

ORDINANCE NO. 6-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ORDINANCE NO. SZC-99-0036 (LAGUNA GATEWAY SPECIAL PLANNING AREA) TO ADD A NEW SECTION 512-104.5 TO PERMIT A RETAIL USE ON APN #116-0320-038 AND TO AMEND SECTION 512-112 TO ESTABLISH A NEW LAND USE DESIGNATION WITHIN THE SPECIAL PLANNING AREA FOR ASSESSOR PARCEL NUMBER 116-0320-038

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 Ordinance No. SZC-99-0036 (Laguna Gateway Special Planning Area) to add a new section 512-104.5 and to amend Section 512-112 to permit a retail use on APN #116-0320-038. This Ordinance is authorized by Article 11, Section 7 of the California Constitution.

Section 2: Findings

1. In adopting this Ordinance, the City Council makes the following findings:
 - A. On February 13, 2003, the Elk Grove Planning Commission held public hearings on a project known as Laguna Gateway, Phase 2 (EG-02-298), and recommended that the City Council approve the project.
 - B. On February 19, 2003, the City Council held a public hearing on the proposed project, at which time public testimony was taken and duly considered.
 - C. The City Council finds that the Laguna Gateway, Phase 2 project is consistent with the goals, policies, implementation programs and land use designations specified in the City's General Plan (as amended by the application), as required by Government Code Section 65860.

Section 3. CEQA Findings

1. The project will result in significant impact upon the environment and a Supplemental EIR was prepared to disclose these impacts to the public and decision makers. The SEIR and MMRP has substantially lessened all significant effects on the environment where feasible as shown in the findings for certification of the SEIR and any remaining significant effects on the environment are acceptable as described in the Statement of Overriding Considerations.

Section 4. Amendments

Ordinance No. SZC-99-0036 is amended to add new section 512-104.5 to read as shown below.

Section 512-104.5. PERMITTED USES ON APN #116-0320-038. Development is permitted on APN #116-0320-038 consistent with the General Plan Amendment, Rezone, Tentative Subdivision Map, Development Plan Review, Site Plan, and Landscape Plan approved by the City Council, as set forth in the staff report and as expressed in the testimony provided at the public hearing. The Retail Center signage standards of the Laguna Gateway Design and Development Guidelines shall apply to APN #116-0320-038. In all other respects, the design standards for APN #116-0320-038 shall be established by the Council's approval of the Development Plan Review.

Section 512-112. PROPOSED DESIGNATIONS. The exhibit in Section 512-112 shall be amended to change the land use designation from SPA (MP) to SPA (SC) on APN #116-0320-038, consistent with Exhibit A.

Section 5: 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.

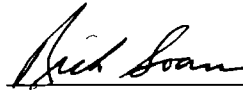
Section 6: Severability

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 7: Effective Date and Publication

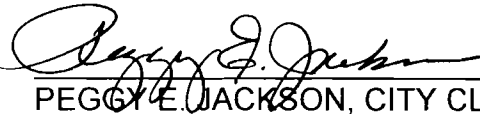
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 5th day of March 2003.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: April 4, 2003

AYES: Soares, Briggs, Cooper
Scherman, Leary
NOES: None
ABSTAIN: None
ABSENT: None

EXHIBIT A

