

**ORDINANCE NO. 14-2007**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM LIGHT INDUSTRIAL  
TO GENERAL COMMERCIAL  
FOR THE CALIFORNIA FAMILY FITNESS GPA AND REZONE  
PROJECT NO. EG-06-1014  
APN 119-0120-075**

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 Zoning Map from Light Industrial to General Commercial as shown on attached Exhibit A.

**Section 2: Findings**

**CEQA**

**Finding:** On the basis of the whole record, there is no substantial evidence that the project as conditioned and mitigated will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The mitigated negative declaration reflects the independent judgment and analysis of the City.

**Evidence:** Pursuant to CEQA guidelines, City staff prepared an initial study evaluating the potential environmental effects of the project. The Initial Study identified potentially significant adverse effects in the areas of traffic impacts and the impact to Giant Garter Snake. Mitigation measures that avoid or mitigate the potentially significant effects to a point where clearly no significant effects would occur were identified in the Initial Study and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30 day review and comment period between November 24, 2006 and December 22, 2006. No comments were received by the City within the 30 day public review period. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance during project implementation. A condition of approval has been imposed on the project that requires conformance with the MMRP.

**General Plan**

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

**Evidence:** This project includes an amendment to the General Plan Land Use Policy

Map from Light Industry to Commercial. The proposed rezone to General Commercial is consistent with the General Plan designation of Commercial and will allow the site to be developed commercially. The commercial uses anticipated to be developed on the site are underrepresented in the local community and are desired by the residents. There is also an economical benefit to be derived from the developing the site commercially, as there have been no proposals for industrial development of the site. The General Plan Amendment is consistent with the Economic Development Element and Land Use Elements of the General Plan.

### Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 119-0120-075 as shown on attached 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: 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).

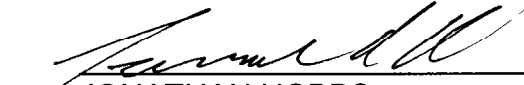
**ORDINANCE NO. 14-2007**  
INTRODUCED: February 28, 2007  
ADOPTED: March 14, 2007  
EFFECTIVE: April 13, 2007

  
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JIM COOPER, MAYOR of the  
CITY OF ELK GROVE

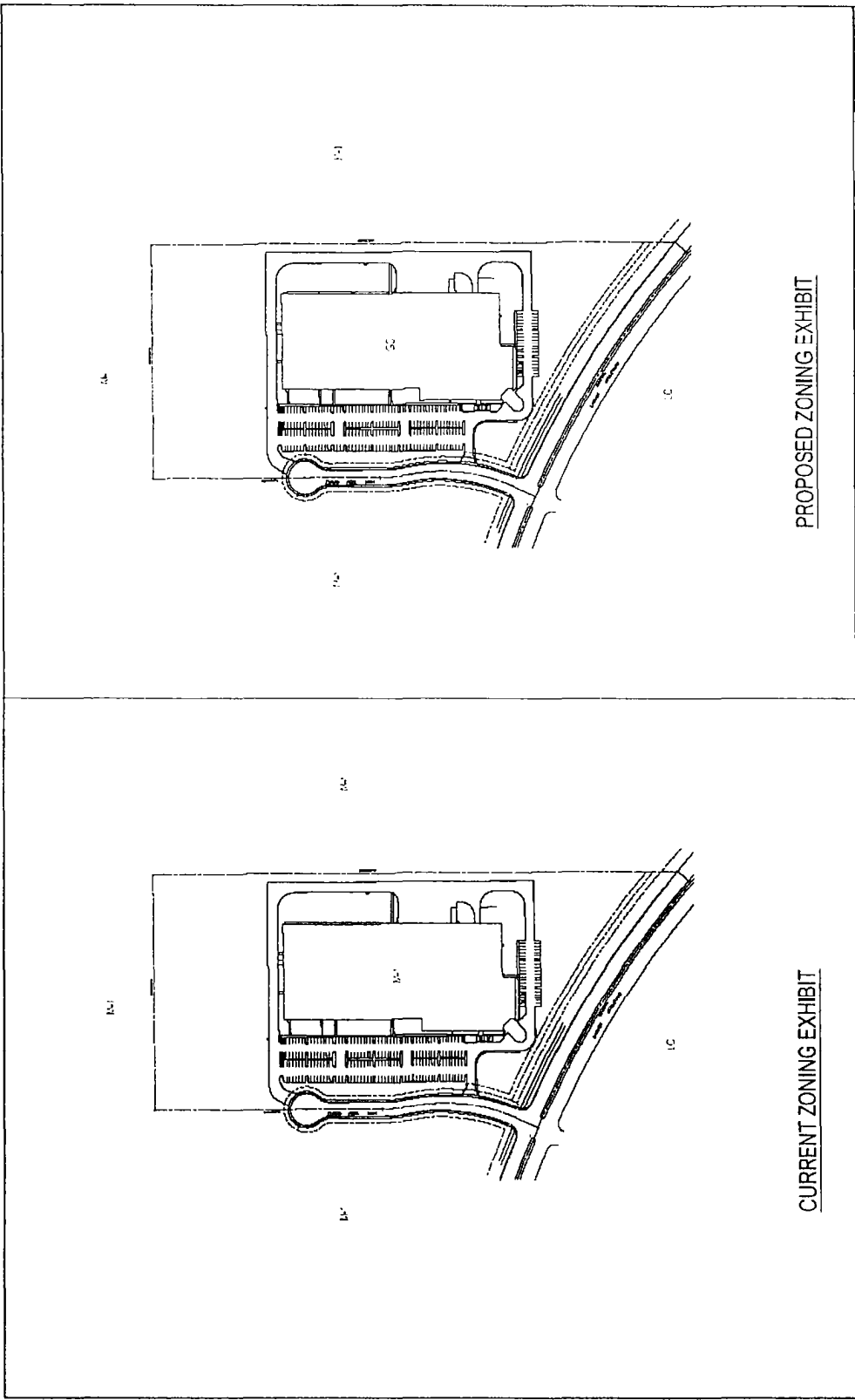
ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

## **Exhibit A – Rezone Exhibit**



CURRENT ZONING EXHIBIT

PROPOSED ZONING EXHIBIT

California Family Fitness - Elk Grove Sports Complex  
 3443 Laguna Blvd  
 Elk Grove, CA

REZONE EXHIBIT  
 14-01-001



A1.1

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2007**

STATE OF CALIFORNIA            )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE            )

*I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on February 28, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 14, 2007 by the following vote:*

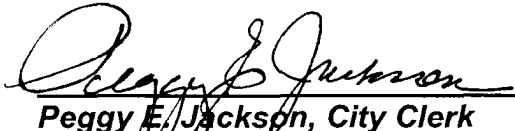
**AYES :**       **COUNCILMEMBERS:**     *Scherman, Cooper, Davis, Leary, Hume*

**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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**Peggy E. Jackson, City Clerk  
City of Elk Grove, California**

