

ORDINANCE NO. 01-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FOR THE COMMERCIAL REZONE PROJECT AND REMOVING FIVE (5) PARCELS FROM THE LAGUNA GATEWAY SPECIAL PLANNING AREA

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Section 15061(b)(3) (State CEQA Guidelines); and

WHEREAS, the approval of these amendments does not approve any development project.

WHEREAS, the Planning Commission held a duly noticed public hearing November 21, 2013 as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

NOW, THEREFORE, 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:

1. Amend the City of Elk Grove Zoning Map shown in Exhibits A and B, incorporated herein by this reference; and
2. Remove parcels 116-0340-059-0000, 116-0340-058-0000, 116-0340-057-0000, 116-1480-005-0000, and 116-1480-006-0000 from the Laguna Gateway Special Planning Area Section 512-112

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Section 15061(b)(3) (State CEQA Guidelines).

Evidence: 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." Section 15061 (b)(3) of Chapter 3, Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The approval of these Rezones does not approve any development project. The Project proposes to rezone existing LC properties that are not consistent with the neighborhood-scale LC definition and may still have existing uses that are no longer allowed in the LC zone. The Project is a clean-up item to reflect existing development on the ground. The proposed rezoning does not result in a physical change in the environment. The proposed Rezones are consistent with the General Plan land use map.

The Project does not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA. Additionally, the proposed Rezones do not increase the scope or intensity of development beyond that previously contemplated under the General Plan. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

General Plan Consistency

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

Evidence: The proposed Rezones are consistent with the General Plan land use map. Additionally, the proposed Rezones do not alter the allowed intensity or density of development beyond that contemplated in the General Plan.

Section 3: Enactment of New Zoning

The City Council hereby:

1. Amends the City of Elk Grove Zoning Map, as shown in Exhibits A and B, incorporated herein by this reference; and
2. Removes parcels 116-0340-059-0000, 116-0340-058-0000, 116-0340-057-0000, 116-1480-005-0000, and 116-1480-006-0000 from the Laguna Gateway Special Planning Area Section 512-112

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 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. 01-2014
INTRODUCED: January 8, 2014
ADOPTED: January 22, 2014
EFFECTIVE: February 21, 2014




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: February 13, 2014

Exhibit A

Site Number	APN	Existing Zoning District	Existing General Plan Disignation	Proposed Zoning District
Site 2				
	132-0460-110-0000	LC	Commercial	GC
Site 3				
	119-0144-020-0000	LC	Commercial	SC
	119-0144-019-0000	LC	Commercial	SC
	119-0144-015-0000	LC	Commercial	SC
	119-0144-016-0000	LC	Commercial	SC
	119-0144-008-0000	LC	Public Open Space	O
	119-0144-009-0000	LC	Public Open Space	O
	119-2170-003-0000	LC	Commercial	SC
	119-2170-007-0000	LC	Commercial	SC
	119-2170-006-0000	LC	Commercial	SC
	119-2170-005-0000	LC	Commercial	SC
	119-2170-004-0000	LC	Commercial	SC
	119-2170-002-0000	LC	Commercial	SC
	119-0144-005-0000	LC	Commercial	SC
	119-0144-010-0000	LC	Public Open Space	O
	119-0144-011-0000	LC	Public Open Space	O
	119-0144-012-0000	LC	Public Open Space	O
Site 4				
	119-0870-005-0000	LC	Commercial	SC
	119-0870-003-0000	LC	Commercial	SC
	119-0870-006-0000	LC	Commercial	SC
	119-0870-007-0000	LC	Commercial	SC
	119-0870-004-0000	LC	Commercial	SC
	119-0870-008-0000	LC	Commercial	SC
	119-0870-002-0000	LC	Commercial	SC
	119-0870-001-0000	LC	Commercial	SC
	119-0870-009-0000	LC	Commercial	SC
	119-0870-010-0000	LC	Commercial	SC
Site 5				
	116-0061-107-0000	LC	Commercial	GC
	116-0061-098-0000	LC	Institutional	RD-20
	116-0061-061-0000	LC	Public/Quasi Public	RD-20
	116-0061-106-0000	LC	Commercial	GC

Site 6				
	116-0061-100-0000	LC	Commercial	SC
	116-0061-101-0000	LC	Commercial	SC
	116-0061-097-0000	LC	Commercial	SC
	116-0061-002-0000	LC	Commercial	SC
Site 7				
	116-0062-047-0000	LC	Commercial	SC
	116-0062-046-0000	LC	Commercial	SC
Site 8				
	116-0061-104-0000	LC	Commercial	SC
	116-0061-110-0000	LC	Commercial	SC
	116-0061-111-0000	LC	Commercial	SC
	116-0061-109-0000	LC	Commercial	SC
	116-0061-108-0000	LC	Commercial	SC
Site 9				
	132-0410-024-0000	LC	Commercial	SC
	132-0410-025-0000	LC	Commercial	SC
	132-0410-019-0000	LC	Commercial	SC
Site 10				
	132-0410-041-0000	LC	Commercial	SC
	132-0410-044-0000	LC	Commercial	SC
	132-0410-042-0000	LC	Commercial	SC
	132-0410-043-0000	LC	Commercial	SC
Site 12				
	125-0010-026-0000	GC/LC	Commercial	SC
	125-0010-043-0000	LC	Commercial	SC
	125-0010-037-0000	LC	Commercial	SC
	125-0010-044-0000	LC	Commercial	SC
	125-0010-039-0000	LC	Commercial	SC
	125-0010-038-0000	LC	Commercial	SC
	125-0010-032-0000	LC	Commercial	SC
	125-0010-030-0000	LC	Commercial	SC
	125-0010-031-0000	LC	Commercial	SC
Site 13				
	116-0041-003-0000	LC	Commercial	SC
Site 14				
	116-0090-002-0000	LC	Commercial	SC
	116-0090-046-0000	LC	Commercial	SC
	116-0090-045-0000	LC	Commercial	SC
	116-0090-047-0000	LC	Commercial	SC
	116-0090-048-0000	LC	Public/Quasi Public	SC
	116-0090-049-0000	LC	Public/Quasi Public	SC
	116-0090-050-0000	LC	Public/Quasi Public	Null

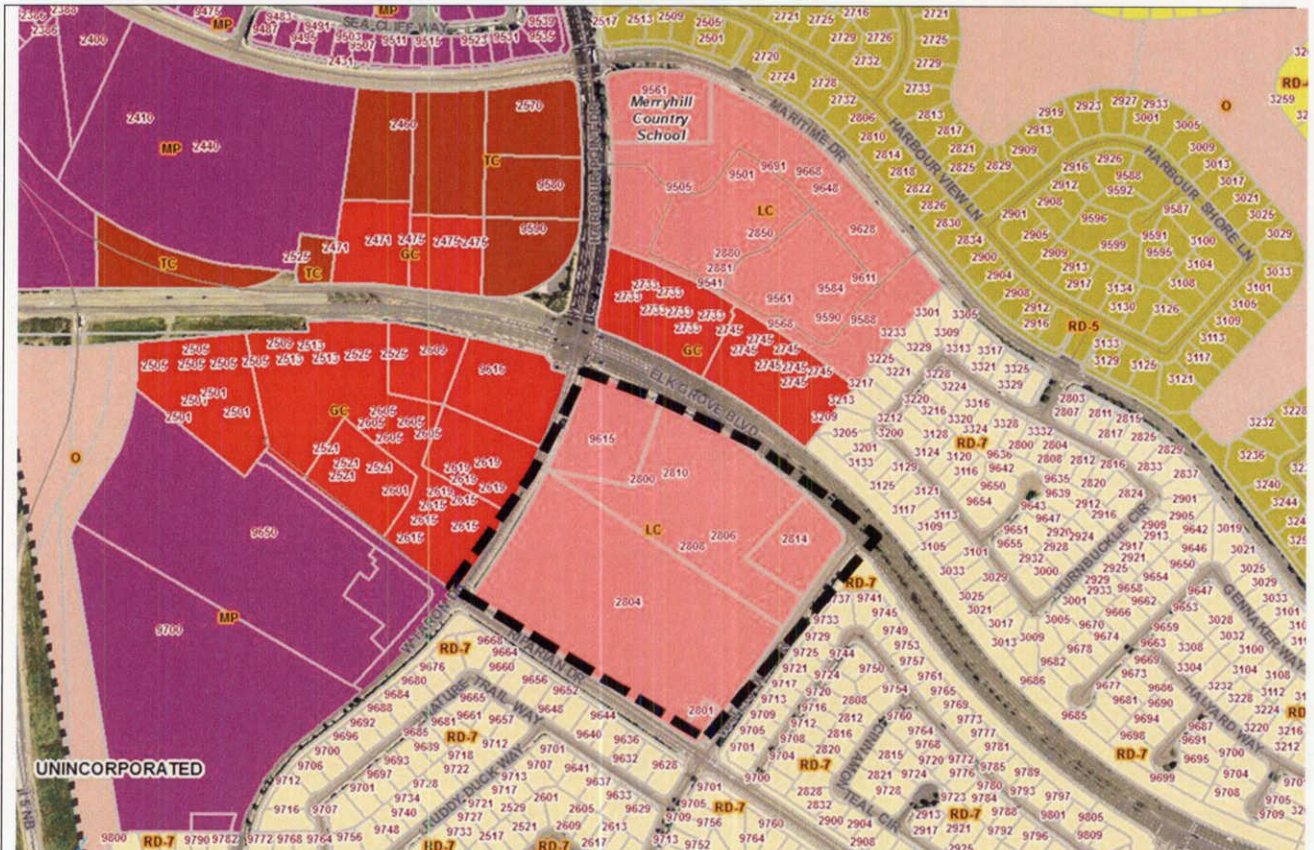
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Site 17				
	125-0030-010-0000	LC	Commercial	GC
Site 18				
	125-0390-006-0000	LC	Commercial	GC
	125-0390-007-0000	LC	Commercial	GC
Site 19				
	125-0030-031-0000	LC	Commercial	GC
	125-0460-051-0000	LC	Commercial	GC
	125-0460-050-0000	LC	Commercial	GC
	125-0460-049-0000	LC	Commercial	GC
Site 20				
	125-0070-032-0000	LC	Commercial	GC
	125-0070-033-0000	LC	Commercial	GC
	125-0070-034-0000	LC	Commercial	GC
	125-0070-028-0000	LC	Commercial	GC
	125-0070-006-0000	LC	Public/Quasi Public	GC
Site 21				
	125-0040-029-0000	LC	Commercial	GC
	125-0040-030-0000	LC	Commercial	GC
	125-0040-028-0000	LC	Commercial	GC
	125-0040-033-0000	LC	Commercial	GC
	125-0040-023-0000	LC	Commercial	GC
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Site 22				
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Site 24				
	125-0141-030-0000	LC	Commercial	GC
	125-0141-031-0000	LC	Commercial	GC
	125-0141-029-0000	LC	Commercial	GC
	125-0141-017-0000	LC	Commercial	GC

