AND REZONE (PROJECT) EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15162 AND APPROVING THE SPECIAL PLANNING AREA AMENDMENT AND REZONE FOR THE PROJECT

WHEREAS, on May 19, 1999, the Sacramento County Board of Supervisors approved the Laguna Gateway Special Planning Area Land Use Plan (LG-SPA) (Ordinance SZC-99-0036), encompassing approximately 155 acres on the north and south sides of Laguna Boulevard, east of Big Horn Boulevard, and west of Highway 99; and

WHEREAS, on July 1, 2000, the City of Elk Grove incorporated; and

WHEREAS, the LG-SPA has been identified as too restrictive with an outdated approach to architectural design and, therefore, approximately 6.5 acres of the subject site located within the Laguna Gateway Special Planning Area Land Use Plan shall be removed from the Special Planning Area; and

WHEREAS, the proposed Rezone of approximately 11.5 acres to Shopping Center (SC) is consistent with the General Plan land use designation of Commercial/Office/Multifamily (C/O/MF); and

WHEREAS, future development within these subject parcels will be subject to the policies and standards within the Zoning Code and Citywide Design Guidelines; and

WHEREAS, the City determined that the Project is subject to the California Environmental Quality Act (CEQA); and

WHEREAS, State CEQA Guidelines Section 15162 identifies that no subsequent environmental impact report shall be prepared unless substantial changes have occurred that would require revisions to the EIR; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on February 16, 2017, as required by law to consider all of the information presented by staff, property owners, and public testimony presented at the meeting.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to remove approximately 6.5 acres from the Laguna Gateway Special Planning Area Land Use Plan (LG-SPA) and to rezone approximately 11.5 acres of the subject site to Shopping Center (SC) on a vacant site located at 8228 Dunisch Road, 9130 and 9140 West Stockton Boulevard (APN: 116-0050-010, -011, -027, -030, -031 and -034), consistent with the General Plan land use designation of Commercial/Office/Multifamily (C/O/MF).

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).

Evidence: The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Project is a project under CEQA.

The Project site is designated as Commercial/Office/Multi-family (C/O/MF) as shown on the General Plan Land Use map. Policy LU-3 identifies those zoning districts that are consistent with the land use designation. In the case of the C/O/MF land use designation, Shopping Center (SC) is considered a consistent zoning designation. Therefore, at the time the General Plan Environmental Impact Report (EIR) (SCH 2002062082), was drafted the Project site was analyzed to included uses such as shopping center consistent with this rezone, which contemplated potential impacts of the SC zone and commercial uses associated with it, such as traffic.

Pursuant to the CEQA Guidelines, Section 15162 states when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence that substantial changes have occurred that would require revisions to the previous EIR. No new significant changes have occurred that would require the preparation of an additional environmental document. Therefore, the Project would not result in any significant effect on the environment.

Special Planning Area Amendment

Finding: The proposed Special Planning Area Amendment is consistent with the goals, policies, and objectives of the General Plan.

Evidence: As shown in Exhibit A, the Amendment would 1) change the Special Planning Area land use designation for approximately 3.5 acres from Office Park (SPA MP/BP) to Shopping Center and change approximately 2.5 acres from Retail West/Shopping Center (SPA RW/SC) to Shopping Center. The General Plan land use designation for the site is Commercial/Office/Multi-family. Land Use Policy-3 (LU-3) states that Shopping Center is a consistent zone within the Commercial/Office/Multi-family land use designation. Thus, future development of the Project site for commercial use will remain consistent with the General Plan.

Rezone

Finding: The proposed Zoning Map Amendment is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Applicant proposes to rezone the entire 11.5 acres of the subject site to Shopping Center (SC) to be a consistent zone throughout the site. SC is consistent with the General Plan land use designation of Commercial/Office/Multifamily (C/O/MF) as illustrated in the table of zoning districts as part of Land Use Policy-3 of the adopted General Plan.

Section 3: Action

The City Council hereby approves the Special Planning Area Amendment and Rezone of property Shopping Center (SC), which is consistent with the General Plan land use designation of Commercial/Office/Multifamily (C/O/MF), as shown on Exhibit B.

