

## ORDINANCE NO. 32-2008

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM RD-10, RD-15 AND RD-20 TO RD-30 AND SC FOR THE LAGUNA RIDGE TOWN CENTER PROJECT NO. EG-07-066, APNs: 132-2120-001, -003, -004, -005, -006, -008; 132-2110-001, -002; 132-0270-083, -084

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 RD-10, RD-15, and RD-20 to RD-30 and SC consistent with the Laguna Ridge Specific Plan for the Laguna Ridge Town Center Project, as shown in Exhibit A, attached hereto and incorporated by reference.

#### Section 2: Findings

##### **California Environmental Quality Act**

Finding: The Subsequent Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act (CEQA) and it reflects the independent judgment and analysis of the City.

Evidence: The City prepared a Draft Subsequent Environmental Impact Report ("SEIR") for the project, which circulated through the State Clearinghouse (SCH No. 2007082169) and distributed to other public agencies and interested parties. The City has completed the Final SEIR, which includes the Draft SEIR, comments received during the public review period and responses to those comments. The City Council has certified a Subsequent Environmental Impact Report by resolution, determining that it has been completed in accordance with CEQA. The SEIR finds that the project will have a significant adverse impact on the environment. The project approved is consistent with the SEIR. The RD-30 zoning will not cause significant new impacts or substantially increase the severity of impacts analyzed in the SEIR.

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.

##### **Rezone**

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

Evidence: The Laguna Ridge Specific Plan serves as the policy and regulatory document that implements the goals and policies of the General Plan. The Laguna Ridge Specific Plan provides definition of policy direction, establishes the zoning districts for properties, and includes standards to guide the detailed design of individual projects within the Plan Area. The Laguna Ridge Specific Plan recognizes that periodic amendments may be necessary, including changes

to the zoning districts. As such, the proposed rezone remains consistent with the General Plan.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APNs: 132-2120-001, -003, -004, -005, -006, -008; 132-2110-001, -002; 132-0270-083, and -084 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:** 32-2008  
**INTRODUCED:** June 25, 2008  
**ADOPTED:** July 9, 2008  
**EFFECTIVE:** August 8, 2008

  
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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

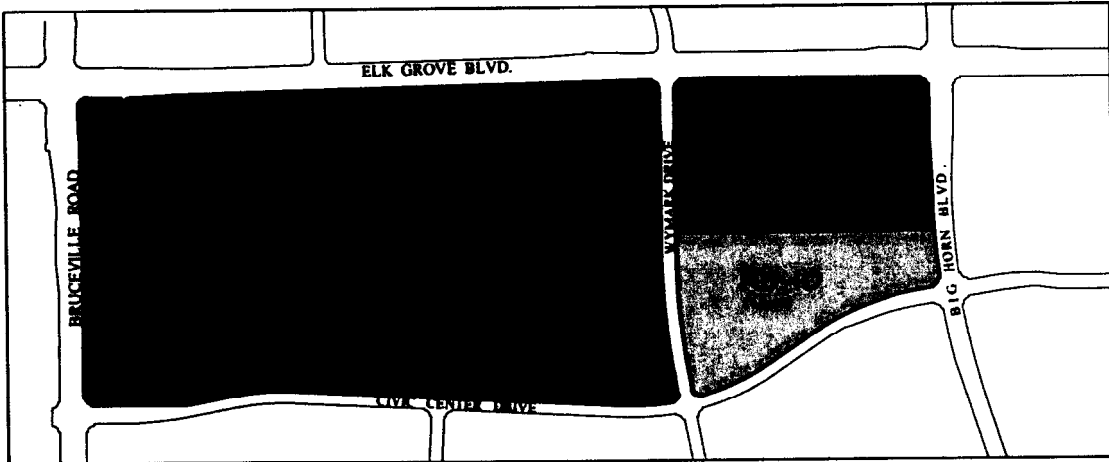
  
\_\_\_\_\_  
SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:

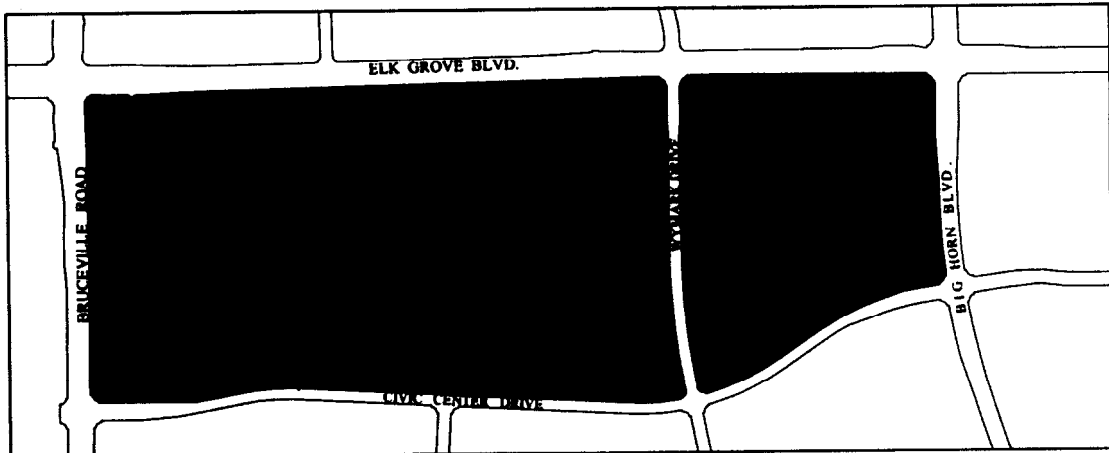
  
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SUSAN COCHRAN, CITY ATTORNEY

Date signed: July 21, 2008

**Exhibit A – Rezone/Specific Plan Amendment Exhibit**



**EXISTING ZONING**



**PROPOSED ZONING**

RD-10	11.8	0
RD-15	12.5	0
RD-20	14.5	0
RD-30	0	14.6
SC	56.5	80.7
<b>Total</b>	<b>95.3</b>	<b>95.3</b>

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 32-2008**

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 June 25, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 9, 2008 by the following vote:*

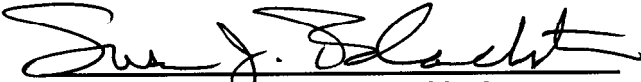
**AYES :**       **COUNCILMEMBERS:**     *Davis, Hume, Scherman, Leary, Cooper*

**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**