

ORDINANCE NO. 16-2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FOR THE EAST ELK GROVE
CONSISTENCY REZONE PROJECT**

WHEREAS, in February 1996, the County Board of Supervisors adopted the East Elk Grove Specific Plan (Specific Plan); and

WHEREAS, not all of the properties within the Specific Plan were rezoned to the corresponding zoning districts as part of the Board of Supervisors action; and

WHEREAS, on July 1, 2000, the City of Elk Grove incorporated; and

WHEREAS, the City adopted the zoning code and map in effect with the County of Sacramento at the time of incorporation, including applicable zoning for the East Elk Grove area; and

WHEREAS, as part of the adoption of the City's first General Plan in 2003, the City incorporated the Specific Plan's land plan as part of the land use plan for the City; and

WHEREAS, inconsistencies in the General Plan, Specific Plan, and zoning have been identified; and

WHEREAS, it is proposed that the zoning map for the City of Elk Grove be amended for consistency with the Specific Plan (the Project); and

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

WHEREAS, State CEQA Guidelines Section 15183 provides 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 as part of its adoption in 2003 (SCH #2002062082); and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 7, 2016, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting; and

WHEREAS, the City Council held a duly noticed public hearing on July 27, 2016, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and 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 amend the Zoning Map for the City of Elk Grove for consistency with the General Plan.

Section 2: 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

Evidence: The proposed project is exempt from CEQA under to CEQA Guidelines Section 15183. This exemption applies to projects that are consistent with a General Plan for which an environmental impact report (EIR) was prepared. The proposed Project would rezone the subject sites into zoning districts consistent with the General Plan. An EIR was prepared and certified for the General Plan as part of its adoption in 2003 (SCH #2002062082). Therefore, this Project qualifies for the identified exemption and no further environmental review is required.

General Plan

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

Evidence: The proposed rezoning is consistent with the General Plan, specifically Land Use Policy LU-3, which identifies the zoning districts that implement the various General Plan land use designations.

Section 3: Action – Zoning Map Amendment

The Elk Grove Zoning Map is hereby amended as described in Exhibits A and B, attached herein by this reference.

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.

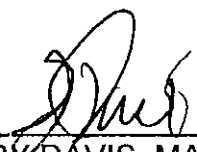
Section 6: Savings Clause

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 affect; 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: **16-2016**
INTRODUCED: July 27, 2016
ADOPTED: August 24, 2016
EFFECTIVE: September 23, 2016