Site 25				
	125-0151-036-0000	LC	Commercial	GC
	125-0151-035-0000	LC	Commercial	GC
Site 29				
	126-0250-010-0000	LC	Commercial	GC
Site 31				
	115-0180-006-0000	LC	Commercial	SC
	115-1990-003-0000	GC	Commercial	SC
	115-1990-002-0000	GC	Commercial	SC
	115-1990-001-0000	GC	Commercial	SC
Site 32				
	115-0180-038-0000	LC	Commercial	SC
Site 34				
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	117-1270-079-0000	LC	Low Density Residential	RD-7
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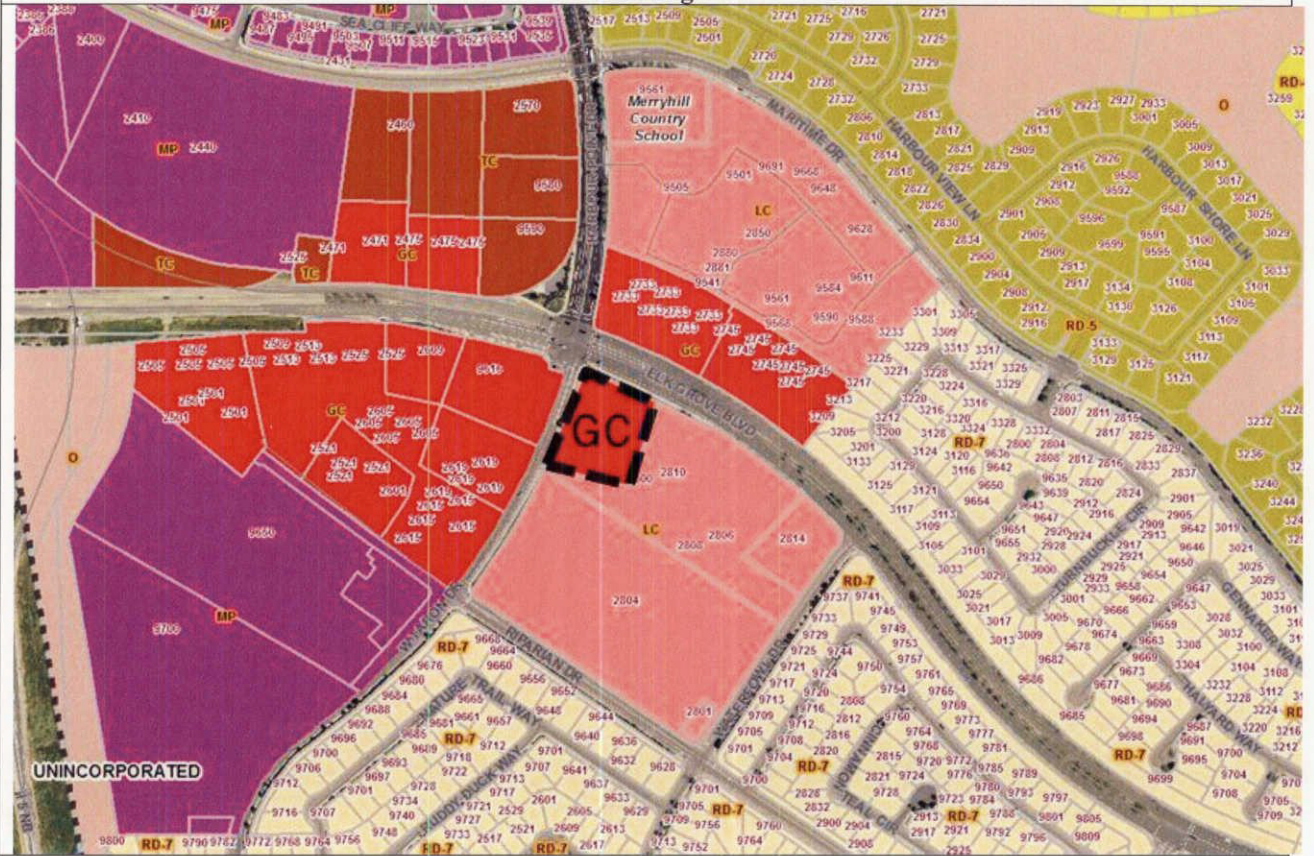
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	116-0340-057-0000	SPA-LG	Office/Multi-Family	MP
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Site 2

