

ORDINANCE NO. 10-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO STATE CEQA GUIDELINES SECTION 15183 AND ADOPTING AMENDMENTS TO TITLE 23 (ZONING) OF THE ELK GROVE MUNICIPAL CODE RELATED TO THE ELK GROVE DESIGN GUIDELINES UPDATE

WHEREAS, the City of Elk Grove’s current Citywide Design Guidelines were adopted by the Elk Grove City Council in phases beginning in 2003, with the most recent update having occurred in 2007; and

WHEREAS, the Design Guidelines Update is listed as a Priority Project under the current City Council Goals; and

WHEREAS, the Design Guidelines Update is a subsequent implementation action contemplated in the General Plan (Action 1.2 – Design Guidelines Update); and

WHEREAS, the Draft Design Guidelines Update was circulated to the Industry Working Group (IWG) for review and comment in October of 2021, was presented to the public via a virtual workshop held on November 16, 2021, and introduced to the Planning Commission on December 16, 2021; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on March 3, 2022, as required by law to consider all of the information presented by staff and its consultants and comments from the public and voted 5-0 to recommend approval of the Update to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on April 13, 2022, as required by law to consider all of the information presented by staff and its consultants 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

The purpose of this Ordinance is to amend Title 23 (Zoning) of the Elk Grove Municipal Code. (See Exhibit A).

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: Finding that no further environmental review is necessary under CEQA pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

State CEQA Guidelines Section 15183 (Public Resources Code Section 21083.3), provides that projects which are consistent with the development density established by 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 prepared and certified by the City Council as part of the Elk Grove General Plan (SCH# 2017062058). The proposed Project is a subsequent implementation action contemplated in the General Plan (Action 1.2 – Design Guidelines Update). This action item consists of a review and update of the Citywide Design Guidelines to ensure they address a higher standard of architectural and site design. Particularly, the General Plan recommends the review of the following items:

- Architectural character and quality;
- Commercial design guidelines for neighborhood commercial areas to maintain and preserve neighborhood character;
- Compatibility of infill development with character of surrounding areas and neighborhoods;
- Sign design guidelines;
- Pedestrian environment and amenities; and
- Public realm design guidelines.

The Design Guidelines Update and associated Zoning Code text amendments (the “Project”) do not approve any development projects. The Project does not alter any General Plan development intensities (residential densities or Floor Area Ratio calculations) and does not allow any land uses not already allowed pursuant to Table 23.27-1 of the Zoning Code (Allowed Uses and Required Entitlements for Base Zoning Districts.) The proposed Zoning Code amendments either move objective standards from the Design Guidelines to the Zoning Code (i.e., landscape corridor widths) or amend the Zoning Code pursuant to the General Plan’s action item goal to address compatibility of infill development (multi-family residential setback and open space standards). No potential new impacts related to the Project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. All future projects reviewed under the Elk Grove Design Guidelines would remain subject to CEQA review. No other special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, pursuant to State CEQA Guidelines Section 15183, no further environmental review is required.

Design Guidelines Update and Zoning Code Amendments

Finding #1: The proposed Design Guidelines Update and associated Zoning Code Amendments are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Update is an implementation action contemplated in the General Plan (Action 1.2 – Design Guidelines Update). This action item consists of a review and update of the Citywide Design Guidelines to ensure they address a higher standard of architectural and site design. Particularly, the General Plan recommends the review of the following items:

- Architectural character and quality;

- Commercial design guidelines for neighborhood commercial areas to maintain and preserve neighborhood character;
- Compatibility of infill development with character of surrounding areas and neighborhoods;
- Sign design guidelines;
- Pedestrian environment and amenities; and
- Public realm design guidelines.

The Update and its associated Zoning Code amendments implement the following General Plan Policies:

- **Policy LU-2-4:** Require new infill development projects to be compatible with the character of surrounding areas and neighborhoods, support increased transit use, promote pedestrian and bicycle mobility, and increase housing diversity.
- **Policy LU-5-1:** Ensure that new development reflects the City's desire to create a high-quality, attractive, functional, and efficient built environment.
- **Policy LU-5-2:** Provide and implement regulations that encourage high-quality signage, ensure that businesses and organizations can effectively communicate through sign displays, promote wayfinding, achieve visually vibrant streetscapes, and control excessive visual clutter.
- **Policy LU-5-4:** Require high standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses. Design standards shall address new construction and the reuse and remodeling of existing buildings.
- **Policy NR-6-1:** Promote energy efficiency and conservation strategies to help residents and businesses save money and conserve valuable resources.
- **Policy NR-3-9:** Reduce the amount of water used by residential and nonresidential uses by requiring compliance with adopted water conservation measures.

The Update does not alter any General Plan development intensities (residential densities or Floor Area Ratio calculations) and does not allow any land uses not already allowed pursuant to Table 23.27-1 of the Zoning Code (Allowed Uses and Required Entitlements for Base Zoning Districts). Where text amendments to the Zoning Code are proposed in association with the implementation of the Design Guidelines Update, these amendments either move objective standards from the Design Guidelines to the Zoning Code (i.e., landscape corridor widths) or amend the Zoning Code pursuant to the General Plan's action item goal to address compatibility of infill development (multi-family residential setback and open space standards).