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: 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 7: 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: 11-2017
INTRODUCED: April 12, 2017
ADOPTED: April 26, 2017
EFFECTIVE: May 26, 2017




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: May 2, 2017

EXHIBIT A

OWNER & APPLICANT:
 PAPPAS GATEWAY LP &
 CORDOVA 83 PROPERTIES, LLC 2020 L
 STREET, 5TH FLOOR
 SACRAMENTO, CA 95814
 CONTACT: THAD JOHNSON
 (916) 447-7100

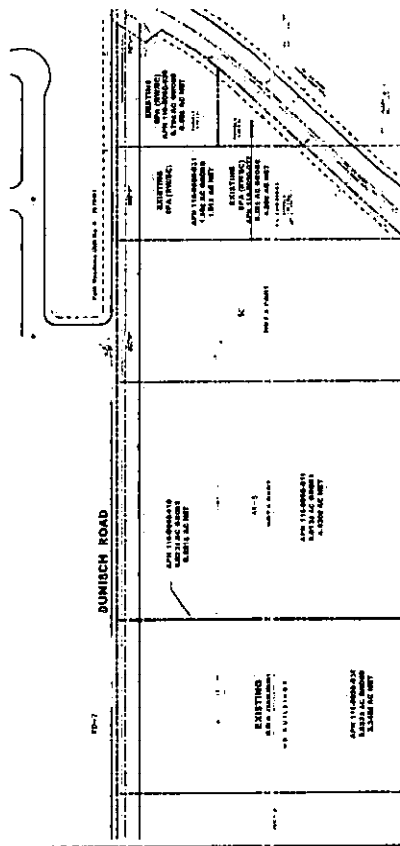
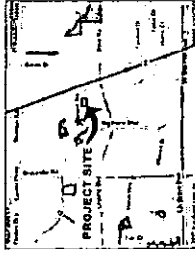
ASSessor's PARCEL NUMBERS
 116-0050-010, 011, 027, 030, 031
 and 034

ENGINEER
 RSC ENGINEERING, INC.
 2250 DOUGLAS BLVD., SUITE 150
 ROSEVILLE, CA 95661
 CONTACT: TIFFANY WILSON
 (916) 786-2894

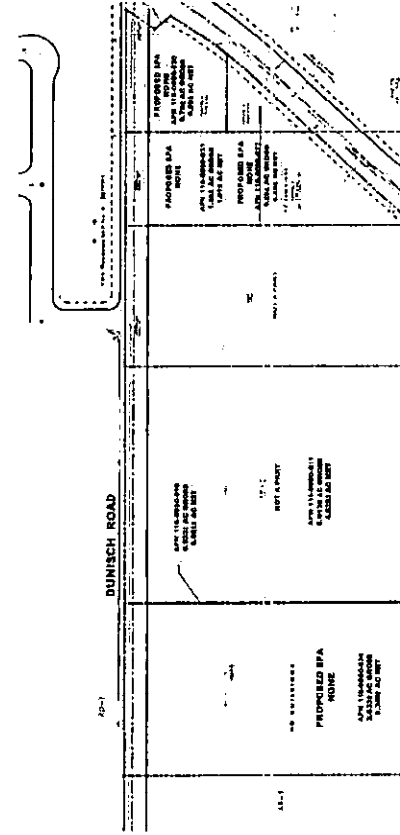
EXISTING USE & ZONE
 VACANT & SPA (MP/3P),
 SPAN (HW/SC) and 4R-5
PROPOSED USE & ZONE
 RETAIL, SC

GROSS ACREAGE:
 116-0050-010 0.02± ACRES
 116-0050-034 3.83± ACRES
 116-0050-027 0.25± ACRES
 116-0050-030 0.78± ACRES
 116-0050-031 1.66± ACRES
TOTAL 6.34± ACRES

NET ACREAGE:
 116-0050-010 0.02± ACRES
 116-0050-034 3.35± ACRES
 116-0050-027 0.25± ACRES
 116-0050-030 0.59± ACRES
 116-0050-031 1.51± ACRES
TOTAL 5.72± ACRES



EXISTING SPA



PROPOSED SPA

PAPPAS INVESTMENTS

DATE	DESCRIPTION



SCALE: 1" = 100' ±
 RECORD BY: TSC/ELW
 CHECKED BY: TSC/ELW
 DATE: 08/20/15

SPA EXHIBIT
 LAGUNA GATEWAY PHASE 4
 8228 & 8242 DUNISCH ROAD
 ELK GROVE, CA

SHEET TITLE
SPA

SHEET NO.
1
 OF 1

DATE: AUGUST 26, 2015

EXHIBIT B

OWNER & APPLICANT:
 PAPPAS GATEWAY, LP &
 CORDOVA B3 PROPERTIES, LLC 2020 L
 STREET, 5TH FLOOR
 SACRAMENTO, CA 95814
 CONTACT: THAD JOHNSON
 (916) 447-7100

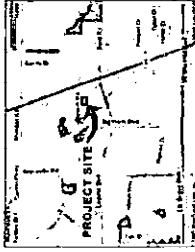
ASSESSOR'S PARCEL NUMBERS
 116-0050-010, 011, 027, 030, 031
 and 034

