

## ORDINANCE NO. 17-2008

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AG-80 TO RD-5, RD-6, RD-7, RD-15, RD-20 AND "O" ZONE DISTRICTS FOR STERLING MEADOWS SUBDIVISION EG-01-130, ASSESSOR'S PARCEL 132-0152-001-0000

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 to assign revised zoning to the parcel shown on attached Exhibit A.

#### Section 2: Findings

##### *California Environmental Quality Act*

Finding: Prior to adoption of this ordinance, an analysis and public disclosure of the environmental impacts of the project have been completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: The City prepared a Draft Environmental Impact Report ("EIR") for the project, which circulated through the State Clearinghouse (SCH No. 1999122067) and distributed to interested parties. The City has completed the Final EIR, which includes the Draft EIR, comments received during the public review period and responses to those comments. The City Council has certified an Environmental Impact Report, determining that it has been completed in accordance with CEQA. The EIR finds that the project will have a significant adverse impact on the environment.

The City Council has adopted a Mitigation Monitoring and Reporting Program for the project, which avoids and minimizes environmental impacts to the extent feasible. However, certain significant, unavoidable impacts will occur, even with the inclusion of these mitigation measures. The City Council has approved a Statement of Overriding Considerations, finding that the project may be approved due to social, economic and other factors.

Finding: The proposed amendment of the Zoning Map implements and is consistent with the General Plan and does not create problems detrimental to the public health, safety and general welfare of the residents of Elk Grove.

Evidence: The City reviewed the proposed amendment to the Zoning Map and received public testimony at a duly noticed public hearing regarding the matter. The proposed Zoning Map Amendment corresponds to the allowed residential density ranges and uses in the General Plan, as amended. Also, the proposed amendment is consistent with the Plan's objectives of orderly and systematic development. The Rezoning will not go into effect unless and until the City Council approves the

corresponding General Plan Amendment.

The project promotes public interest through the inclusion of an affordable housing site, construction of public parks, fire station and other infrastructure which benefit the general public.

Public safety issues are addressed by the mitigation measures of the EIR and the conditions of approval of the tentative subdivision maps.

### Section 3: Action

The City Council hereby amends the Zoning Map of the City of Elk Grove for Assessor's Parcel Number 132-0152-001 as shown on 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.

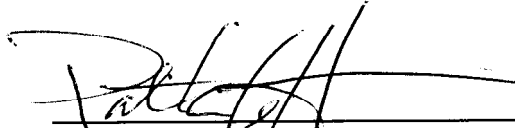
### Section 5: Severability.

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:** 17-2008  
**INTRODUCED:** May 28, 2008  
**ADOPTED:** June 11, 2008  
**EFFECTIVE:** July 11, 2008

  
\_\_\_\_\_  
PATRICK HUME, VICE MAYOR of the  
CITY OF ELK GROVE

ATTEST:

