

ORDINANCE NO. 02-2017

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING THE OLD TOWN SPECIAL PLANNING AREA REZONE FOR THE
RAILROAD (OLD TOWN) PLAZA PROJECT**

WHEREAS, in August 2005, the City Council adopted the Old Town Special Planning Area (Old Town SPA), which includes the Project site as a Commercial land use zone; and

WHEREAS, in October 2012, the City purchased the subject property; and

WHEREAS, the City conducted various analyses and public outreach to understand opportunities, constraints, and preferred development improvements; and

WHEREAS, in October 2015, City Council supported a conceptual plan for a public plaza on the site and directed staff to identify potential funding sources and come back with a detailed plan outlining the phasing and financing; and

WHEREAS, the Old Town SPA Amendment to change the land use and allowed uses from Commercial to Public Plaza are required to allow public park and plaza use on the Project site; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN 134-0010-068; and

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

WHEREAS, an Initial Study and Mitigated Negative Declaration have been prepared for the Project; and

WHEREAS, the Development Services Department considered the Project request pursuant to the General Plan, Title 23 of the Elk Grove Municipal Code (Zoning Code), Old Town Special Planning Area development standards and design guidelines, and all other applicable State and local regulations; 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 3-0 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 within the Old Town Special Planning Area to change the land use and allowed uses from Commercial to Public Plaza as required to allow public park and plaza use on the Project site as shown in Exhibit A.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: All potentially significant impacts have been adequately analyzed in a Mitigated Negative Declaration that was prepared for the Railroad Street Plaza Project by the City. Staff has reviewed the Initial Study and Draft Mitigated Negative Declaration, which indicates the Railroad Street Plaza Project, will not have a significant impact on the environment.

Evidence: Staff prepared an Initial Study and Mitigated Negative Declaration for the Railroad Street Plaza Project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. A Mitigation Monitoring and Reporting Program (MMRP) recorded on the property will ensure compliance with all mitigation measures throughout project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on November 11, 2016. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse, and at the City offices, pursuant to Section 15072 of Title 14 of the California Code of Regulations (State CEQA Guidelines). The Mitigated Negative Declaration was made available to the public during this 30-day review period, which closes on December 12, 2016.

On the basis of the Mitigated Negative Declaration, environmental analysis, and the whole record, there is no substantial evidence that the Project will have a significant adverse impact on the environment above those addressed within the adopted Mitigated Negative Declaration.

Old Town Special Planning Area Amendment -Rezone

Finding #1: The Project is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The General Plan Historic Resource and Land Use Policies require implementation and regular updating of the Old Town SPA to ensure aesthetic quality, preservation of historic resources, and compatibility of uses in the Old Town area. The proposed changes to the land use designation and corresponding allowed uses in the Old Town SPA from Commercial to Public Plaza will implement the vision for public gathering places and outdoor venues for a wide range of activities consistent with the standards and guidelines for Old

Town Elk Grove as established in the Old Town Special Planning Area.

Finding #2: The Project is consistent with the vision statements, development standards, and design guidelines of the Old Town Special Planning Area Plan.

Evidence: The Land Use Vision for Old Town SPA is for a diverse, active, and attractive town center that encourages walking, shopping, dining and the staging of community events and celebrations. Development standards focus not only on building patterns and design for historic preservation, but on the pedestrian environment, outdoor activities, hardscape and landscape. Formalizing the public plaza in the heart of Old Town creates a synergy for all of those desired activities consistent with the vision.

Finding #3: The requested amendment will benefit Old Town and the City.

Evidence: As previously mentioned, the City has spent the necessary time and effort to study the site and develop a cohesive plan for the site that responds to the overall concept and intent outlined in the Plan.

Finding #4: The amendment will not adversely affect adjacent properties and can be properly serviced.

Evidence: The proposed amendment will not impact adjacent properties as they will continue to have the necessary access. The proposed improvements to the site will maintain and enhance the street improvements along Railroad and Grove Streets. The site is currently used for a wide variety of regular and special events. Planned improvements will create formal space and improvement (hardscape and landscape) to better serve both existing and future events, including but not limited to public restrooms, shade structures, permanent seating, landscaping, lighting, and parking.

Section 3: Action

The City Council hereby approves the rezoning of property within the Old Town Special Planning Area to change the land use and allowed uses from Commercial to Public Plaza are required to allow public park and plaza use on the Project site 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 effect 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: 02-2017
INTRODUCED: January 11, 2017
ADOPTED: January 25, 2017
EFFECTIVE: February 24, 2017



