

ORDINANCE NO. 35-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AG-20 TO RD-15 CONSISTENT WITH THE LAGUNA RIDGE SPECIFIC PLAN
FOR SEASONS AT LAGUNA RIDGE
PROJECT NO. EG-06-1086
APNs: 132-0050-028, 029, 034 AND 035**

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-15 consistent with the Laguna Ridge Specific Plan for the Seasons at Laguna Ridge Project, as shown in Exhibit A, attached hereto and incorporated by reference.

Section 2: Findings

CEQA

Finding: The rezoning will not have a significant adverse impact on the environment. A Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA) and the Negative Declaration reflects the independent judgment and analysis of the City. On the basis of the Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated will have a significant impact on the environment.

Evidence: The Seasons at Laguna Ridge project is located in and is consistent with the Laguna Ridge Specific Plan. The City of Elk Grove certified an Environmental Impact Report (EIR) for the Laguna Ridge Specific Plan in June, 2004 (SCH# 200082139). A Mitigation Monitoring and Reporting Program (MMRP), which the Seasons project is required to comply with, was adopted for the Laguna Ridge Specific Plan. The project includes three legal parcels, which are considered non-participating properties for purposes of the Specific Plan studies and thus not fully analyzed in the Laguna Ridge Specific Plan EIR. The necessary site specific studies were prepared for the project and the City conducted an Initial Study in order to determine site-specific significant adverse environmental impacts. The Initial Study identified that impacts to resources specific to this project can be adequately reduced through implementation of the mitigation measures contained in the Laguna Ridge Specific Plan MMRP, which the project is required to comply. Consequently, no mitigation measures beyond those identified in the LRSP MMRP are necessary.

The City distributed the Notice of Intent to Adopt the Negative Declaration on July 27, 2007. It was posted at the Sacramento County Clerk's Office, distributed through the State Clearinghouse, and at the City offices pursuant to CEQA Guidelines 15072. A 30 day review and comment period was opened on July 27, 2007 and closed on August 27, 2007. The Negative Declaration was made available to the public during this review period.

Rezone

Finding: The proposed rezone is consistent with the General Plan and Laguna Ridge Specific 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, General Plan Land Use Map, and Laguna Ridge Specific Plan (LRSP). The Elk Grove General Plan designates the site as High Density Residential (15.1 to 30 dwelling units per acre), and LRSP designates the site for Medium Density Residential (RD-15). The LRSP allows a maximum density of 20 dwellings units per acre as a matter of right. In addition, the proposed project implements the General Plan's objectives for orderly and systematic development, and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APNs: 132-0050-028, 029, 034, and 035 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 is contingent upon and shall take effect thirty (30) days after the adoption of the related General Plan amendment, if at all. 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 Government Code section 36933(c)(1).

ORDINANCE NO. 35-2007

INTRODUCED: October 10, 2007
ADOPTED: October 24, 2007
EFFECTIVE: November 23, 2007

for 

JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



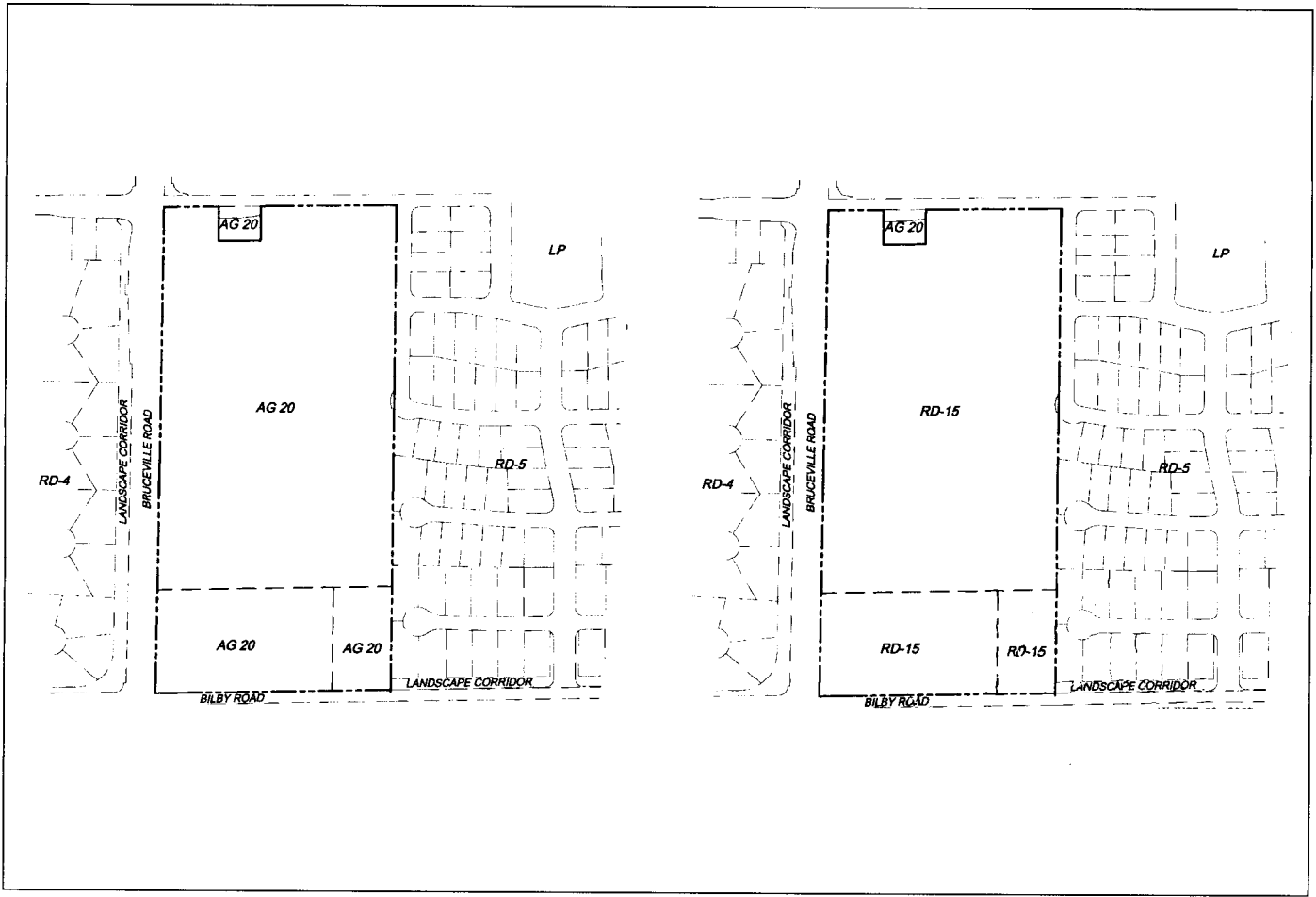
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Exhibit A – Rezone Exhibit



CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 35-2007

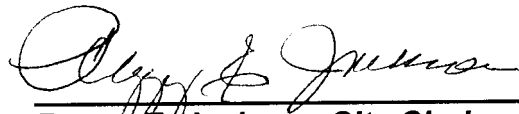
STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, 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 October 10, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 24, 2007 by the following vote:

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

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





Peggy E. Jackson, City Clerk
City of Elk Grove, California