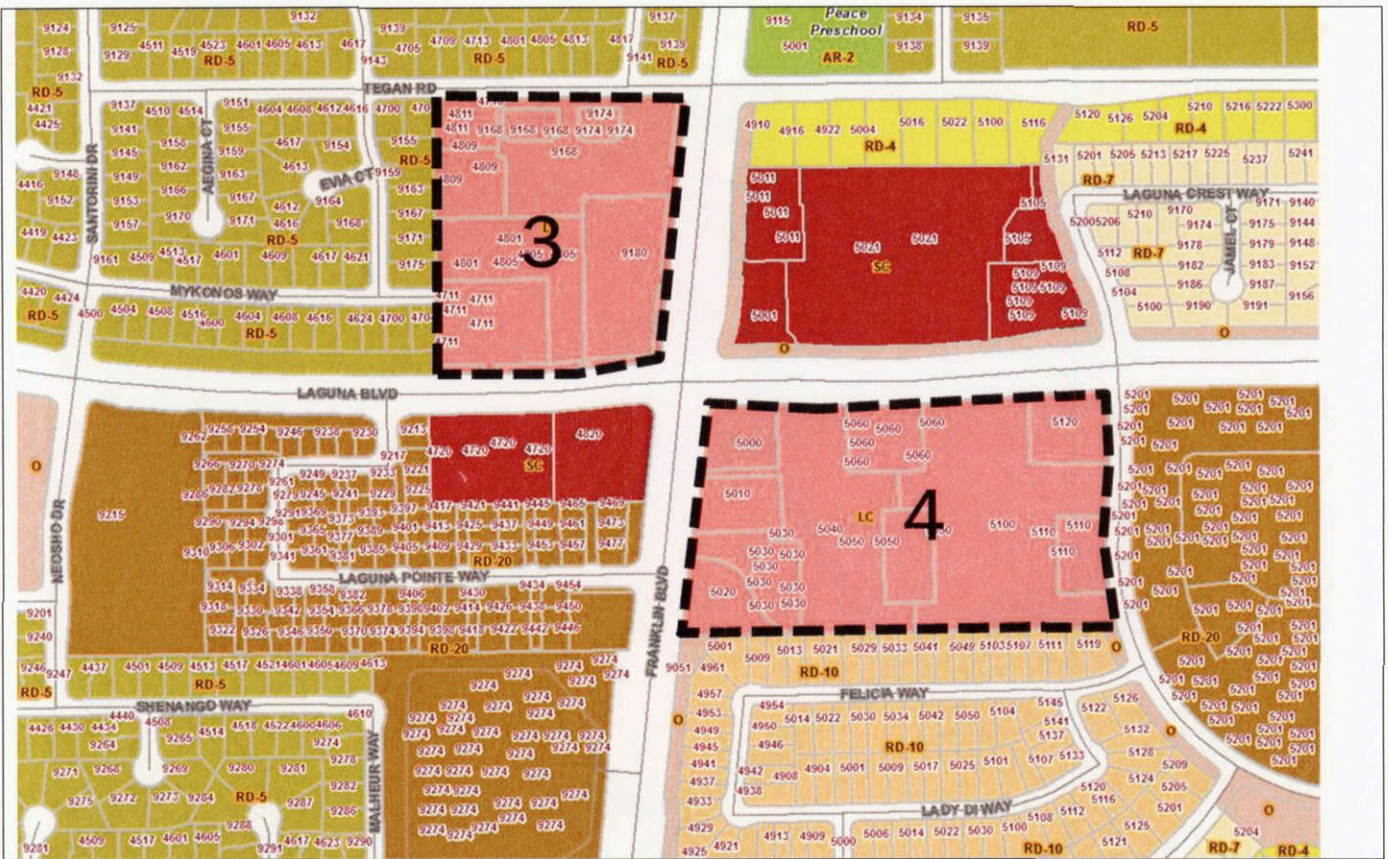


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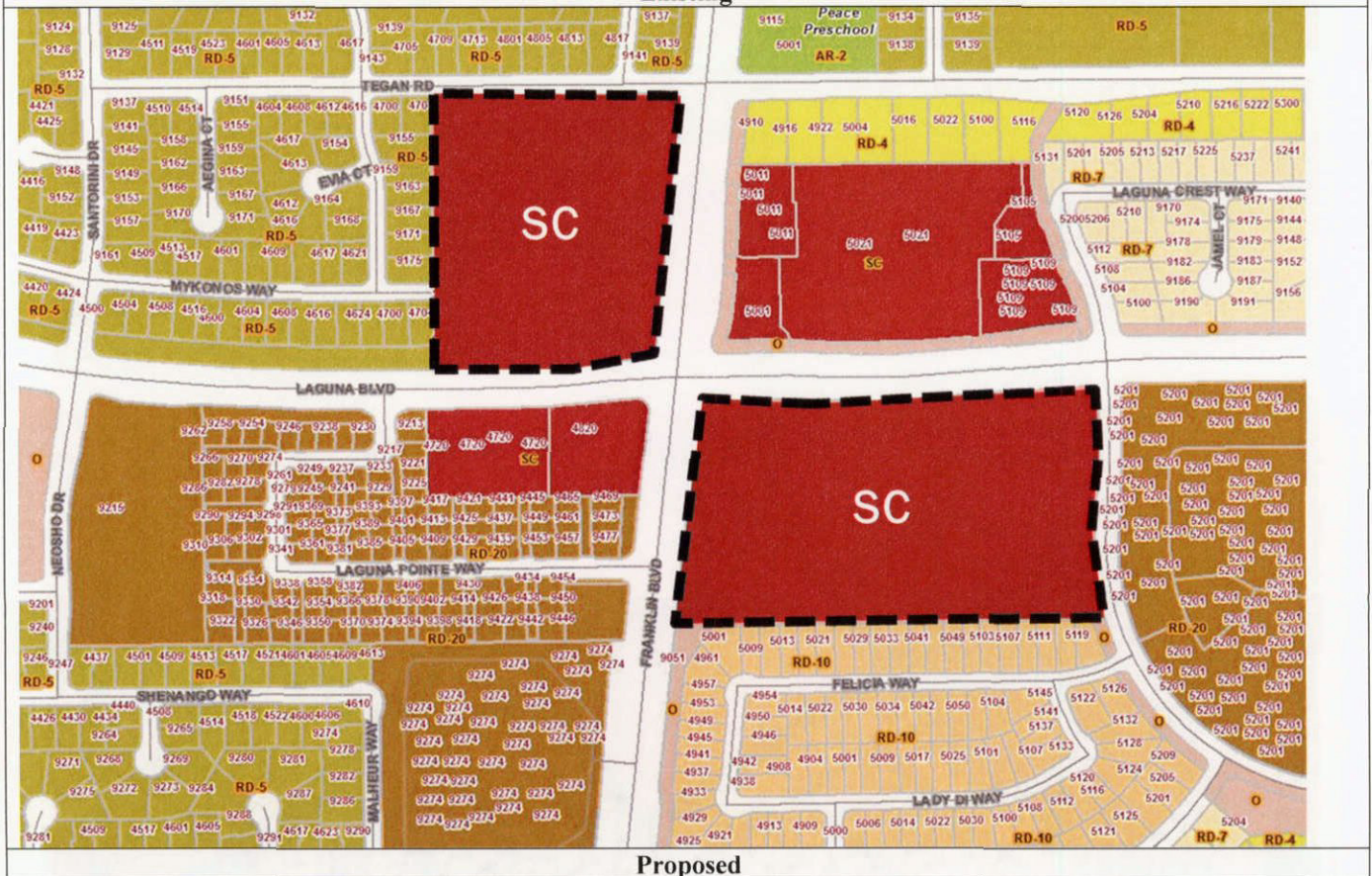


Proposed

Sites 3 and 4



Existing



Proposed

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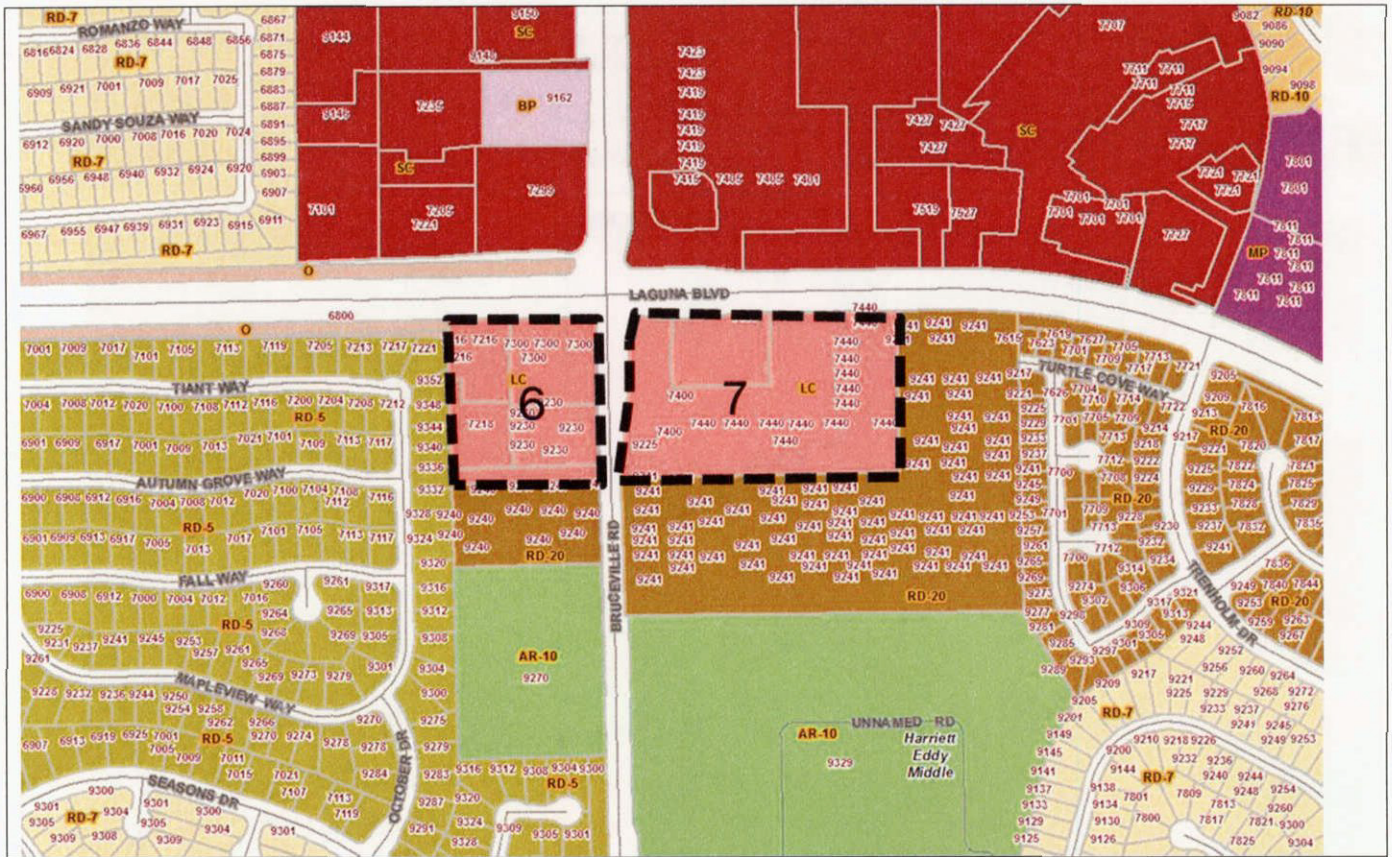


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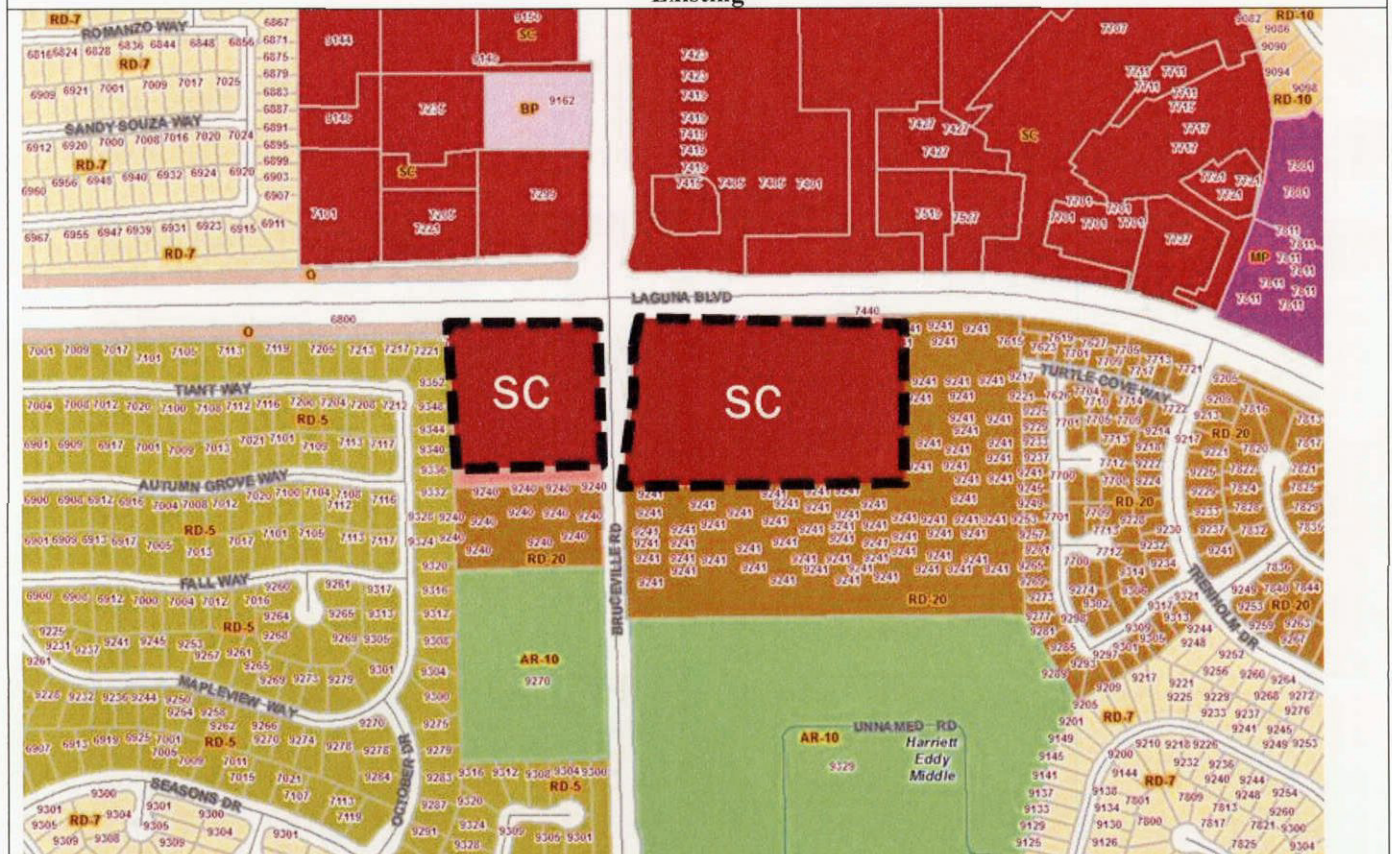


