

ORDINANCE NO. 01-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE REZONE FOR THE LANDING AT ELK GROVE ASSISTED LIVING PROJECT (EG 16-028)

WHEREAS, the proposed Rezone from Shopping Center (SC) to General Commercial (GC) is required to allow consideration of a residential care facility for the elderly on the Project site consistent with the General Plan land use designation of Commercial/Office/Multifamily (C/O/M); and

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

WHEREAS, State CEQA Guidelines Section 15183 identifies that projects consistent with a general plan for which an environmental impact report was certified are exempt from CEQA; and

WHEREAS, an Environmental Impact Report was prepared and certified for the General Plan and this Project is consistent with the density and intensity assumed for the General Plan. Therefore, pursuant to State CEQA Guidelines Section 15183, no further environmental review is required; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 15, 2016, as required by law to consider all of the information presented by staff, property owners, and public testimony presented at the meeting and recommended by a vote of 4-0 that the City Council approve the Rezone; and

WHEREAS, the City Council held a duly noticed public hearing on January 11, 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 rezone land 10.35-acre vacant site on the southeast corner of East Stockton Boulevard and Cantwell Boulevard (APN: 116-0030-053-000) from Shopping Center (SC) to General Commercial (GC), consistent with the General Plan land use designation of Commercial/Office/Multifamily (C/O/M).

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 15183 (Consistency with a General Plan, Community Plan, or Zoning for Which an EIR was Prepared).

Evidence: The subject property is designated for C/O/M in the City's General Plan, which is consistent with the proposed use. An EIR was prepared for the General Plan (Elk Grove General Plan EIR; SCH# 2002062082). Staff has reviewed the proposed action for consistency with the existing allowed development density, as described under the CEQA Guidelines, and determined that the project is consistent and there would be no new or increased severity of previously disclosed impacts.

Rezone

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

Evidence: The proposed zoning of GC is consistent with the General Plan land use designations of C/O/M. Additionally, the proposed zoning would change the current zoning from the most intense commercial designation of SC to a lesser intense commercial zoning of GC. The proposed GC zoning is compatible with commercial zoning to the north and west, and reduces the intensity of commercial uses permitted adjacent to the single-family residential homes and land to the west and south. The deviation is necessary because while the multi-level retirement community use is classified as a commercial use, allowable under the GC zoning designation, the independent living cottages are not commercial structures with the character and nature of the Project's mixed density residential.

Section 3: Action

The City Council hereby approves the rezoning of property from Shopping Center (SC) to General Commercial (GC), which is consistent with the General Plan land use designation of Commercial/Office/Multifamily (C/O/M), as shown 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 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: 01-2017
INTRODUCED: January 11, 2017
ADOPTED: January 25, 2017
EFFECTIVE: February 24, 2017



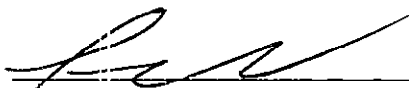
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



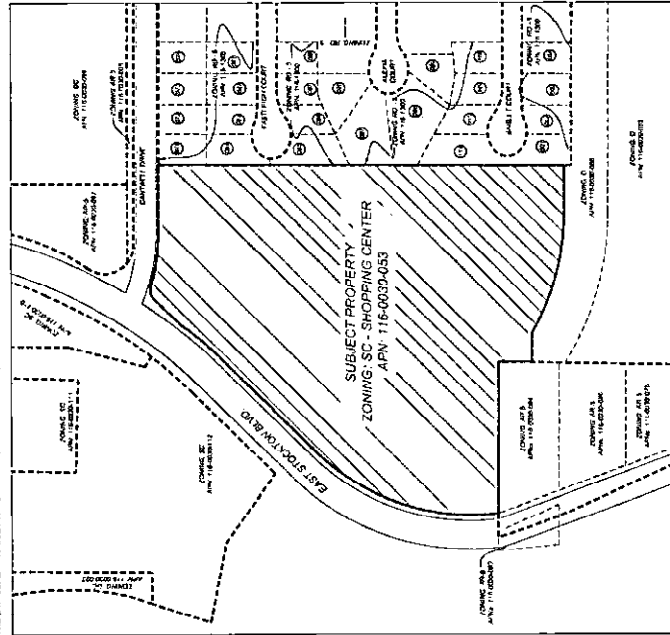
JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: January 31, 2017