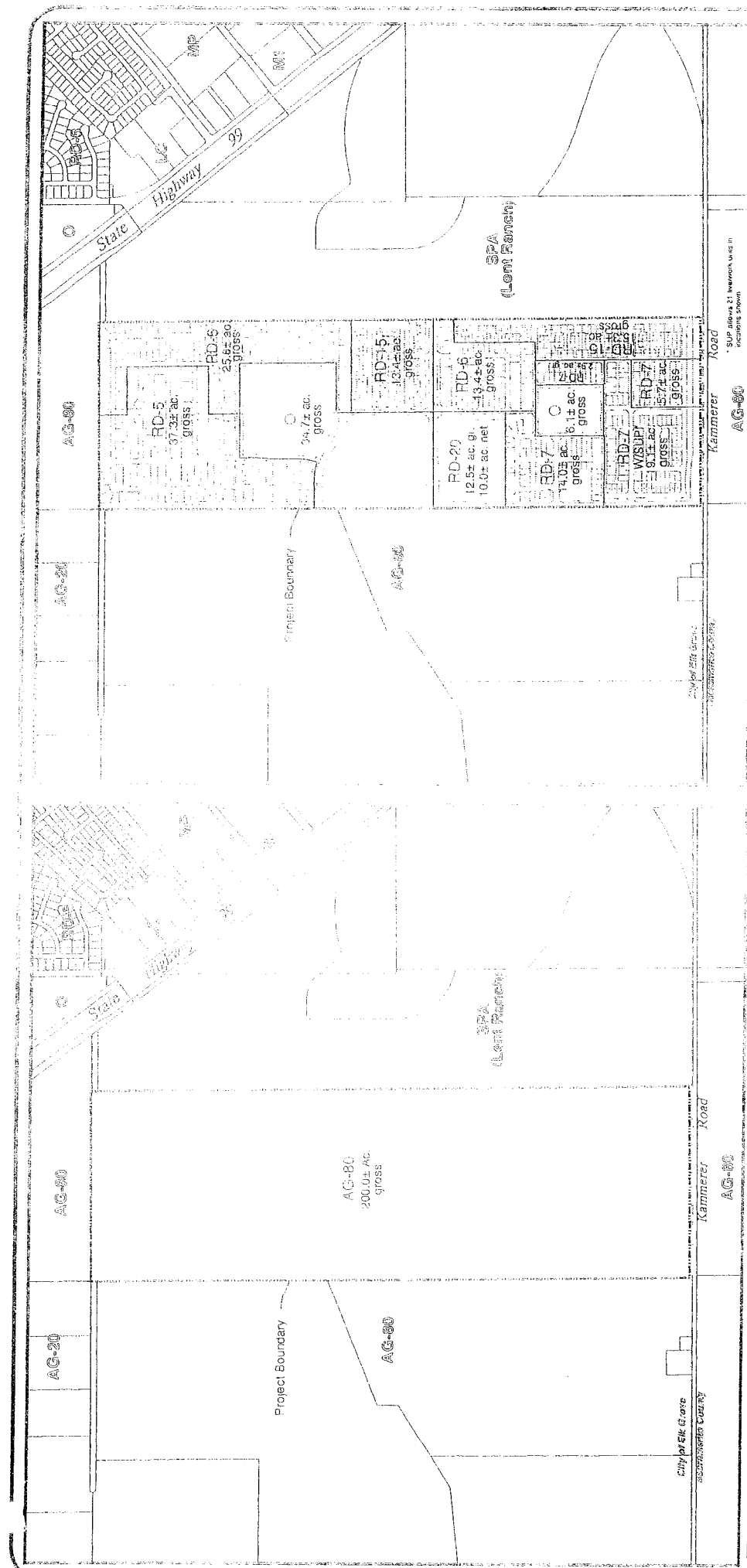
  
\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK

Date signed: June 19, 2008

APPROVED AS TO FORM:

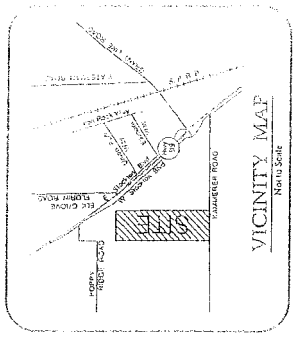
  
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SUSAN COCHRAN, CITY ATTORNEY

Exhibit A



Existing Zoning

Proposed Zoning



# Rezoning Exhibit

## STERLING MEADOWS

City of Elk Grove, California  
 Scale: N.T.S.  
 November 8, 2004  
 Revised: February 9, 2007  
 March 5, 2008

**HACKAY & SONPS**  
 CIVIL ENGINEERS, INC.  
 SACRAMENTO, CALIFORNIA (916) 928-0072

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 17-2008**

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 May 28, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 11, 2008 by the following vote:*

**AYES :**       **COUNCILMEMBERS:**       *Hume, Scherman, Leary,*

**NOES:**       **COUNCILMEMBERS:**       *None*

**ABSTAIN:**   **COUNCILMEMBERS:**       *None*

**ABSENT:**    **COUNCILMEMBERS:**       *Davis, Cooper*

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



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