

**ORDINANCE NO. 18-2013**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM  
AGRICULTURAL-RESIDENTIAL 5-ACRE MINIMUM (AR-5) TO  
AGRICULTURAL-RESIDENTIAL 2-ACRE MINIMUM (AR-2)  
FOR THE SOARES PARCEL MAP PROJECT (EG-13-027)  
ASSESSOR PARCEL NUMBER 127-0280-015**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on April 25, 2013 from Richard and Caroline Soares (the "Applicant") requesting a Rezone and Tentative Parcel Map (the "Project"); and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Number (APN) 127-0280-015; and

**WHEREAS**, the Applicant is requesting to Rezone the site from Agricultural Residential 5-Acre Minimum (AR-5) to Agricultural Residential 2-Acre Minimum (AR-2); and

**WHEREAS**, the Planning Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code Title 23 (Zoning), and all other applicable State and local regulations; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on September 5, 2013, 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 and voted 4-0 to recommend approval of the Project to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on September 25, 2013 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 ordain as follows:

**Section 1: Purpose**

The purpose of this Ordinance is to amend the Elk Grove Zoning Map as shown on the attached Exhibit A.

## Section 2: Findings

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

Finding: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15183 of Title 14 of the California Code of Regulations.

Evidence: CEQA Guideline Section 15183 provide that projects which are consistent with a Community Plan, General Plan or Zoning for which an Environmental Impact Report (EIR) has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." An EIR was certified by the City Council for the adoption of the City of Elk Grove General Plan. The proposed Rezone and Tentative Parcel Map are consistent with the General Plan. Therefore, the proposed project qualifies for the exemption under CEQA Guideline Section 15183, because the proposed Rezone and Tentative Parcel Map are consistent with the General Plan, for which an EIR was certified.

### **Rezone**

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

Evidence: The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan and General Plan Land Use Map. The proposed Project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

## Section 3: Action

The Elk Grove Zoning Map is hereby amended for APN: 127-0280-015 as provided in Exhibit A.

## 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: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.


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 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 NO. 18-2013**  
INTRODUCED: September 25, 2013  
ADOPTED: October 9, 2013  
EFFECTIVE: November 8, 2013

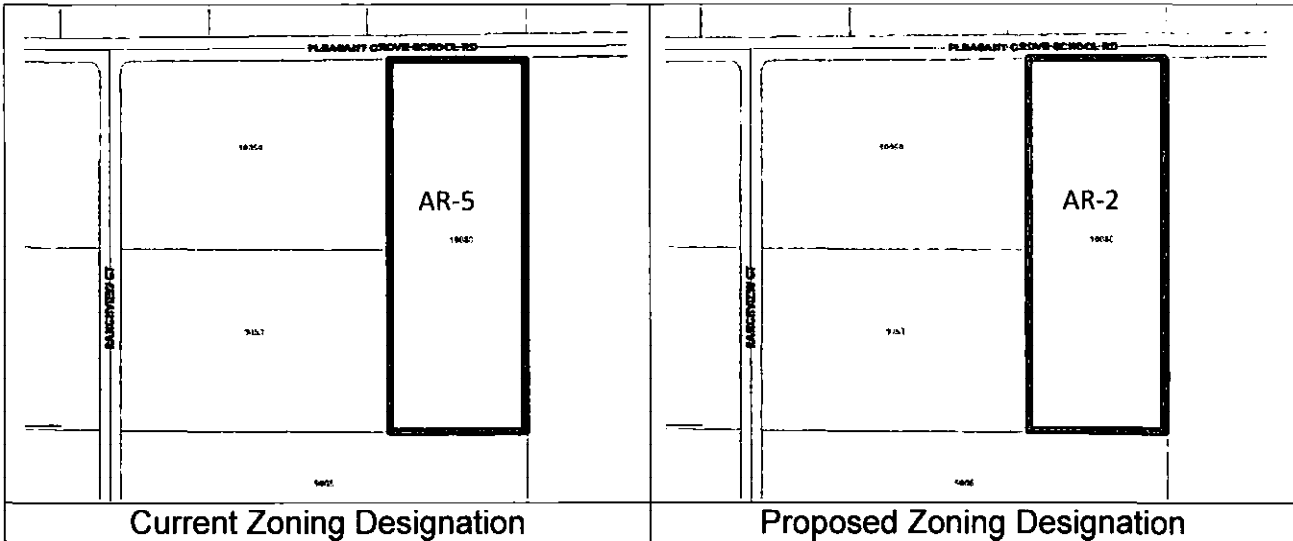
  
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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

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

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: October 18, 2013

EXHIBIT A



**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 18-2013**

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

***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 September 25, 2013 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 9, 2013 by the following vote:***


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

***NOES:       COUNCILMEMBERS:    None***

***ABSTAIN:   COUNCILMEMBERS:    None***

***ABSENT:    COUNCILMEMBERS:    None***

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

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