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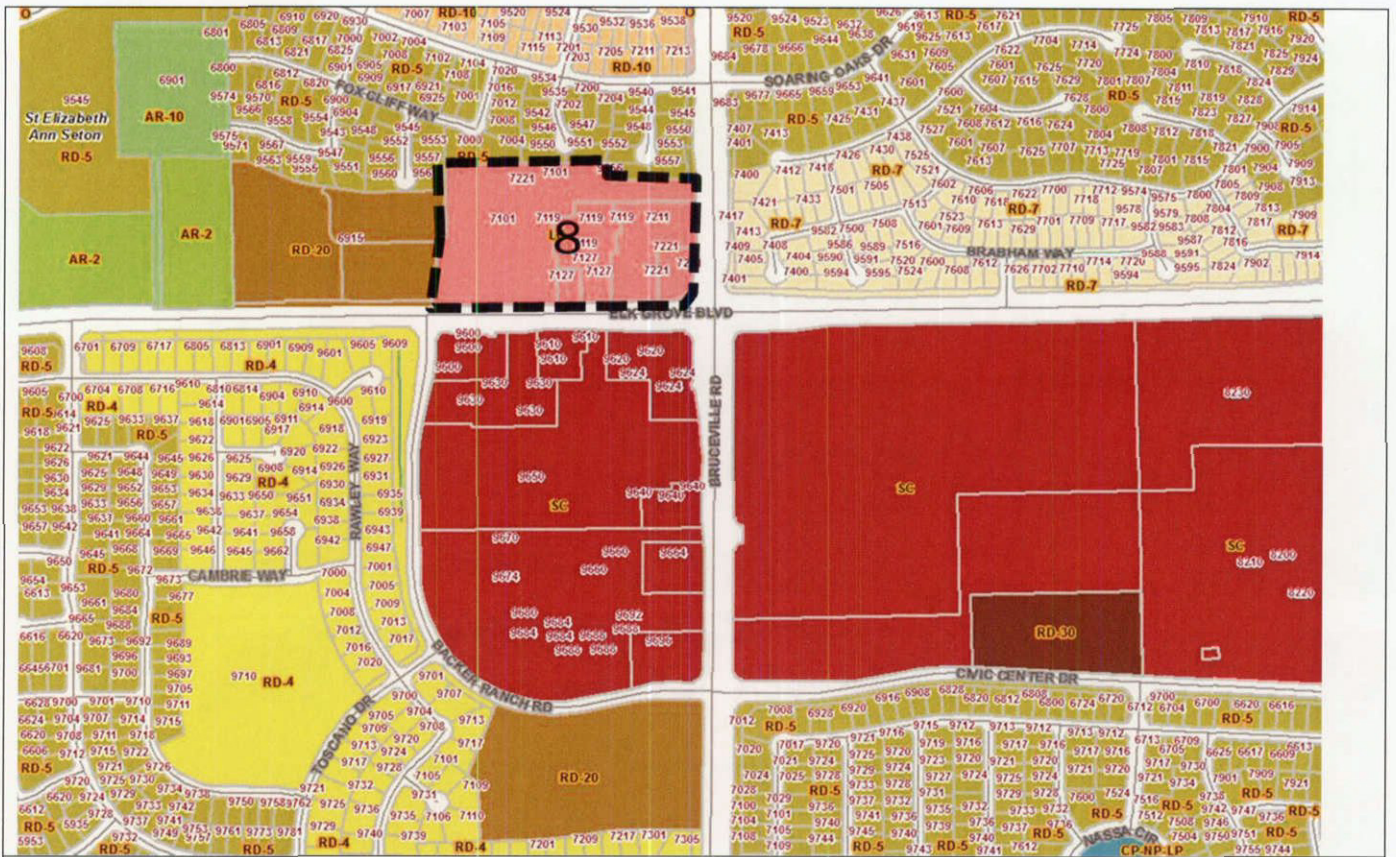
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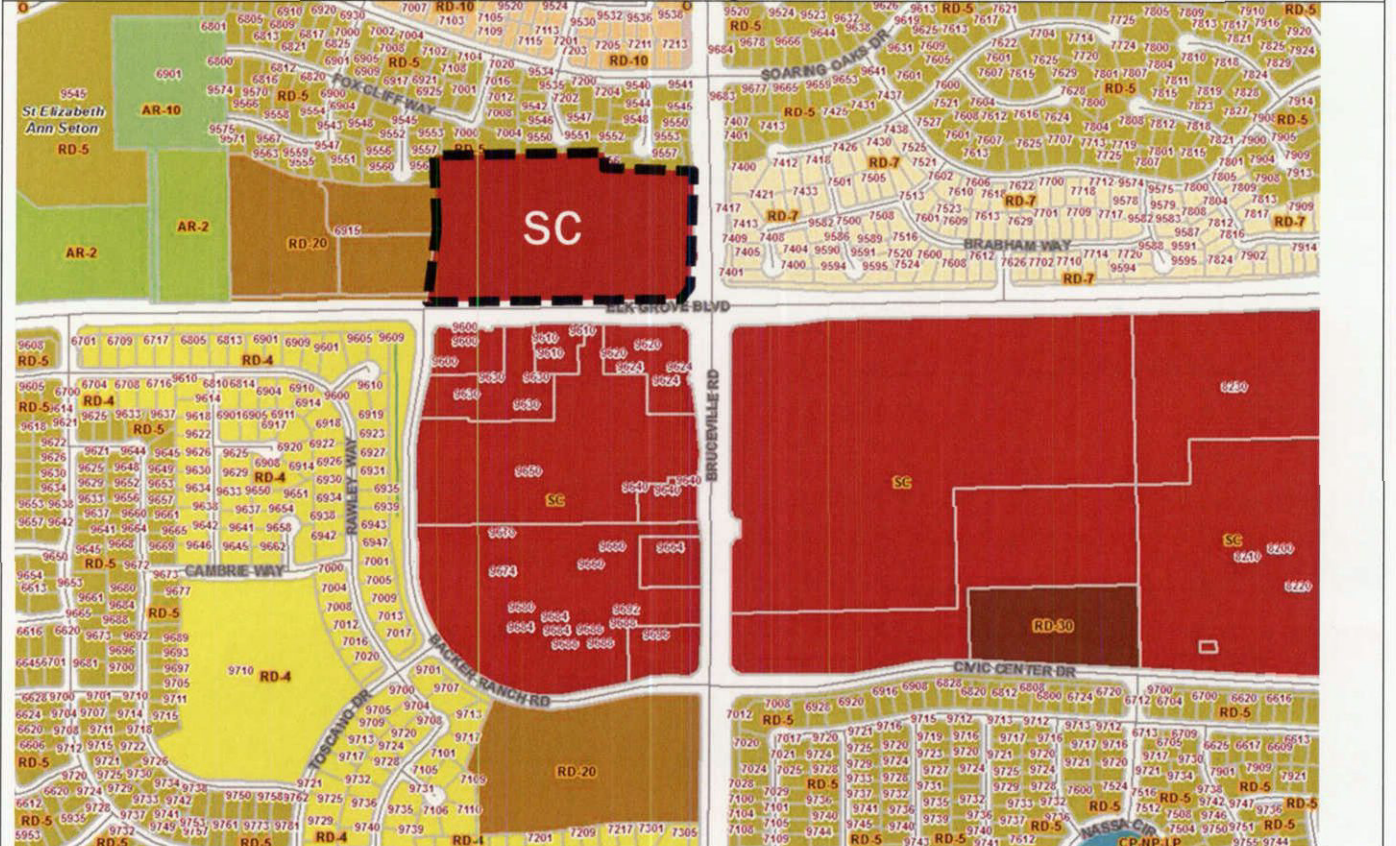
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Proposed