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

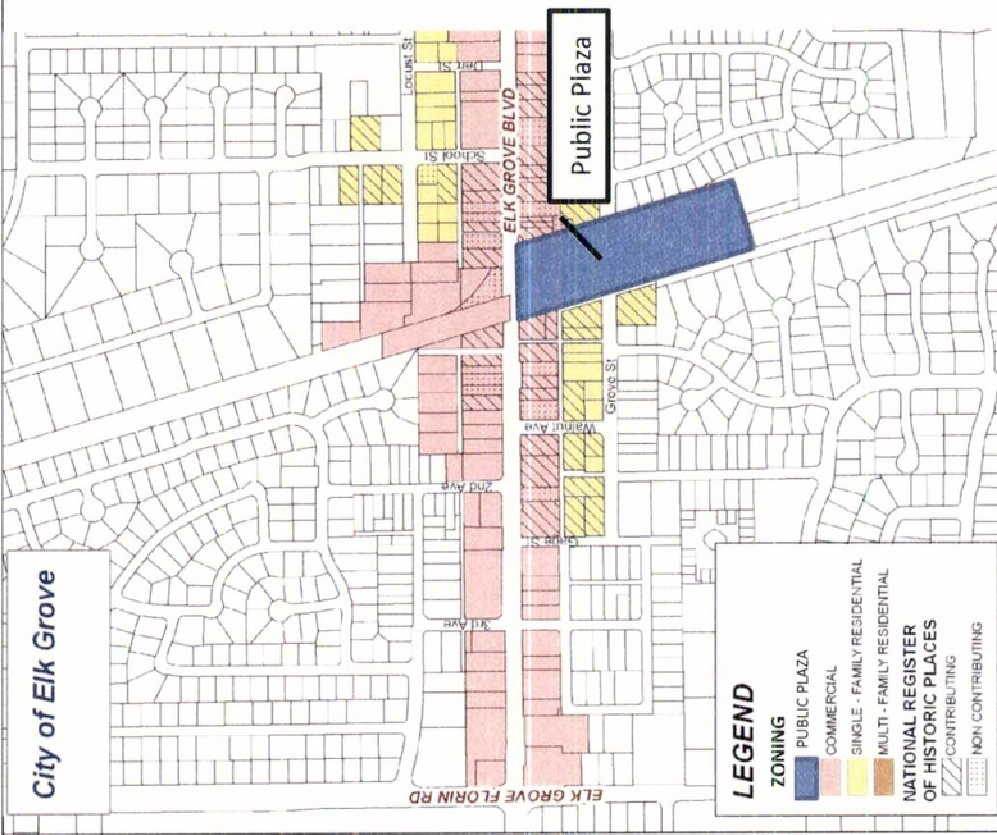
APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

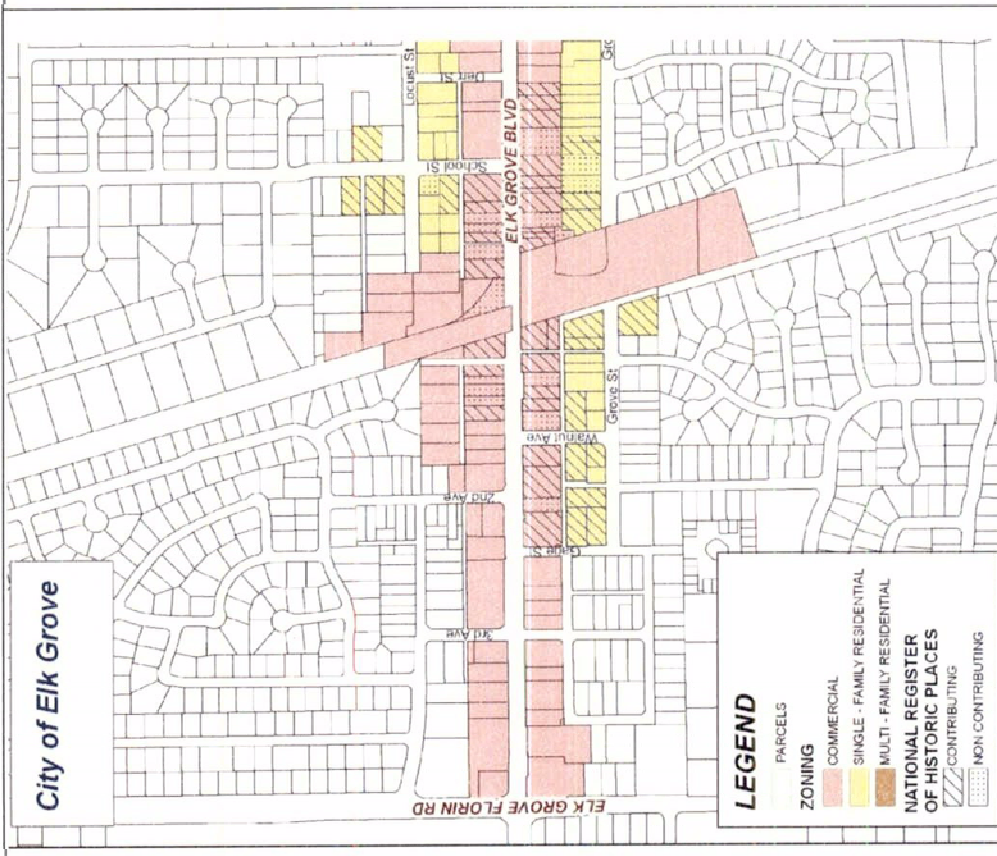
Date signed: January 31, 2017

EXHIBIT A

Railroad (Old Town) Plaza – Old Town SPA Land Use Zone Amendment Exhibit



Proposed Old Town SPA Land Use Zone Map (Public Plaza)



Existing Old Town SPA Land Use Zone Map (Commercial)

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 02-2017**

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:

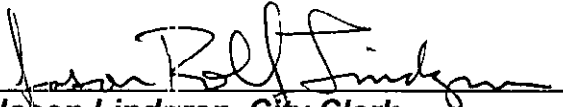
AYES : **COUNCILMEMBERS:** **Ly, Detrick, Hume, Suen**

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**