

ORDINANCE NO. 37-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AR-5 TO SC AND AMENDING THE ORDINANCE SZC-99-0036 OF THE ELK
GROVE ZONING CODE GOVERNING THE LAGUNA GATEWAY SPECIAL
PLANNING AREA
PROJECT NO. EG-05-820
APNs: 116-0050-013, 027, 030 AND 031**

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 from AR-5 to SC for APN 116-0050-013, as shown in Exhibit A, 2) amend the Laguna Gateway Special Planning Area in the Zoning Code, changing the land use designation from Special Planning Area Office Park (SPA MP/BP) to Special Planning Area Retail West/Shopping Center (SPA RW/SC) for APNs 116-0050-027, 030, and 031, as shown in Exhibit B, and 3) amend provisions for the freestanding freeway sign as set forth in the Laguna Gateway Development Design Guidelines Ordinance No. SZC-99-0036, as shown in Exhibit C.

Section 2: Findings

CEQA

Finding: The Rezone and Special Planning Area Amendment will not have a significant adverse impact on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA) and the Mitigated Negative Declaration reflects the independent judgment and analysis of the City. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated will have a significant impact on the environment.

Evidence: An Initial Study with a Mitigated Negative Declaration evaluating the potential environmental effects of the project was prepared for the proposed project. Potentially significant adverse effects related to air quality, biological resources, and transportation/traffic was identified in the Initial Study. Mitigation Measures have been imposed on the project and the Applicant has agreed to implement the proposed Mitigation Measures that reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Negative Declaration on August 17, 2007. It was posted at the Sacramento County Clerk's Office, distributed through the

State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on August 17, 2007 and closed on September 17, 2007. The Mitigated Negative Declaration was made available to the public during this review period.

Rezone

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

Evidence: The Applicant's proposal is consistent with the allowed uses in the Elk Grove General Plan and General Plan Land Use Map. The Elk Grove General Plan designates the site for Commercial/Office/Multi-family uses. Therefore, the proposed project implements the General Plan's objectives for orderly and systematic development, and responds to opportunities and constraints in the local community area.

Special Planning Area Amendment

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

Evidence: As modified and conditioned, the amendment would 1) change the Special Planning Area land use designation for approximately 2.69 acres from Office Park (SPA MP/BP) to Special Planning Area Retail West/Shopping Center (SPA RW/SC) and 2) to modify the sign criteria for the freestanding freeway sign. The General Plan land use designation for the site is Commercial/Office/Multi-family. Thus, the development of the project site for commercial use will remain consistent with the General Plan.

Finding: The Special Planning Area meets the requirements set forth in the Article II of the Zoning Code.

Evidence: The amendment would continue to satisfy the requirements of Zoning Code Article II in that the amendment would not impact the overall goals and policies of the Laguna Gateway Special Planning Area.

Section 3: Action

The City Council hereby amends the following, subject to the findings contained in this Ordinance:

1. The City of Elk Grove Zoning Map shall be amended from AR-5 to SC for APN 116-0050-013, as shown in Exhibit A;
2. The Laguna Gateway Special Planning Area in the Zoning Code shall be amended from Special Planning Area Office Park (SPA MP/BP) to Special Planning Area Retail West/Shopping Center (SPA RW/SC) for APNs 116-0050-

027, 030, and 031, as shown in Exhibit B; and,

3. The provisions for the freestanding freeway sign criteria as set forth in the Laguna Gateway Development Design Guidelines Ordinance No. SZC-99-0036, shall be amended to expand the freeway sign to thirty-four (34) feet, as shown in Exhibit C.

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

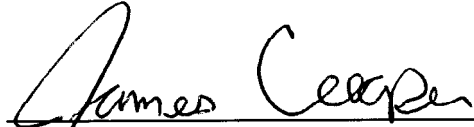
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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. 37-2007

INTRODUCED: November 14, 2007
ADOPTED: December 12, 2007
EFFECTIVE: January 11, 2008



