

## ORDINANCE NO. 53-2008

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FOR A 3.23 ACRE PARCEL FROM AGRICULTURAL – 20 ACRE (AG-20) TO LOW DENSITY RESIDENTIAL – FIVE UNITS PER ACRE (RD-5) CONSISTENT WITH THE LAGUNA RIDGE SPECIFIC PLAN FOR THE TREASURE HOMES PROJECT NO. EG-03-486 ASSESSOR PARCEL NUMBER 132-0050-066

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 Grove Zoning Map from AG-20 to RD-5 consistent with the Laguna Ridge Specific Plan for the Treasure Homes Project, as shown in Exhibit A, attached hereto and incorporated by reference.

#### Section 2: Findings

##### **California Environmental Quality Act (CEQA)**

Finding: The subject project is exempt from the California Environmental Quality Act (CEQA).

Evidence: The project involves granting a Rezone from AG-20 to RD-5 in the Laguna Ridge Specific Plan. The proposed project is consistent with the activities exempt from environmental review pursuant to CEQA Guidelines, Section 15182 (Residential Projects Pursuant to a Specific Plan). This exemption applies to residential projects covered by Section 15182 including but not limited to land subdivisions, zoning changes, and residential planned unit developments. An Initial Study was prepared for the project site in 2005 and at that time staff concluded that no adverse effect on the environment would be created that was not previously identified in the Laguna Ridge Specific Plan Environmental Impact Report (EIR). This proposed rezone is consistent with the previous analysis and no further environmental review is required.

##### **Rezone**

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

Evidence: The proposed rezone to RD-5 is consistent with the description and density ranges provided in Land Use Policy LU-2. The rezone complies with the goals and policies of the Laguna Specific Plan and is consistent with the approved Tentative Subdivision Map and Design Review.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN: 132-0050-066 as shown on attached Exhibit A subject to the findings contained in this Ordinance.

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:**       **53-2008**  
**INTRODUCED:**     December 10, 2008  
**ADOPTED:**         January 14, 2009  
**EFFECTIVE:**       February 13, 2009



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PATRICK HUME, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK

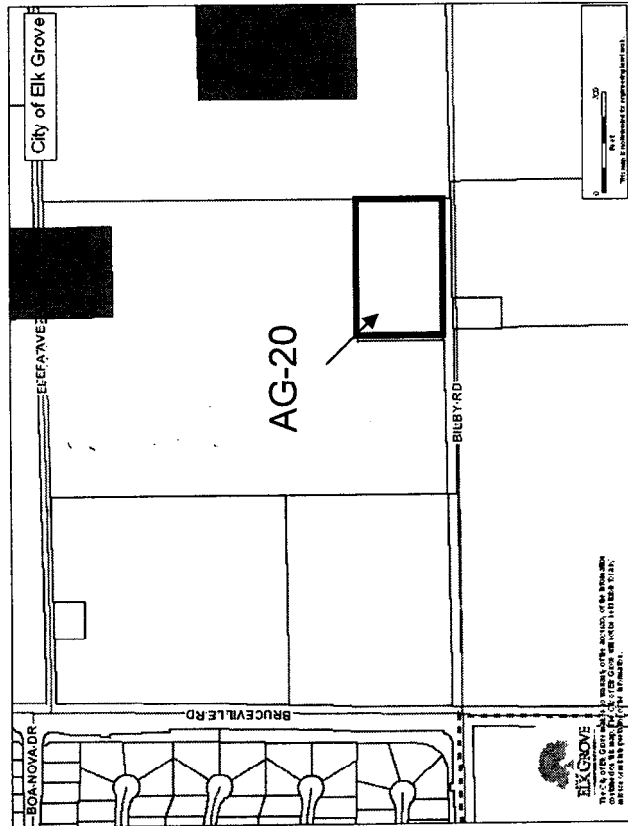
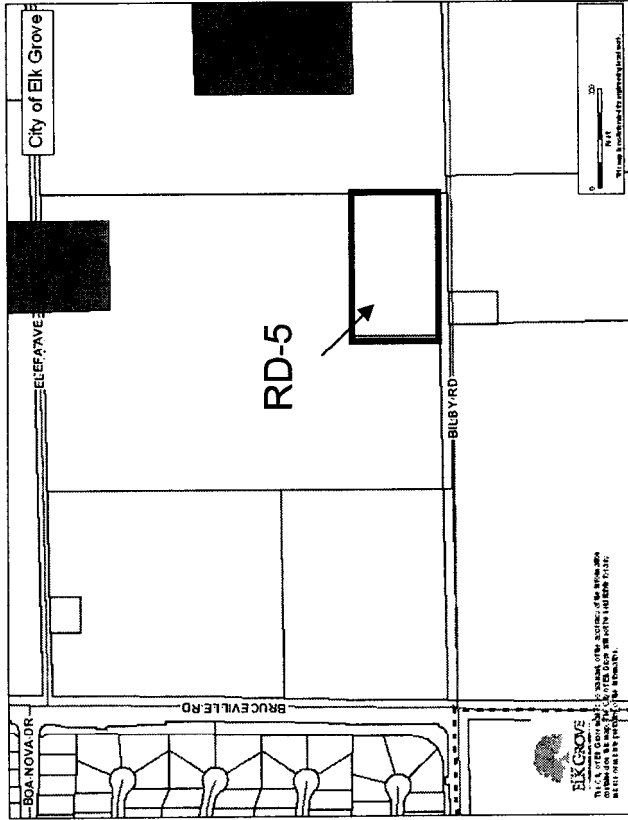
APPROVED AS TO FORM:

  
\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

Date signed: January 20, 2009

# EXHIBIT A

## REZONE EXHIBIT



**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 53-2008**

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

*I, Susan J. Blackston, 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 December 10, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 14, 2009 by the following vote:*

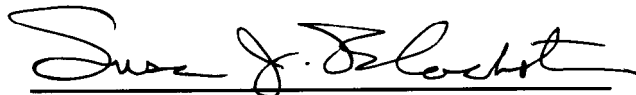
**AYES :**        **COUNCILMEMBERS:**        *Hume, Scherman, Cooper, Davis, Detrick*

**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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**Susan J. Blackston, City Clerk  
City of Elk Grove, California**