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

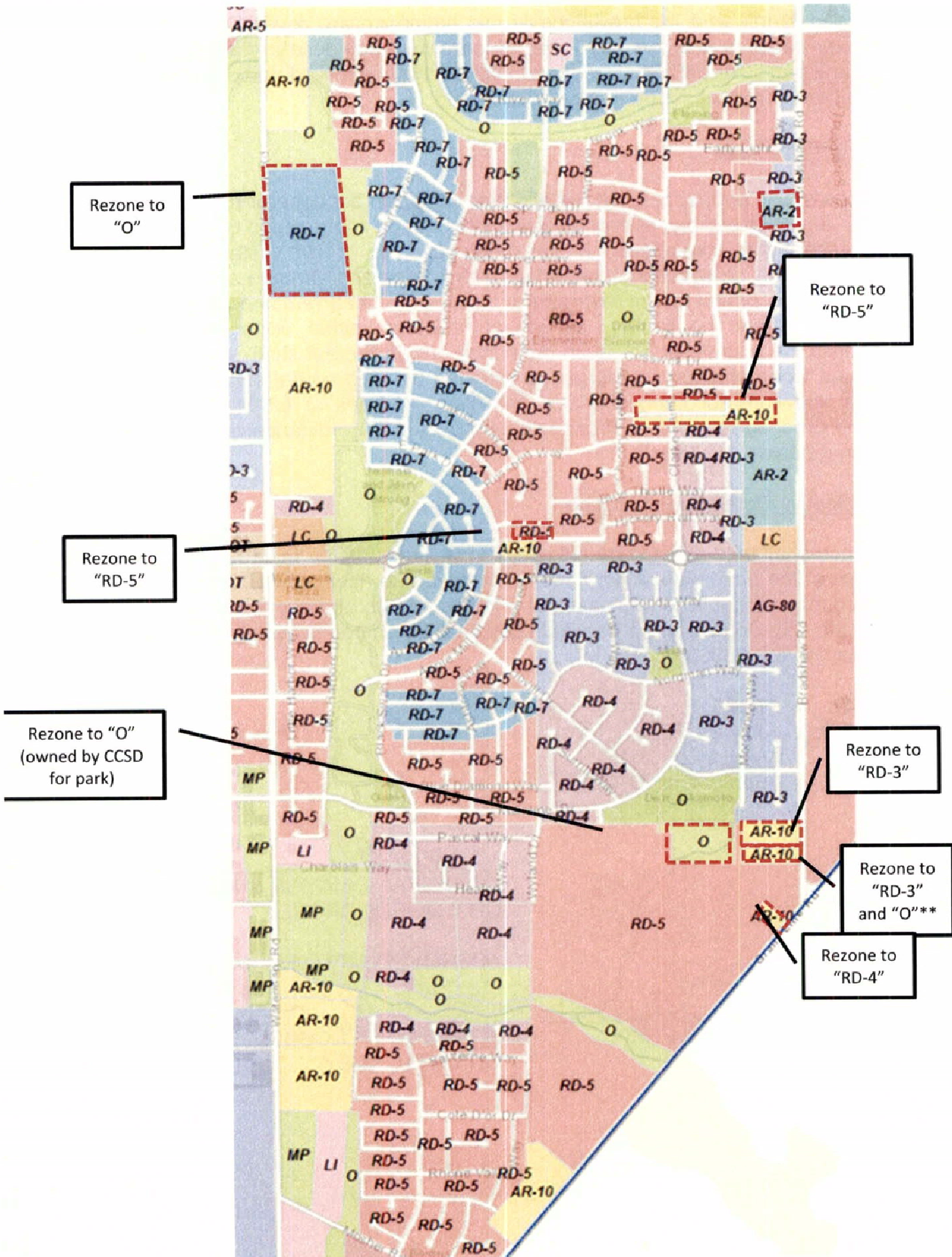

JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: September 15, 2016

Exhibit A
East Elk Grove Consistency Rezone Project
Rezone Map



** Alignment pursuant to General Plan land use configuration.

**Exhibit B
East Elk Grove Consistency Rezone Project
Rezone Table**

APN	Situs	Existing Zoning	Proposed Zoning
127-0140-031-0000	WATERMAN RD	RD-7	O
127-0150-016-0000	9441 ELK GROVE BLVD	AR-10	RD-5
127-0150-017-0000	9499 ELK GROVE BLVD	AR-10	RD-5
127-0800-001-0000	9596 FETLOCK WAY	AR-10	RD-5
127-0800-002-0000	9592 FETLOCK WAY	AR-10	RD-5
127-0800-003-0000	9588 FETLOCK WAY	AR-10	RD-5
127-0800-004-0000	9584 FETLOCK WAY	AR-10	RD-5
127-0800-005-0000	9580 FETLOCK WAY	AR-10	RD-5
127-0800-006-0000	9576 FETLOCK WAY	AR-10	RD-5
127-0800-007-0000	9577 FETLOCK WAY	AR-10	RD-5
127-0800-008-0000	9581 FETLOCK WAY	AR-10	RD-5
127-0800-009-0000	9585 FETLOCK WAY	AR-10	RD-5
127-0800-010-0000	9589 FETLOCK WAY	AR-10	RD-5
127-0800-011-0000	9593 FETLOCK WAY	AR-10	RD-5
127-0800-012-0000	9597 FETLOCK WAY	AR-10	RD-5
127-0800-013-0000	9605 FETLOCK WAY	AR-10	RD-5
127-0800-014-0000	9609 FETLOCK WAY	AR-10	RD-5
127-0800-015-0000	9613 FETLOCK WAY	AR-10	RD-5
127-0800-016-0000	9617 FETLOCK WAY	AR-10	RD-5
127-0800-017-0000	9621 FETLOCK WAY	AR-10	RD-5
127-0800-018-0000	9625 FETLOCK WAY	AR-10	RD-5
127-0800-019-0000	9629 FETLOCK WAY	AR-10	RD-5
127-0800-020-0000	9633 FETLOCK WAY	AR-10	RD-5
127-0800-021-0000	9641 FETLOCK WAY	AR-10	RD-5
127-0800-022-0000	9645 FETLOCK WAY	AR-10	RD-5
127-0800-023-0000	9644 FETLOCK WAY	AR-10	RD-5
127-0800-024-0000	9640 FETLOCK WAY	AR-10	RD-5
127-0800-025-0000	9636 FETLOCK WAY	AR-10	RD-5
127-0800-026-0000	9632 FETLOCK WAY	AR-10	RD-5
127-0800-027-0000	9628 FETLOCK WAY	AR-10	RD-5
127-0800-028-0000	9624 FETLOCK WAY	AR-10	RD-5
127-0800-029-0000	9620 FETLOCK WAY	AR-10	RD-5
127-0800-030-0000	9616 FETLOCK WAY	AR-10	RD-5
127-0800-031-0000	9612 FETLOCK WAY	AR-10	RD-5
127-0800-032-0000	9608 FETLOCK WAY	AR-10	RD-5
127-0800-033-0000	9604 FETLOCK WAY	AR-10	RD-5
134-0110-140-0000	9820 BRADSHAW RD	AR-10	RD-3
134-0110-142-0000	9850 BRADSHAW RD	AR-10	RD-3/O*
134-0110-146-0000	9876 GRANT LINE RD	AR-10	RD-4
134-0110-167-0000	GRANT LINE RD	RD-5	O

** Alignment pursuant to General Plan land use configuration.

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 16-2016**

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 July 27, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 24, 2016 by the following vote:

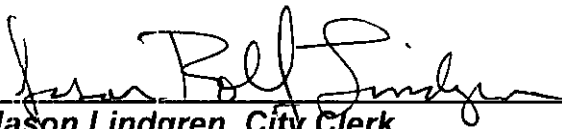
AYES : **COUNCILMEMBERS:** *Davis, Ly, Detrick, Hume, Suen*

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**