Existing



Proposed

Sites 9-12



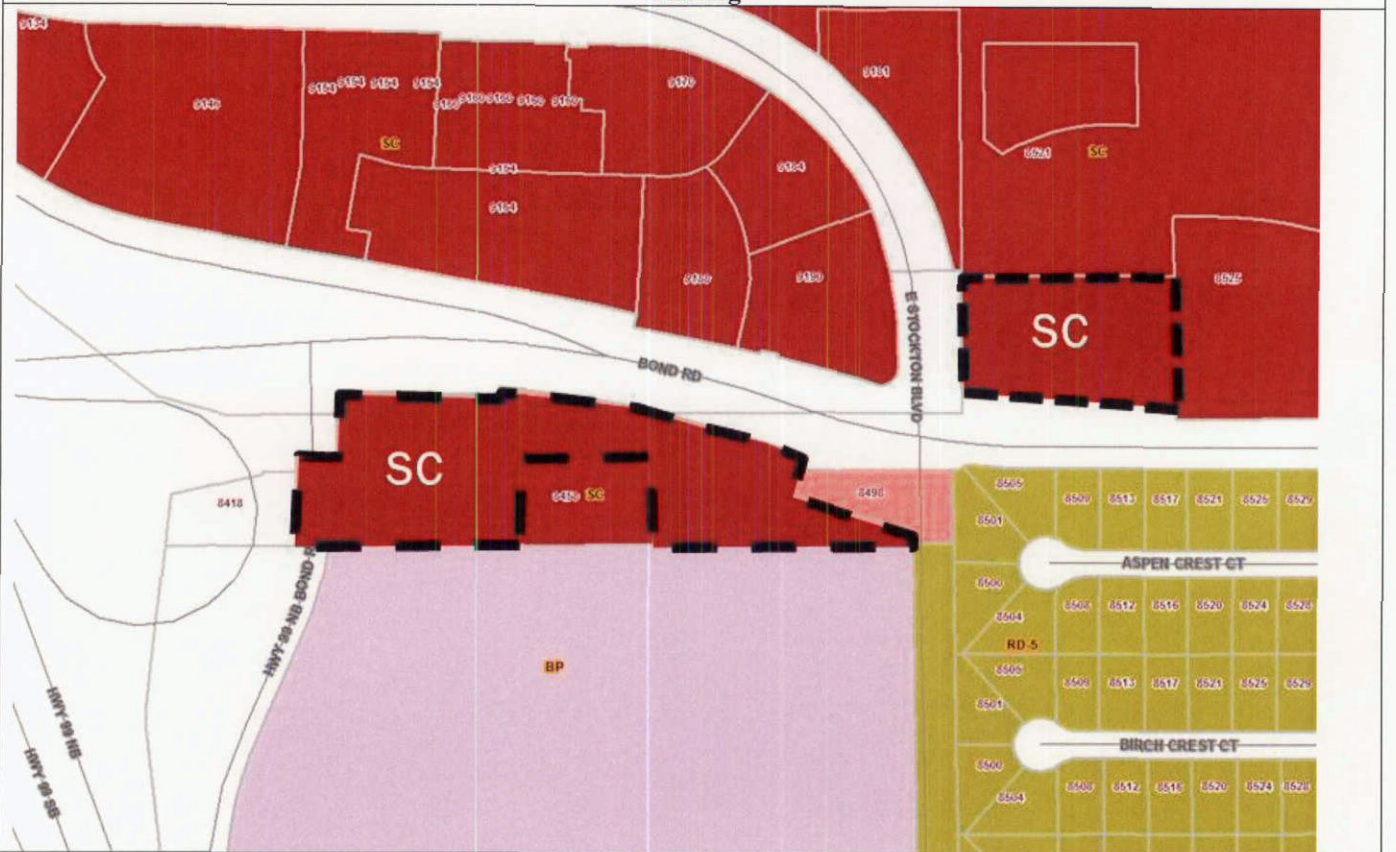
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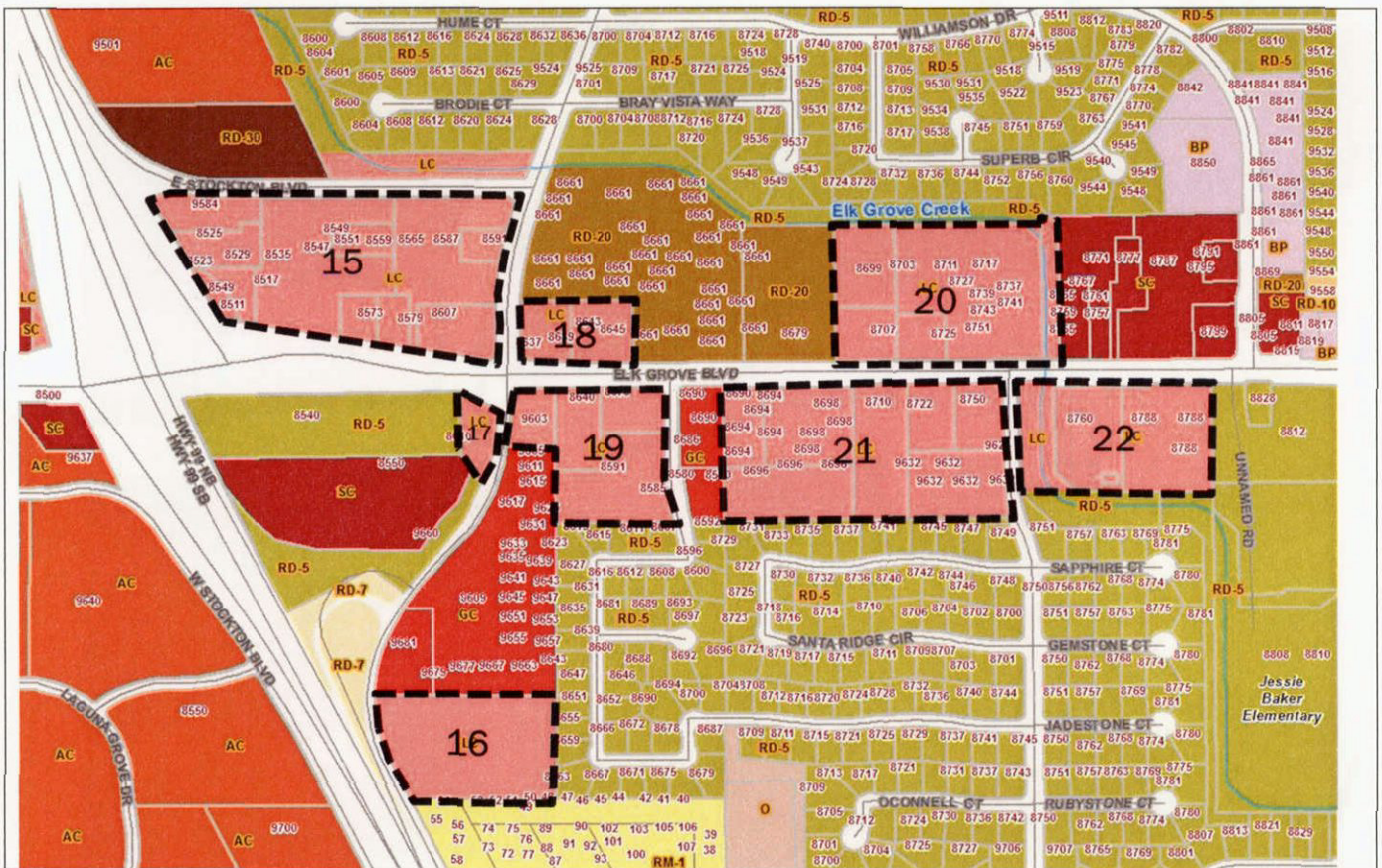
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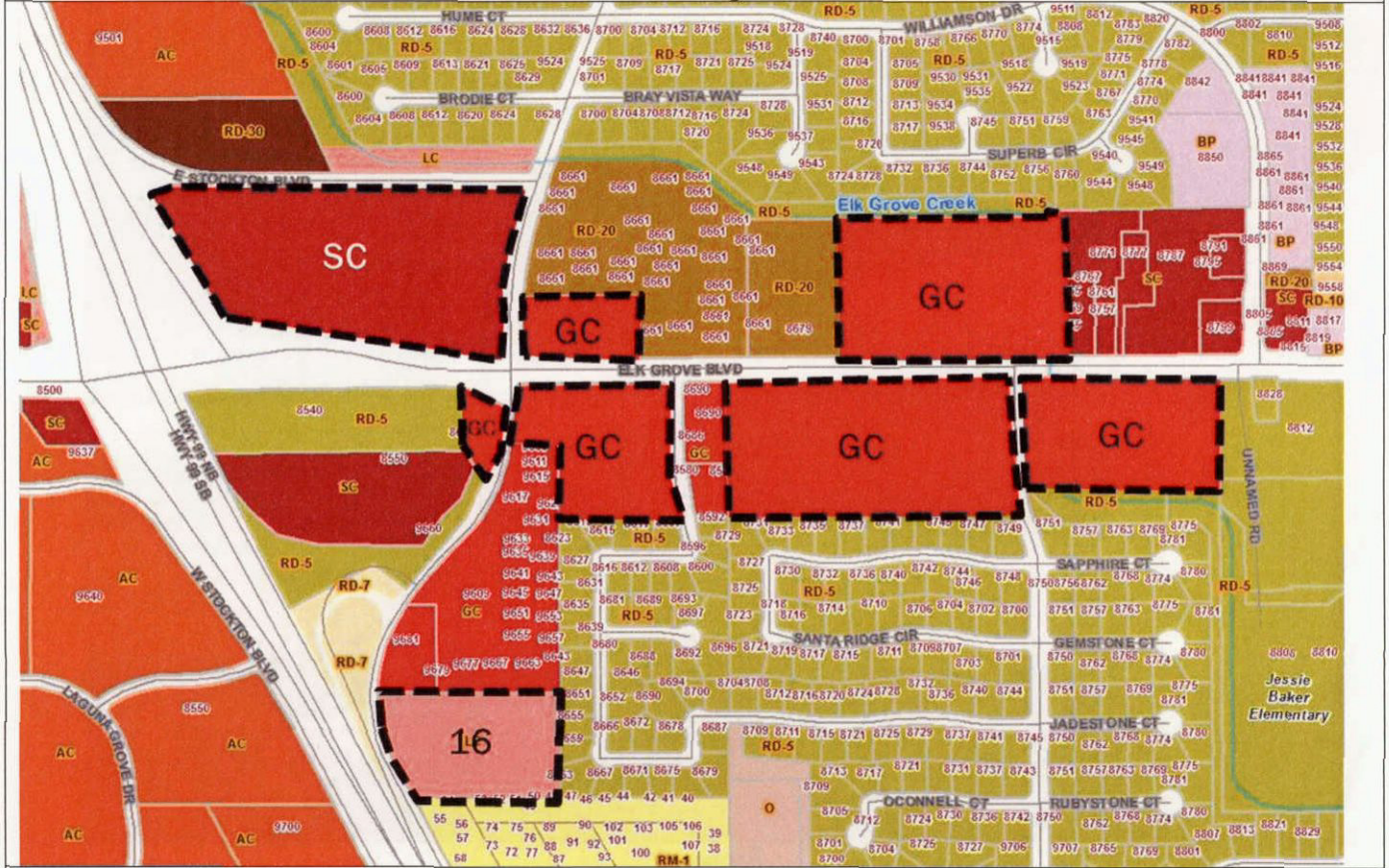
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Proposed