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Exhibit A

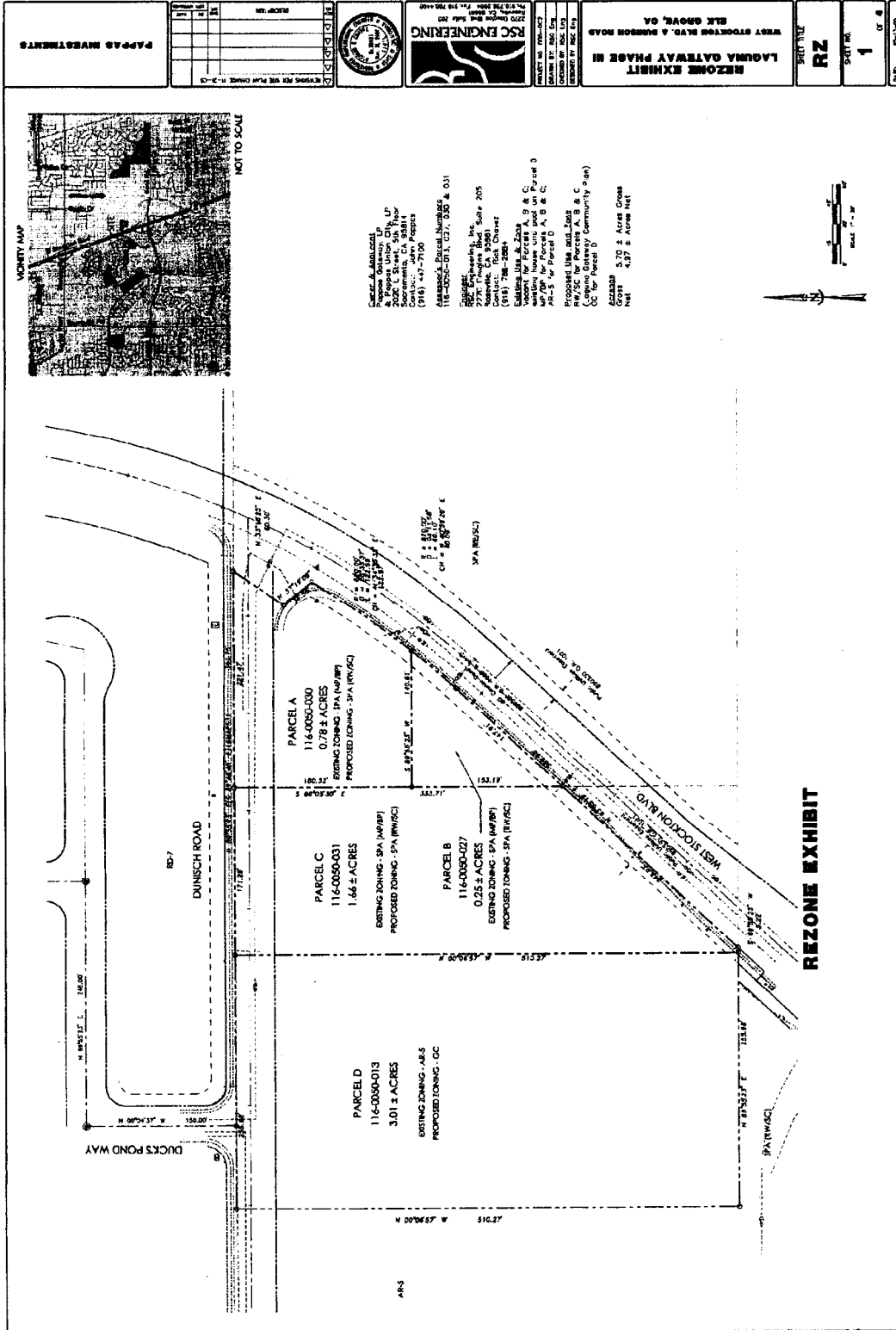
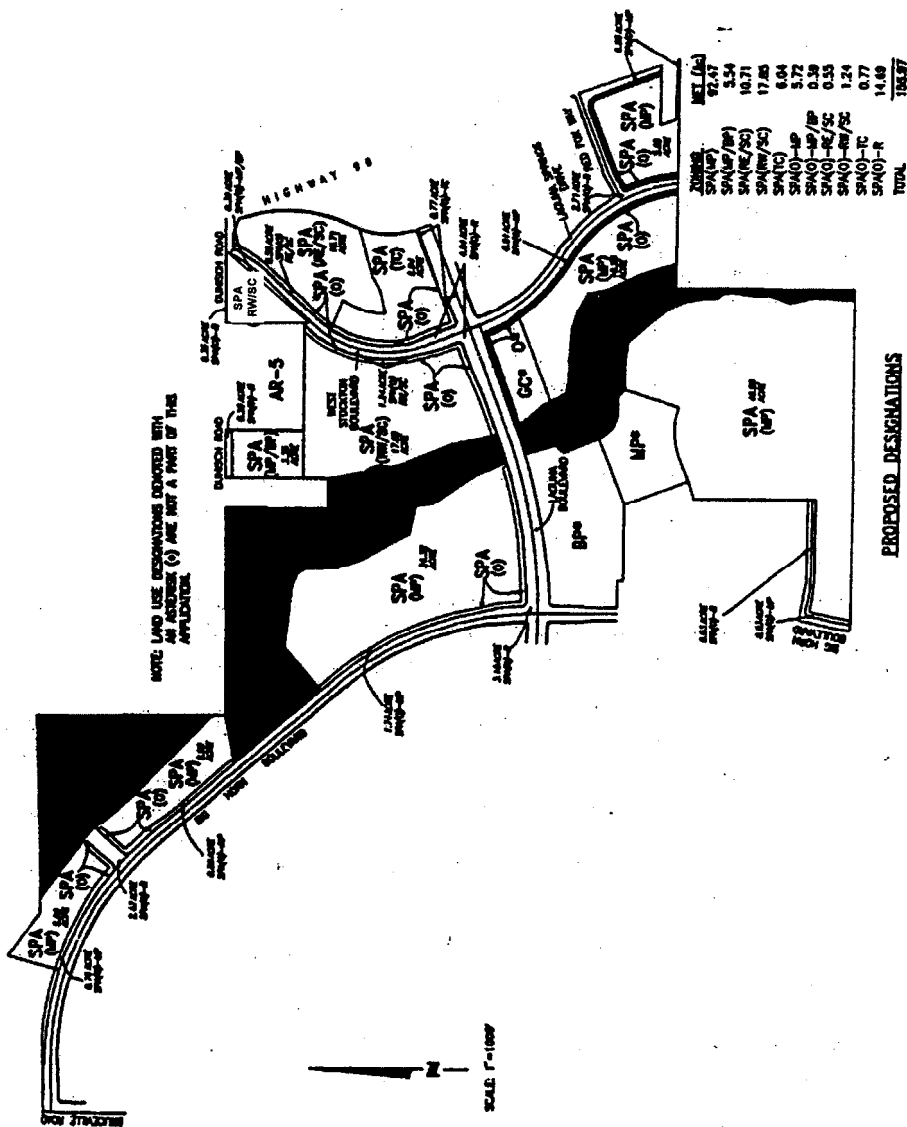