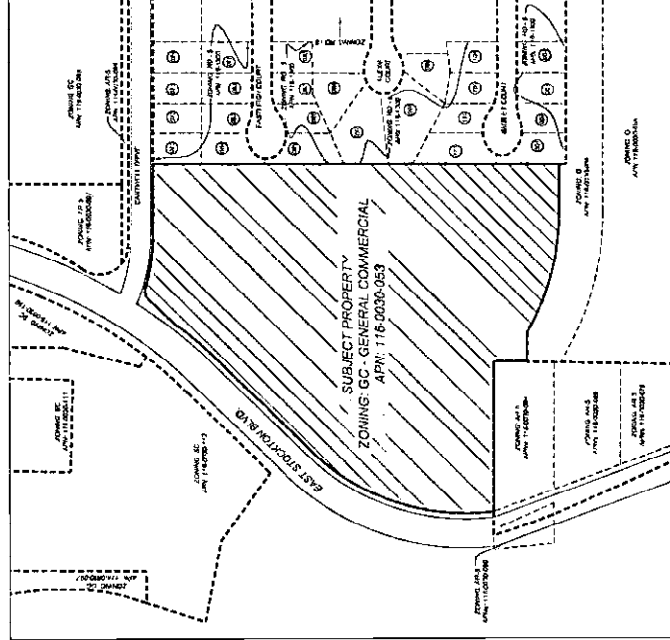
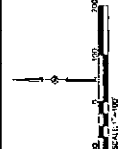
EXHIBIT A

REZONE FOR THE LANDING AT ELK GROVE SENIOR LIVING EAST STOCKTON BLVD. ELK GROVE, CA 95624 APN: 116-0030-053

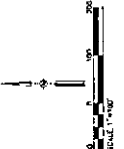
NOTE:
THIS ZONING MAP IS PREPARED BY THE ENGINEER AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL USES OR VIOLATIONS OF ANY APPLICABLE ORDINANCES. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL USES OR VIOLATIONS OF ANY APPLICABLE ORDINANCES. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL USES OR VIOLATIONS OF ANY APPLICABLE ORDINANCES.



EXISTING ZONING
APN 116-0030-053
APN 116-0030-054
APN 116-0030-055



PROPOSED ZONING
APN 116-0030-053
APN 116-0030-054
APN 116-0030-055



NO.	DATE	BY	CHECK	DESCRIPTION
1				FOR CONSTRUCTION



SIERRA CAPITOL & INVESTMENTS
1725 NORTH FIRST STREET
FRESNO, CA 93720
PH: (571) 711-9197

REZONE EXHIBIT
THE LANDING AT ELK GROVE SENIOR LIVING
EAST STOCKTON BLVD.
ELK GROVE, CA

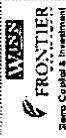
PROJECT NO. 116-0030-053
SHEET NO. 1 OF 1
DATE: 06-20-2018



RFE ENGINEERING, INC.
1725 NORTH FIRST STREET
FRESNO, CA 93720
PH: (571) 711-9197

THE LANDING AT ELK GROVE | SENIOR LIVING

City of Elk Grove, California



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 01-2017**

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 January 11, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 25, 2017 by the following vote:

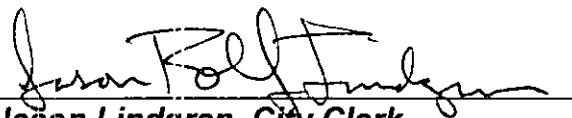
AYES : **COUNCILMEMBERS:** *Ly, Detrick, Hume, Suen*

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**