Existing

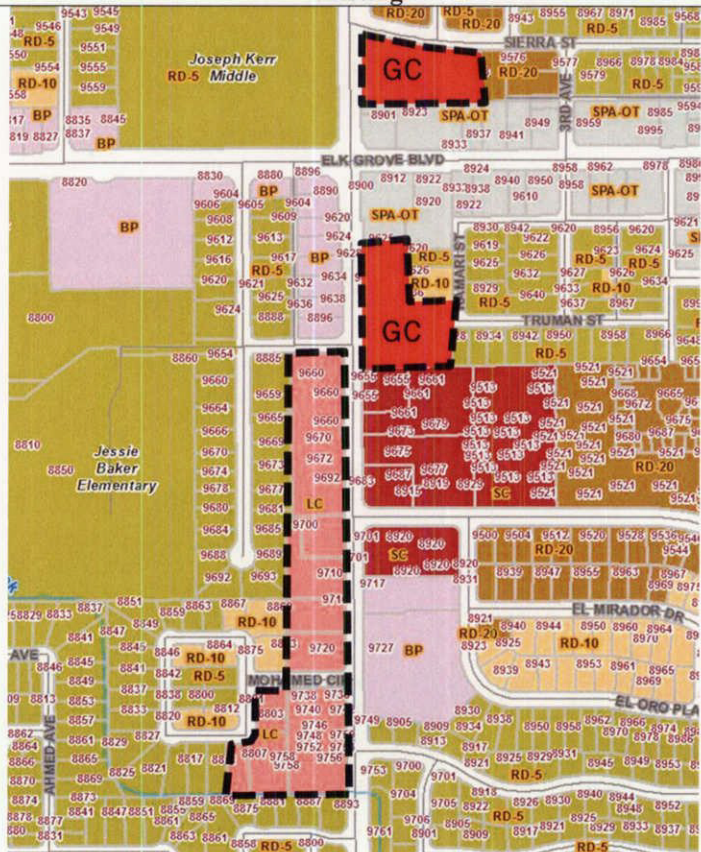


Proposed

Sites 23-25



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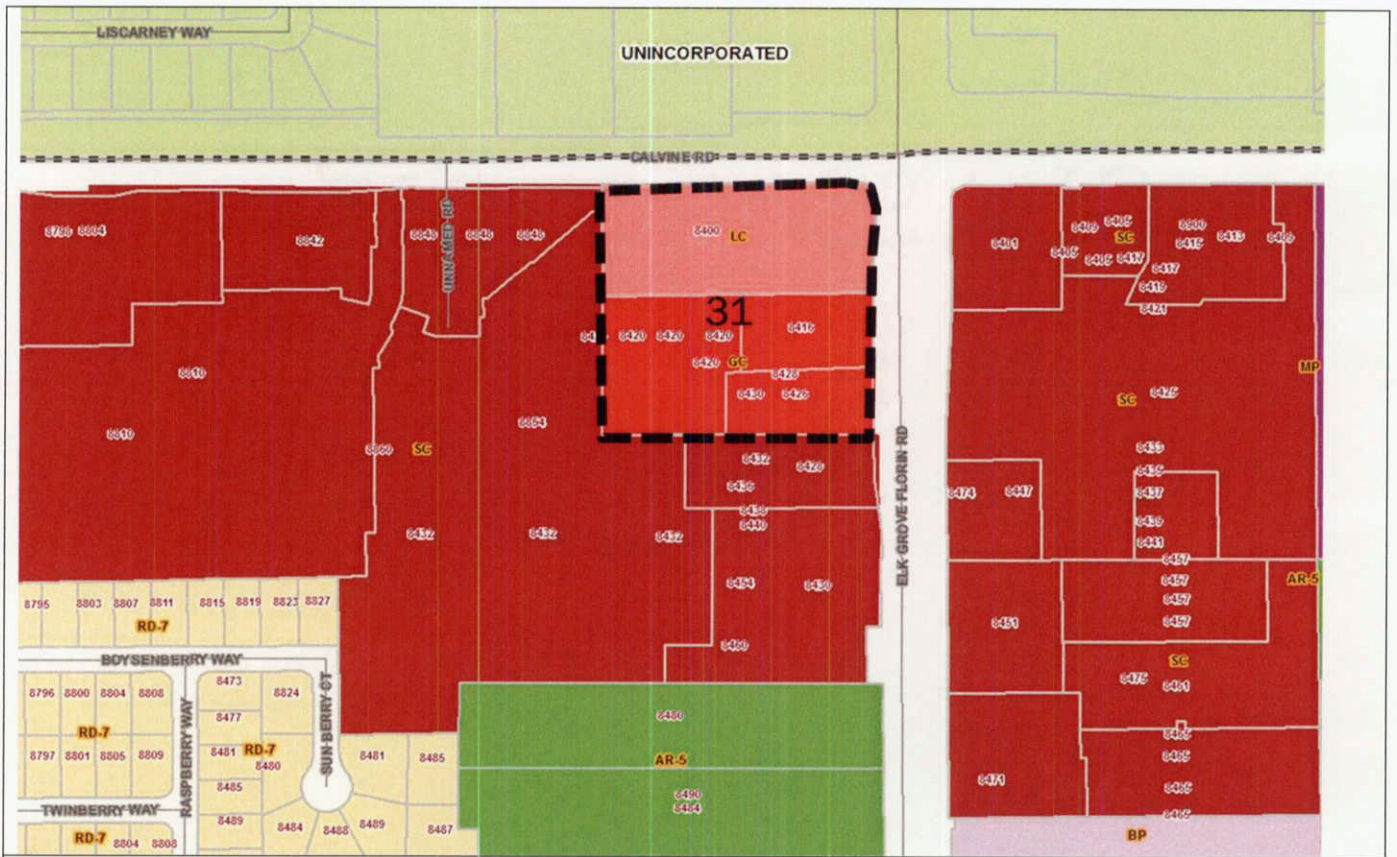
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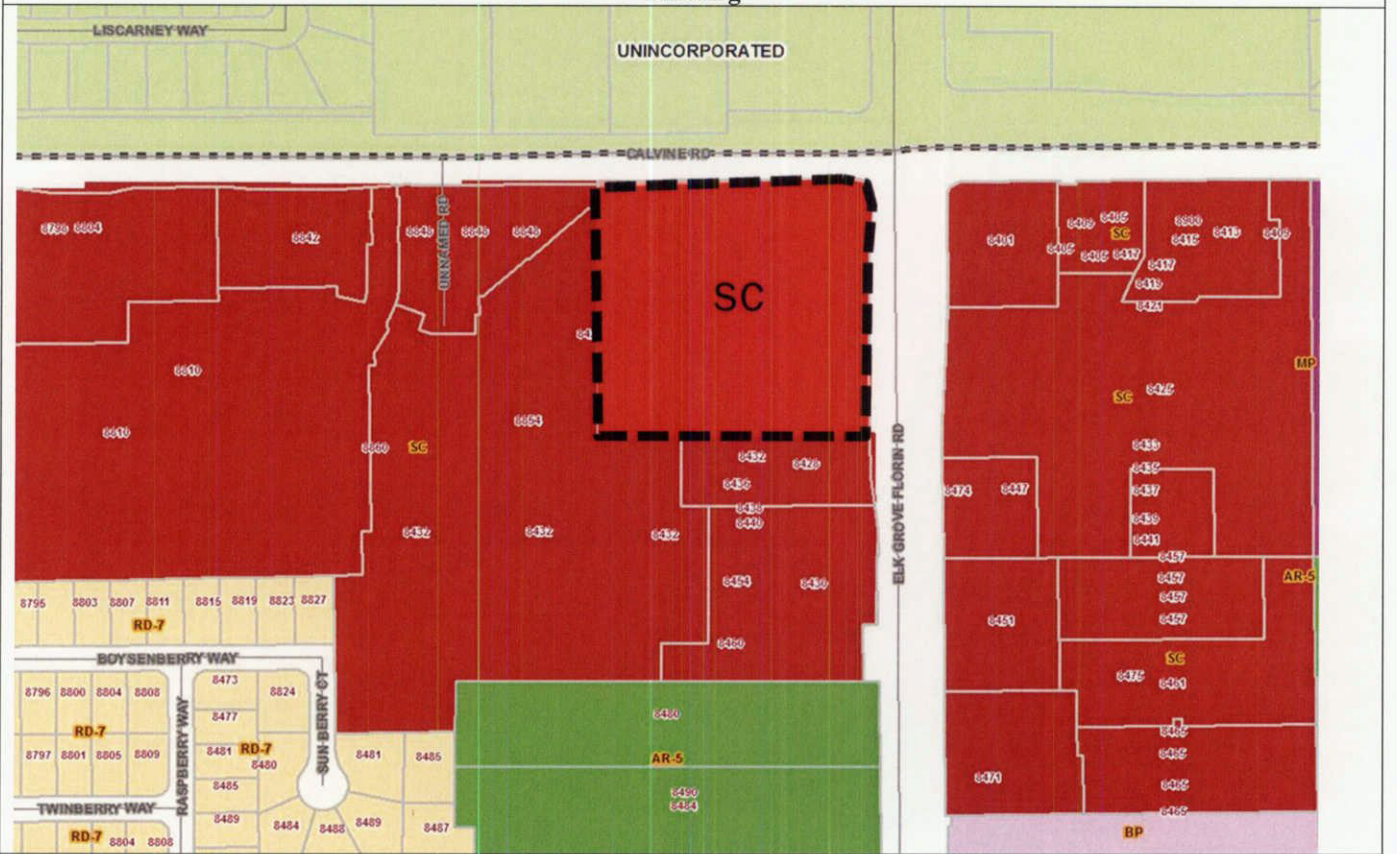