Section 3: Action

The City Council hereby adopts the amendments to Elk Grove Municipal Code Title 23 (the Zoning Code) as shown in Exhibit A, attached hereto and incorporated herein by this reference.

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 effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect 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: 10-2022
INTRODUCED: April 13, 2022
ADOPTED: April 27, 2022
EFFECTIVE: May 27, 2022


BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: April 29, 2022

EXHIBIT A

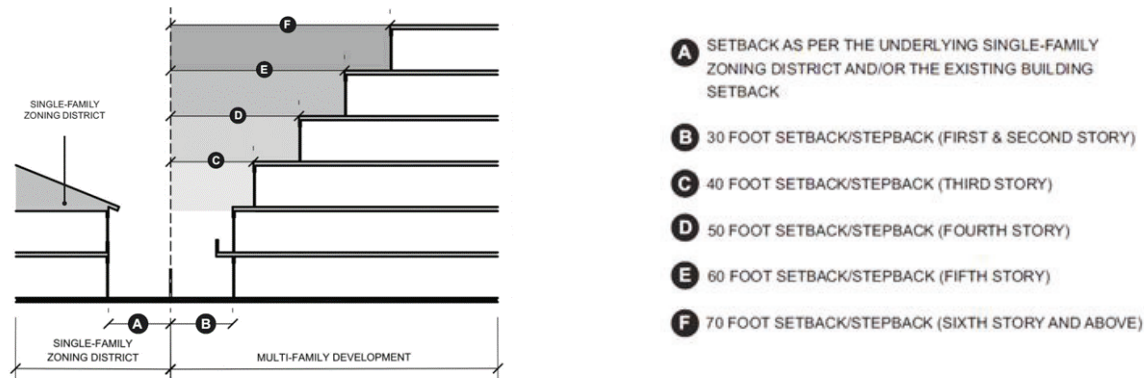
23.29.020 General zoning district development standards.

Table 23.29-1 – Development Standards for Base Zoning Districts

Measurement/ Zoning District	Agricultural Zoning Districts						Residential Zoning Districts																	
	AG-80	AG-20	AR-10	AR-5	AR-2	AR-1	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-8	RD-10	RD-12	RD-15	RD-18	RD-20	RD-25		RD-30	RD-40	
residential, residential																								
Buildings, or portions thereof, ≥ 500 feet from residential zoning district	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Development Standards																								
Minimum open space ¹⁰	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25% 100sf/ unit	25% 100sf/ unit	20% 80sf/ unit	10% 60sf/ unit	

Table 23.29-1 Footnotes

8. The side and rear setback for ~~all three (3) or more story~~ multifamily structures ~~(or portions thereof)~~ abutting any single-family residential or open space district shall be ~~one hundred (100' 0") feet, measured from the property line of the common boundary~~ thirty (30' 0") feet for the first and second story (or portions thereof); forty (40' 0") feet for the third story (or portions thereof); fifty (50' 0") feet for the fourth story (or portions thereof); sixty (60' 0") feet for the fifth story (or portions thereof); and seventy (70' 0) feet for the sixth story and above (or portions thereof).



10. Open space includes both private and common areas. Common area open space includes active and passive recreation areas, other outdoor amenities, natural open space areas, and all landscaped areas outside of the required landscape corridors along adjoining streets with a minimum width of twenty (20' 0") feet and minimum area of 200 square feet. Private open space includes private balconies, porches, and patios with a minimum width of five (5' 0") feet and minimum area of fifty square feet.

Table 23.54-1

Minimum Landscape Requirements by Zoning District

Zoning Districts	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width		
		Abutting Street ²	Abutting Interior Property Line ³	Abutting Residential Property
Residential				
RD-1 – RD-7		4		
RD-10 – RD-15		No minimum ⁴		
RD-20 – RD-30	20%	20 ft.	10 ft.	10 ft.
Commercial/Office				
LC, BP	15%	25 ft.	6 ft.	10 ft.
GC, SC	20%	25 ft.	6 ft.	10 ft.
CO	15%	25 ft.	6 ft.	10 ft.
AC	10%	25 ft.	6 ft.	10 ft.
Industrial/Office				
MP	15%	25 ft.	6 ft.	25 ft.
LI, HI	15%	25 ft.	6 ft.	25 ft.

Notes:

1. Minimum landscape coverage required is the minimum percentage of net lot area that must be maintained with a pervious surface, preferably landscape planting.
2. Listed planter widths are minimums. A thirty-six (36'0") foot landscape planter shall be provided abutting 6-lane arterial roadways. Established landscape corridors, such as those located in Specific Plan or Special Planning Areas, may be wider than vary from the listed minimum, in which case the requirement is to comply with the landscape corridor provisions for a particular street and/or area. Landscape corridors shall be tapered to allow for all necessary acceleration and deceleration lanes.
3. Standards apply to interior property lines along the perimeter of the project site and are not intended to require landscaping between parcels of an integrated development. The designated approving authority may grant reductions to the minimum landscape planter width where two commercial properties adjoin to encourage improved access and circulation and to eliminate duplicate planting requirements.
4. Minimum setback and corresponding landscape standards to be determined in conjunction with required design review application.

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 10-2022

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 April 13, 2022, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 27, 2022, by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Suen, Hume, Nguyen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Spease*

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



Jason Lindgren, City Clerk
City of Elk Grove, California