ENGINEER
 RSC ENGINEERING, INC., SUITE 150
 2250 DOUGLAS BLVD.,
 ROSEVILLE, CA 95661
 CONTACT: TIFFANY WILSON
 (916) 788-2884

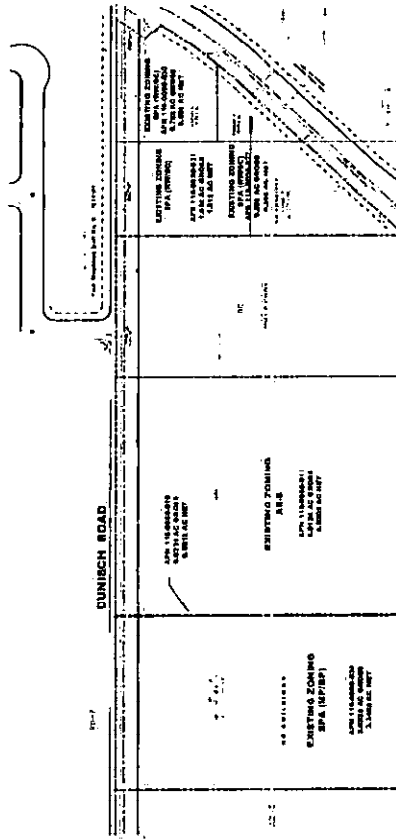
EXISTING USE & ZONE
 VACANT & SPA (MP/BF),
 SPAN (RH/SC) and AR-5
PROPOSED USE & ZONE
 RETAIL, SC

GROSS ACREAGE
 116-0050-010 0.02± ACRES
 116-0050-011 5.01± ACRES
 116-0050-034 3.63± ACRES
 116-0050-027 0.25± ACRES
 116-0050-030 0.78± ACRES
 116-0050-031 1.68± ACRES
TOTAL 11.35± ACRES

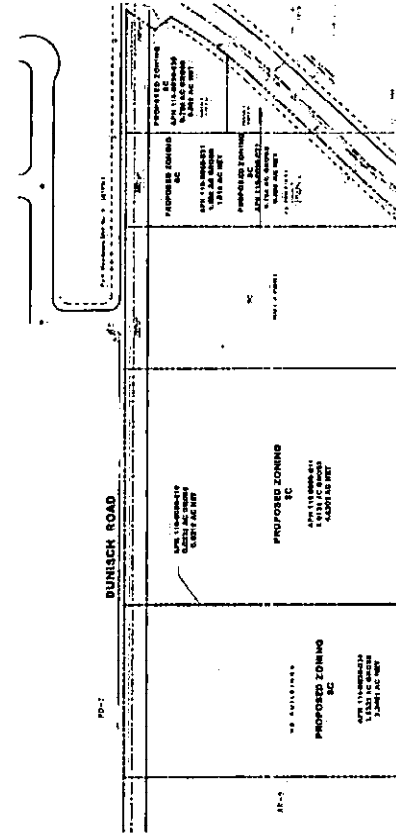
NET ACREAGE
 116-0050-010 0.02± ACRES
 116-0050-011 4.62± ACRES
 116-0050-034 3.45± ACRES
 116-0050-027 0.25± ACRES
 116-0050-030 0.59± ACRES
 116-0050-031 1.51± ACRES
TOTAL 10.34± ACRES



VICINITY MAP
 NOT SCALE



EXISTING ZONING



PROPOSED ZONING

RECEIVED
 OCT 18 2015
 CITY OF ELK GROVE
 PLANNING

PAPPAS INVESTMENTS

NO.	DATE	DESCRIPTION
1	10/13/15	1



SCALE: AS SHOWN
 DRAWN BY: TFW
 CHECKED BY: RSC
 DESIGNED BY: RSC

REZONE EXHIBIT
 LAGUNA GATEWAY PHASE 4
 8220 & 8242 DUNISCH ROAD
 ELK GROVE, CA

SHEET TITLE
RZ

SHEET NO.
1 OF 1

DATE: AUGUST 18, 2015

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 11-2017**

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 April 12, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 26, 2017 by the following vote:

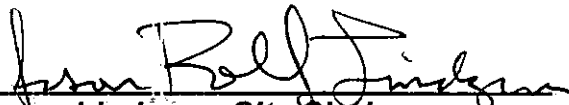
AYES : **COUNCILMEMBERS:** *Ly, Detrick, Hume, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Nguyen*

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



**Jason Lindgren, City Clerk
City of Elk Grove, California**