Exhibit B

COMMUNITY PLAN AMENDMENT AND REZONING FOR
LAGUNA GATEWAY
 COUNTY OF SACRAMENTO, CALIFORNIA
 MAY, 1999 SCALE: 1"=1000'
 MURRAY SMITH & ASSOCIATES

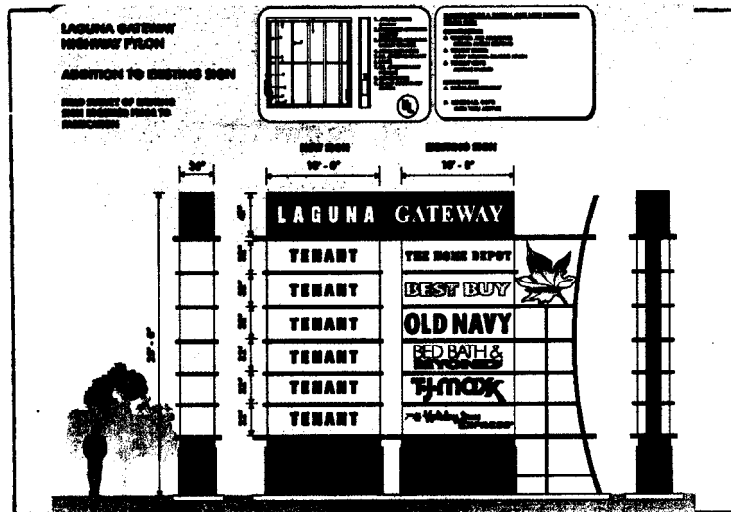
Section 512-112



Signage

Freestanding Freeway Sign

The freestanding freeway trellis sign shall be a painted steel structure with metal wire infill. A sculptural placard conveying the project's garden theme shall be integrated into the trellis. An attached opaque sign panel will be constructed alongside the trellis. The sign panel shall include the project identification and a maximum of six individual tenant names or logos. The sign shall have a common sign panel color and common tenant identification text/logo color. Tenant font may vary for each tenant. No electronic messaging or animation. Double sided.



- Location: North end of project adjacent to Highway 99
- Quantity: 1
- Lighting: Sign and Placard: Opaque panel with project name and tenant names internally illuminated. Internal and ground illumination.
- Trellis:
- Architectural Base Height: 5'-0"
- Sign Panel Height: 20'-0"
- Overall height: 25'-0"
- Architectural Base Width: 28'-0"
- Trellis Width: 6'-0"
- Sign Panel Width: 10'-0"
- Overall width: 34'-0" including offset base
- Maximum Sign Panel Area: 200 SF ea. side (signage face)
- Maximum tenant text height: 2'-0"

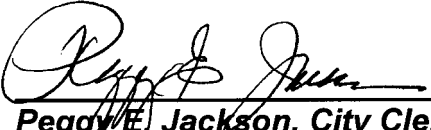
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 37-2007**

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, published and posted in compliance with State law, was duly introduced on November 14, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 12, 2007 by the following vote:

AYES : **COUNCILMEMBERS:** **Cooper, Leary, Scherman, Davis, Hume**
NOES: **COUNCILMEMBERS:** **None**
ABSTAIN: **COUNCILMEMBERS:** **None**
ABSENT: **COUNCILMEMBERS:** **None**

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

 12/12/07
**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