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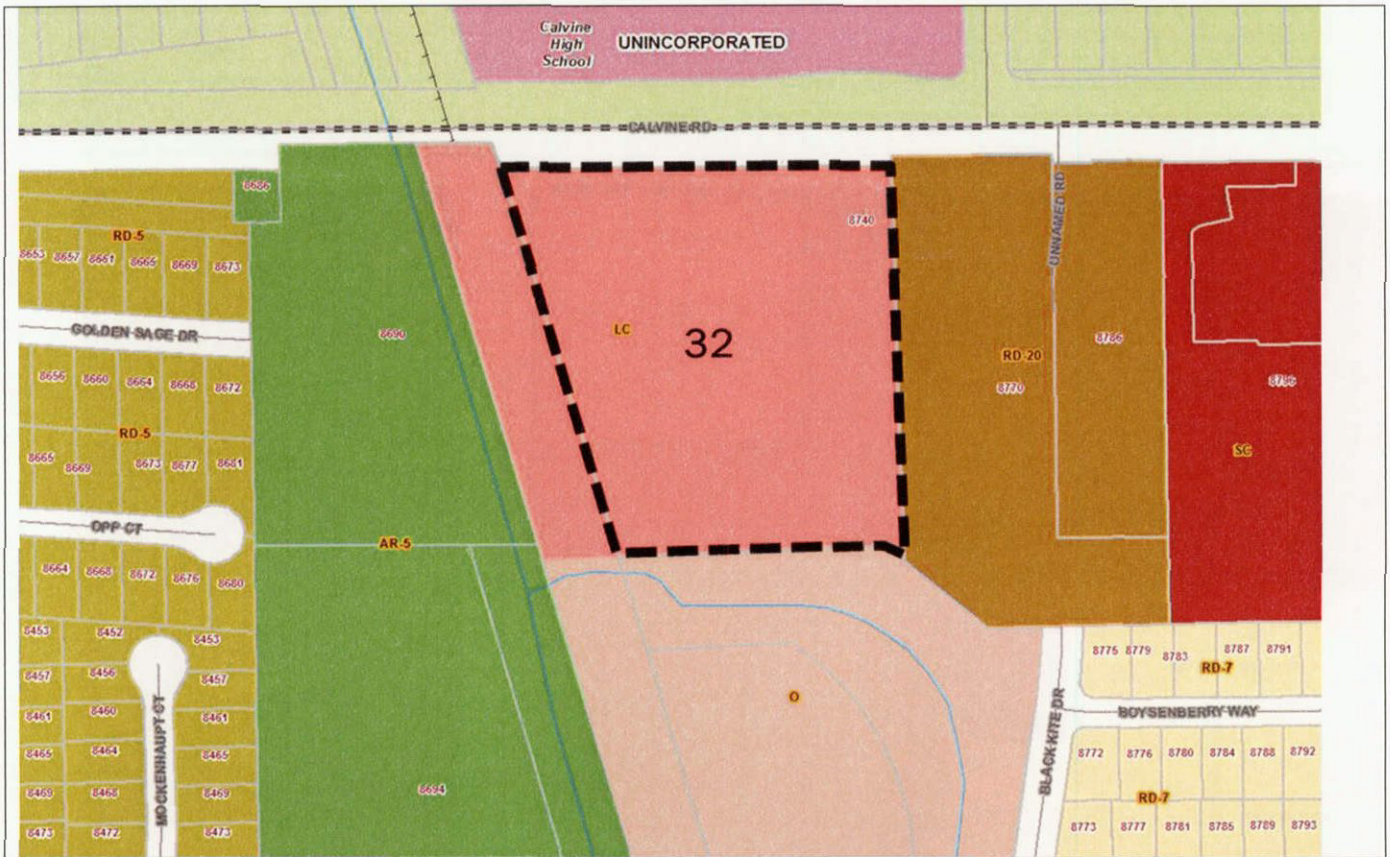
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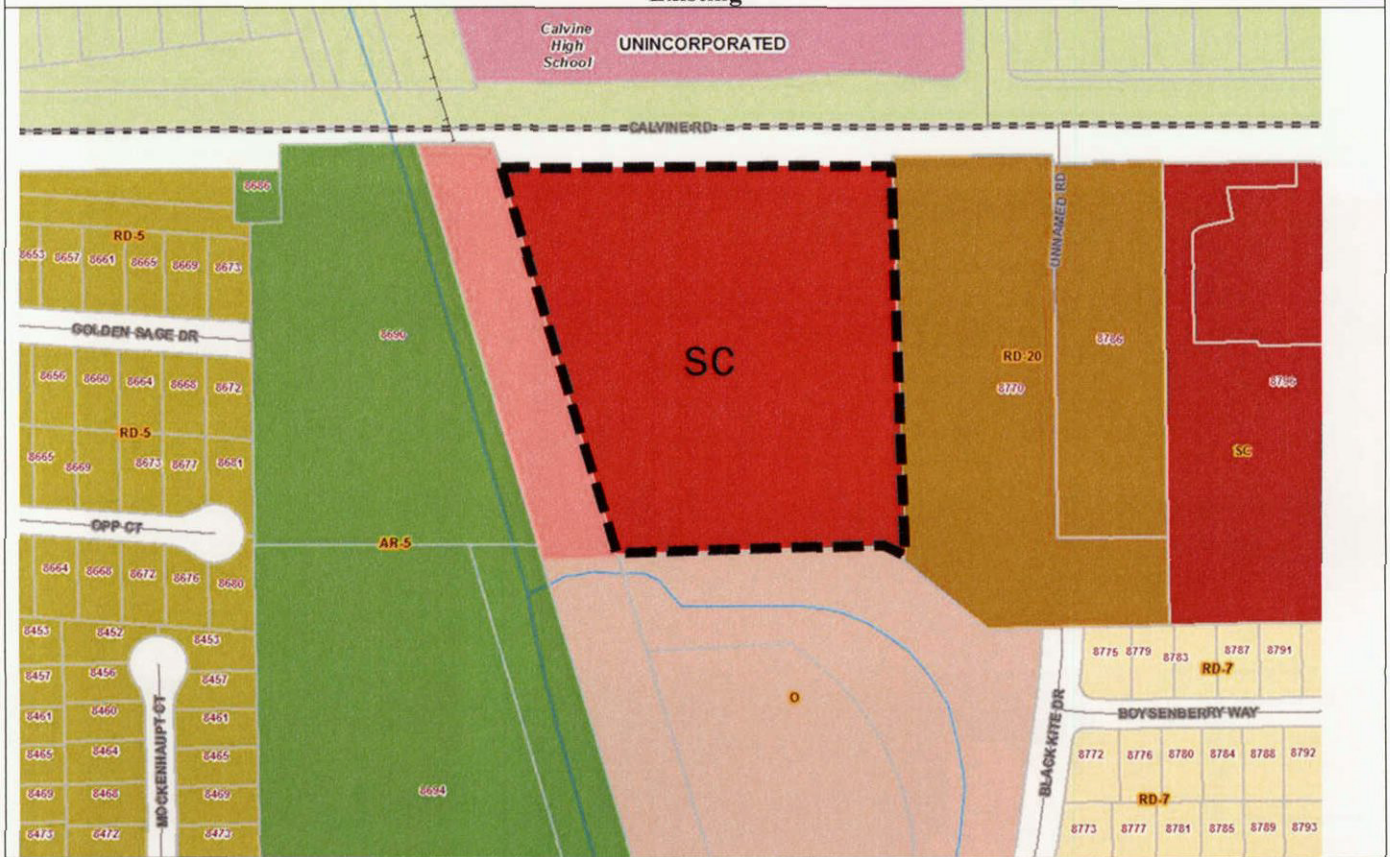
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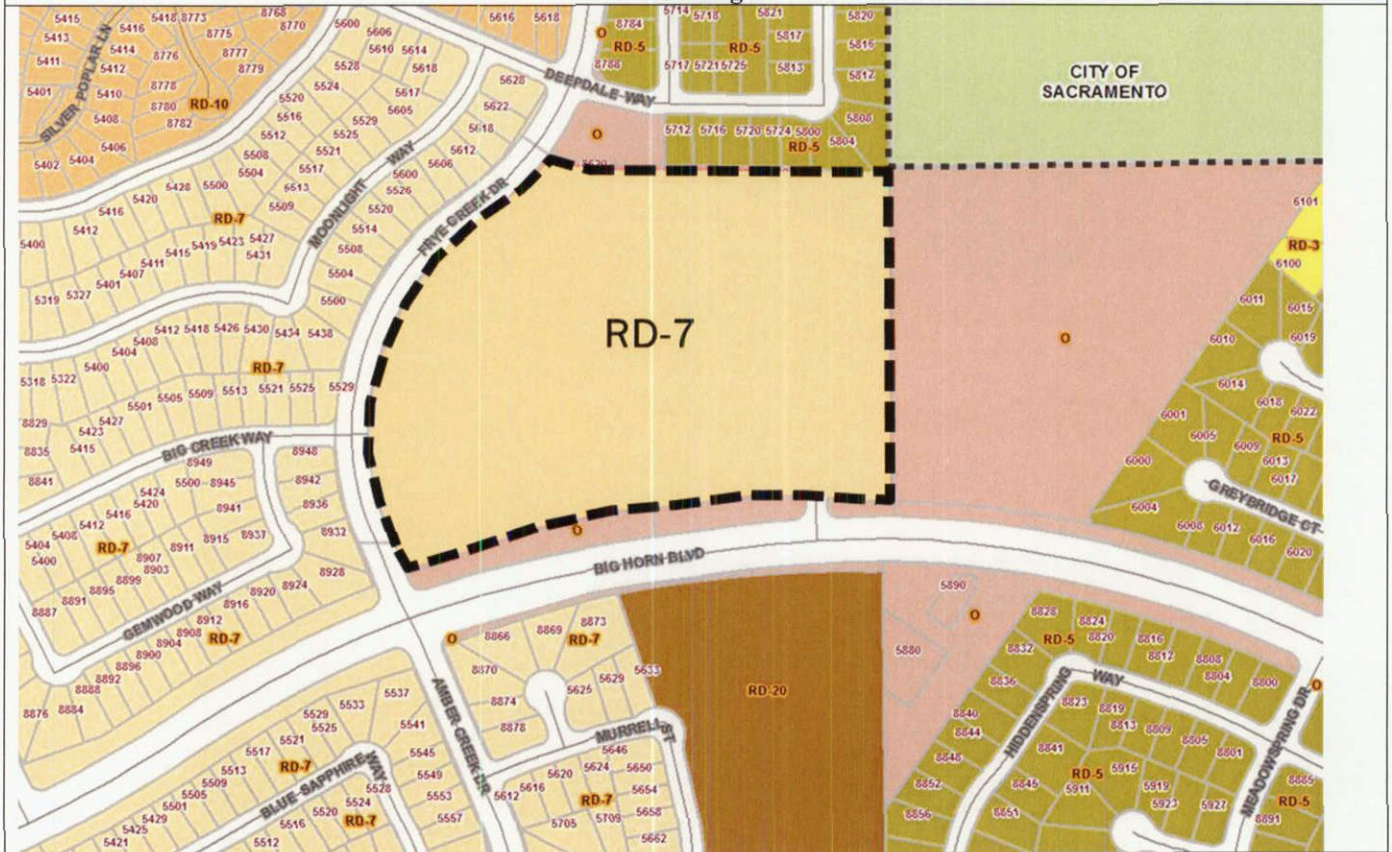
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Proposed

