

## ORDINANCE NO. 11-2013

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A REZONE FROM RD-30 (HIGH DENSITY RESIDENTIAL) TO SC (SHOPPING CENTER) FOR THE LAGUNA TOWN CENTER REZONE PROJECT (EG-13-029); ASSESSOR PARCEL NUMBER 132-2120-009

**WHEREAS**, the Planning Division of the City of Elk Grove received an application on May 9, 2013 from Cordova 83 Properties, LLC (the Applicant) requesting a General Plan Amendment, Specific Plan Amendment, and Rezone (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 Assessor Parcel Number (APN): 132-2120-009 and being that resultant Lot B of Record 20090918 O.R. 620; and

**WHEREAS**, the Project is located within the Laguna Ridge Specific Plan; and

**WHEREAS**, Ordinance No. 15-2004 established zoning for the Laguna Ridge Specific Plan area based upon the land use designations in the Specific Plan; and

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

**WHEREAS**, the Planning Commission held a duly noticed public hearing on June 20, 2013 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 5-0 to recommend approval of the Project to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on July 10, 2013 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;

**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 amend the Elk Grove Zoning Map as shown on the attached Exhibit A.

#### Section 2: Findings

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

**Finding:** The project is exempt from the California Environmental Quality Act (CEQA) review pursuant Section 15183 of Division 6 of Chapter 3 of Title 14 of the California

Code of Regulations (State CEQA Guidelines) and no further environmental review is required.

Evidence: The proposed project is exempt from CEQA under to CEQA Guidelines Section 15183 (Consistency with a General Plan for Which an EIR was Prepared). This exemption applies to projects that are consistent with the General Plan. Section 15183 (i)(2) of the CEQA Guidelines defines “consistency” as “that density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan...or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning.”

The subject property was zoned for high density residential development, consistent with the City’s General Plan, in 2008 with the approval of the Laguna Ridge Town Center. EIRs were prepared for both of these project – the Laguna Ridge Specific Plan EIR (SHC 2000082139) and Laguna Ridge Town Center EIR (SCH 2007082169). Staff has reviewed the proposed action for consistency with the existing allowed development density, as described under the CEQA Guidelines. As described in technical memos prepared by Wood Rodgers and Fehr & Peers and provided by the Applicant, the proposed action would result in less water demand and substantially the same vehicular traffic from the current conditions as described in the July 10, 2013 staff report.

**Rezoning**

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

Evidence: The proposed rezoning would modify the designation on the property from RD-30 (High Density Residential) to SC (Shopping Center). This change would implement the proposed General Plan amendment that would modify the designation of the property from High Density Residential to Commercial. As provided in General Plan Land Use Policy LU-6, the proposed zoning is consistent with the proposed General Plan amendment.

Section 3: Action

The Elk Grove Zoning Map is hereby amended for APN: 132-2120-009 as provided in Exhibit A.

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 affect; 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 NO. 11-2013**  
INTRODUCED: July 10, 2013  
ADOPTED: July 24, 2013  
EFFECTIVE: August 23, 2013

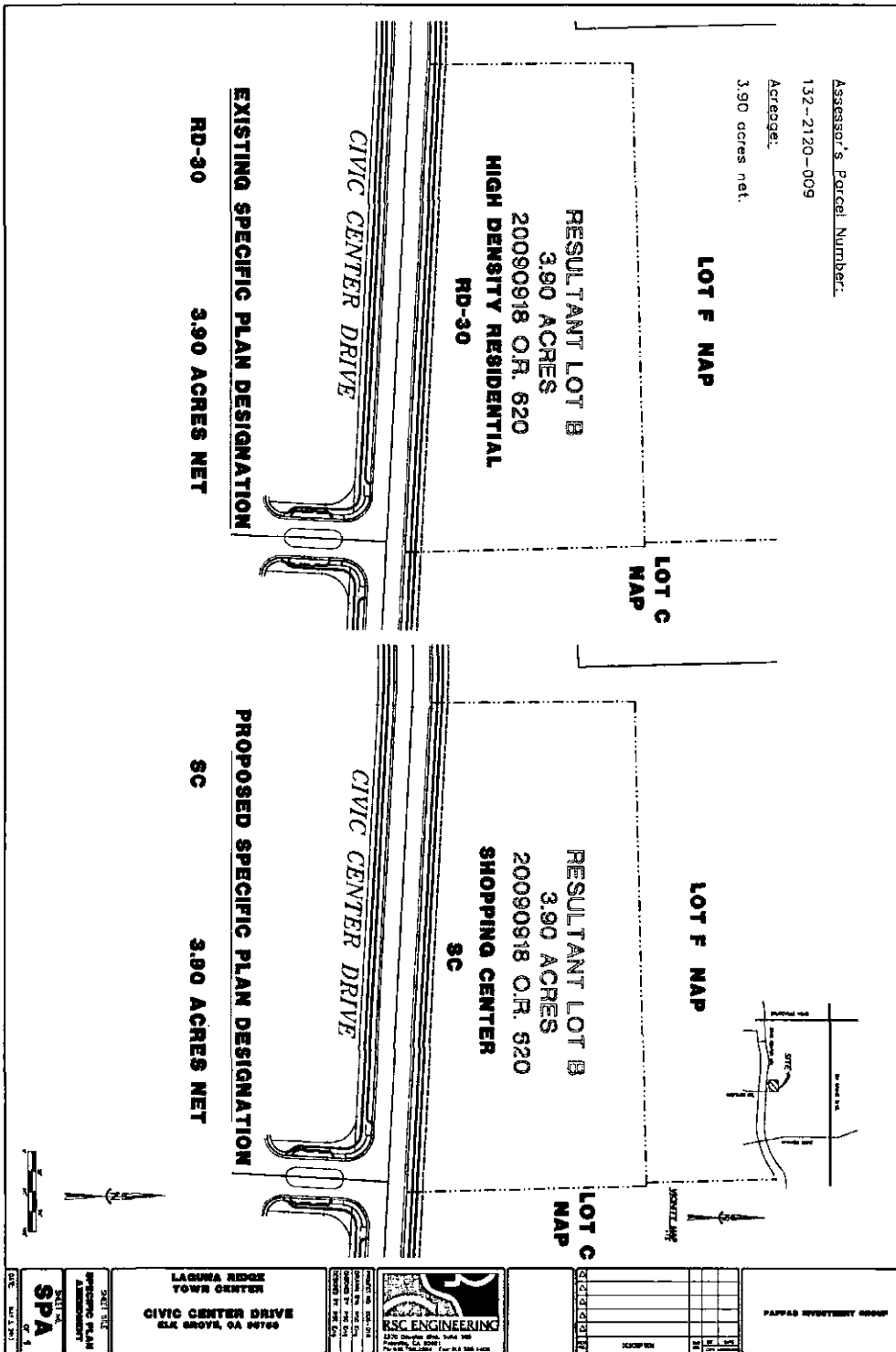
  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

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

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

Date signed: August 2, 2013

Exhibit A: Rezone Exhibit



**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 11-2013**

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 July 10, 2013 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 24, 2013 by the following vote:*


**AYES :**        **COUNCILMEMBERS:**    *Davis, Detrick, Cooper, Hume, Trigg*

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

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

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

*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**