

**ORDINANCE NO. 33-2011**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-5 TO AR-2  
FOR THE ALBIANI JUSTAMERE PARCEL MAP PROJECT NO. EG-10-019  
ASSESSOR'S PARCEL NUMBER: 127-0080-049**

**WHEREAS**, on March 22, 2010, Dennis and Elizabeth Albiani (the "Applicant") submitted an application to the City of Elk Grove Planning Department for a Rezone from AR-5 (Agricultural Residential, 5-acre minimum) to AR-2 (Agricultural Residential, 2-acre minimum) and a Tentative Parcel Map to subdivide one 5.05± gross acre (4.82± net acre) parcel into two lots measuring 2.26± and 2.79± gross acres each; and

**WHEREAS**, the subject property is located on real property within the incorporated limits of the City of Elk Grove, specifically identified as 10170 Justamere Lane, Assessor's Parcel Number (APN) 127-0080-049;

**WHEREAS**, the Applicant is requesting to Rezone the site from AR-5 to AR-2;  
and

**WHEREAS**, the proposed rezone of the site to AR-2 is consistent with the zoning designations and density range supported by the site's underlying General Plan land use designation of Rural Residential; and

**WHEREAS**, the proposed zoning implements the General Plan's policies and goals for orderly development that is adequately supported by public infrastructure and services; and

**WHEREAS**, the City Council of the City of Elk Grove finds the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15315 (Minor Land Divisions) of Title 14 of the California Code of Regulations; and

**WHEREAS**, the Planning Commission considered the Applicant's request at a public hearing on April 7, 2011, and recommended the City Council approve the project; and

**WHEREAS**, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

**WHEREAS**, the City Council held a duly noticed public hearing 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 and Authority

The purpose of this Ordinance is to amend the City of Elk Grove Zoning Map as shown on the attached Exhibit A, incorporated herein by this reference.

Section 2: Enactment of New Zoning.

The City Council hereby amends the City of Elk Grove Zoning Map for Assessor's Parcel Number 127-0080-049, as shown on attached in Exhibit A, incorporated herein by this reference.

Section 3: 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.

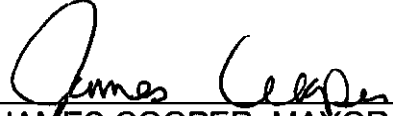
Section 4: Severability.

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 5: 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:** 33-2011  
**INTRODUCED:** December 14, 2011  
**ADOPTED:** January 11, 2012  
**EFFECTIVE:** February 10, 2012

  
\_\_\_\_\_  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

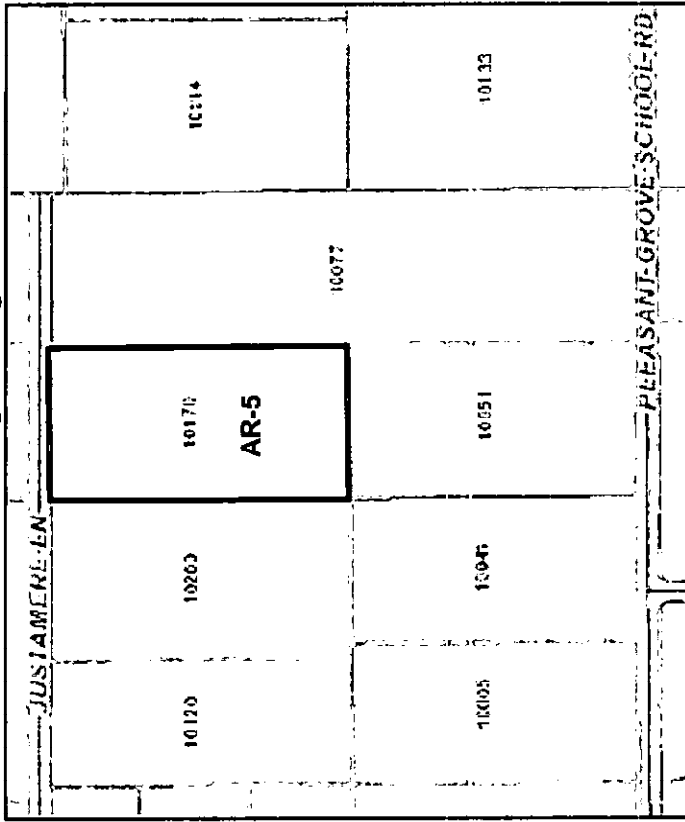
**ATTEST:**  
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

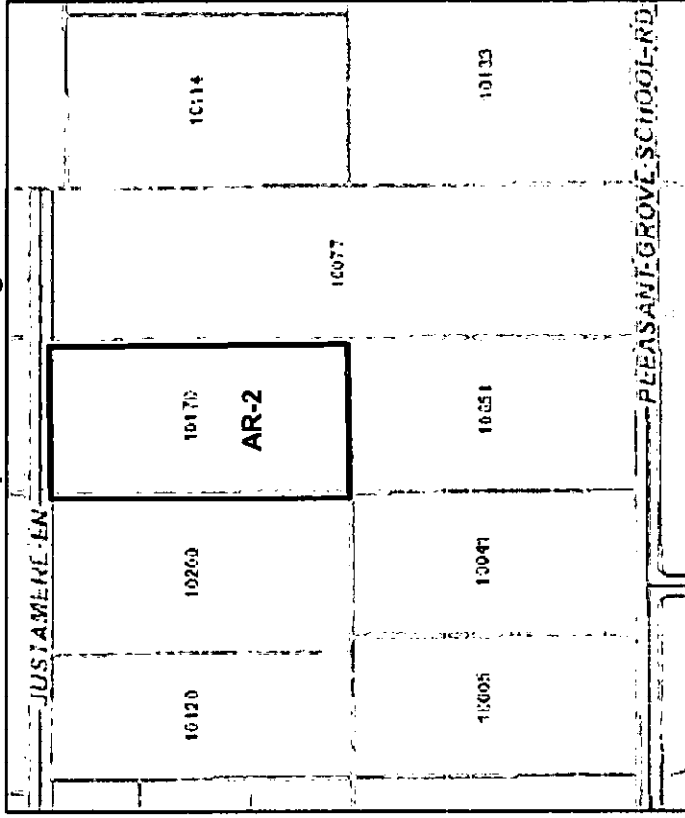
Date signed: January 17, 2012

# EXHIBIT A

## Existing Zoning



## Proposed Zoning




**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 33-2011**

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 December 14, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 11, 2012 by the following vote:*

- AYES :**        **COUNCILMEMBERS:**     *Cooper, Hume, Davis, Scherman*
- NOES:**       **COUNCILMEMBERS:**     *None*
- ABSTAIN:**   **COUNCILMEMBERS:**     *None*
- ABSENT:**    **COUNCILMEMBERS:**     *Detrick*

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

  
**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**