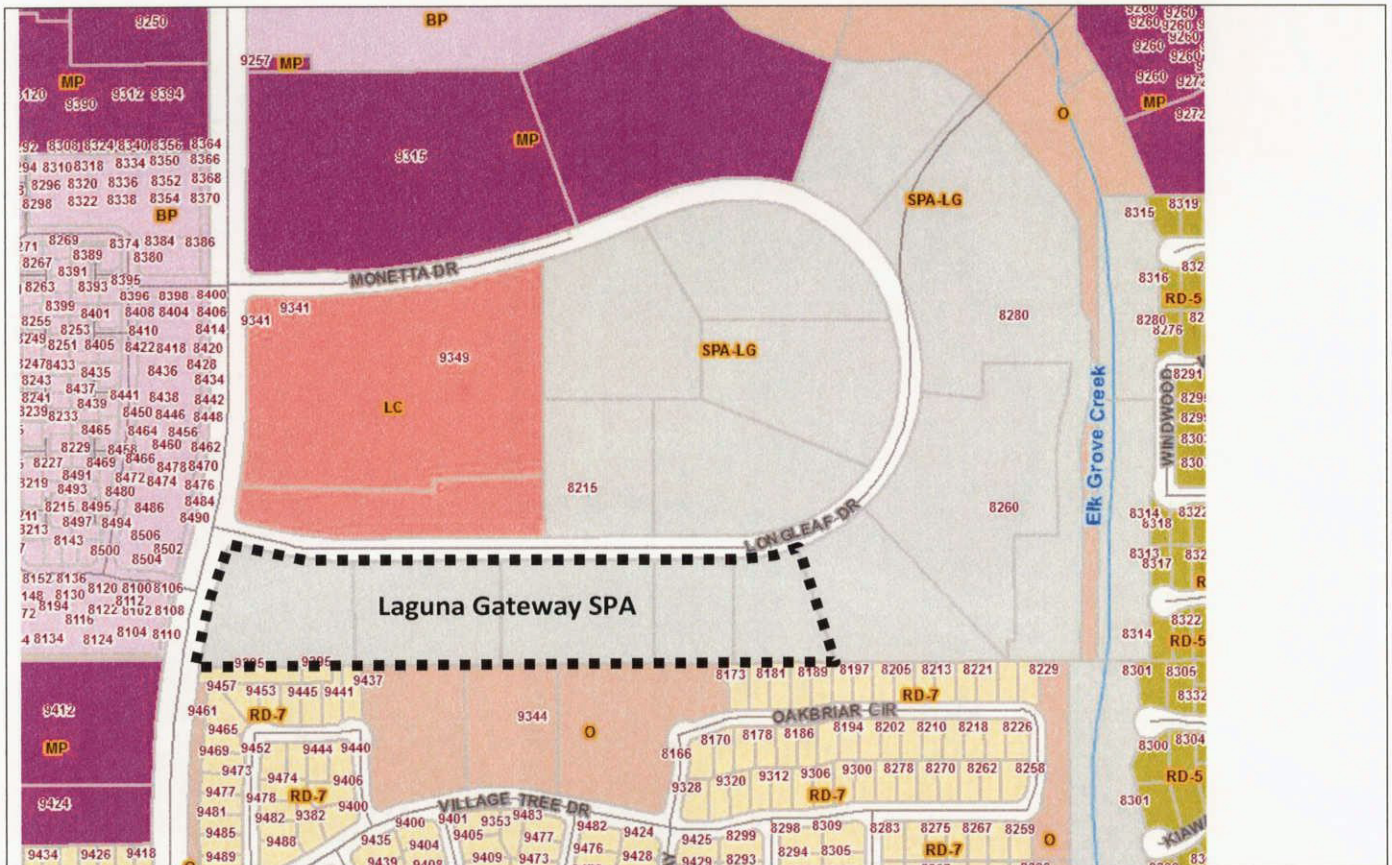


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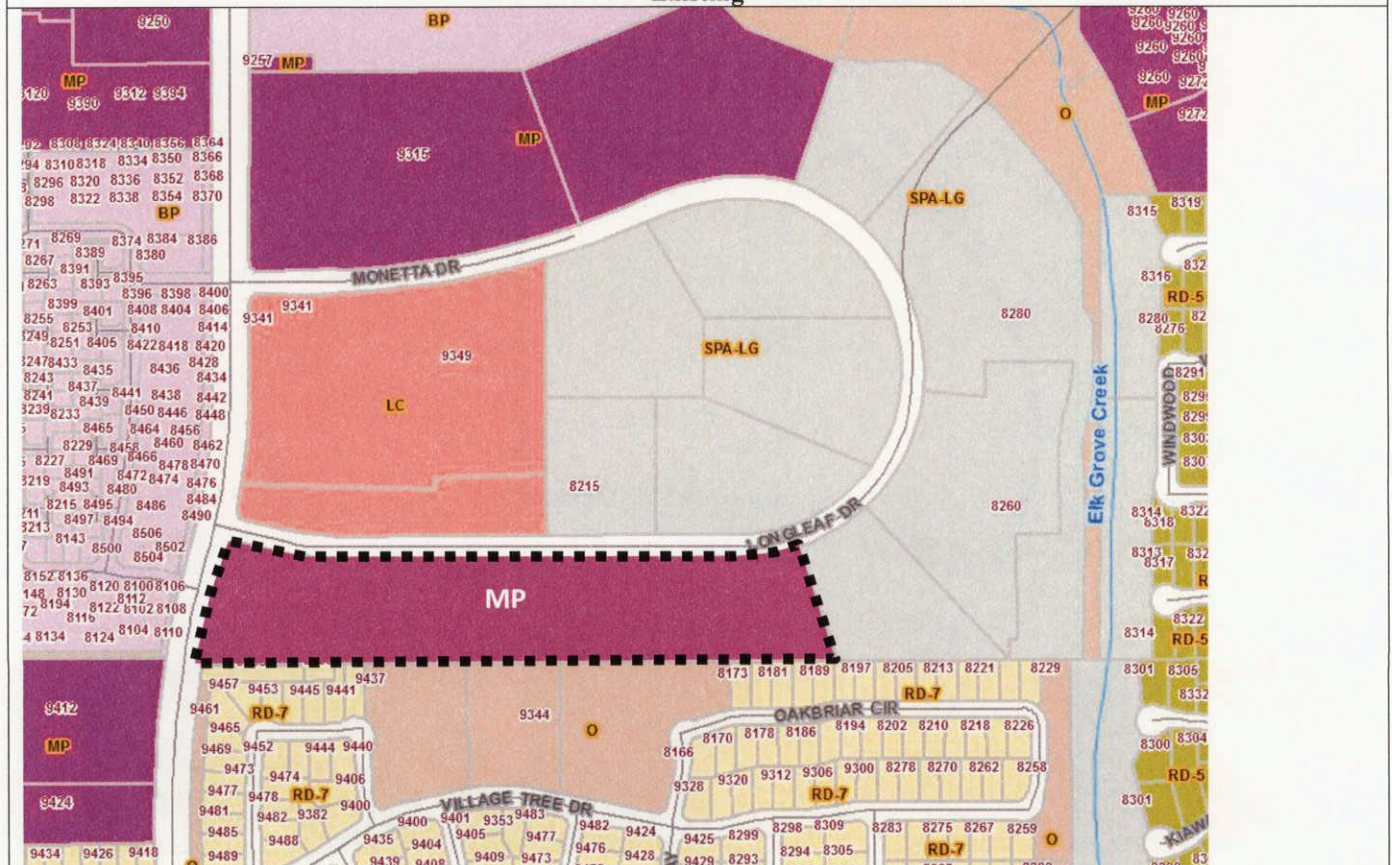


Proposed

Laguna Gateway SPA



Existing



Proposed

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 01-2014**

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 January 8, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 22, 2014 by the following vote:

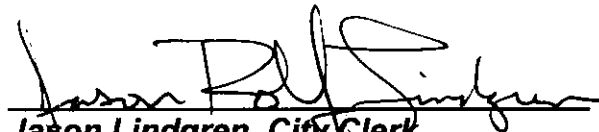
AYES : **COUNCILMEMBERS:** *Davis, Cooper, Detrick, Hume, Trigg*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



Jason Lindgren, City Clerk
City of Elk Grove, California