

ORDINANCE NO. 05-2023

**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 APPROVING A REZONE AND
SPECIFIC PLAN AMENDMENT FOR THE
MESA AT LAGUNA RIDGE PHASE 2 PROJECT (PLNG22-021):
ASSESSOR PARCEL NUMBERS 132-0050-034 AND 132-0050-026**

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on March 29, 2022, from Mesa at Laguna Ridge LP (Property Owner) requesting a Rezone, Specific Plan Amendment, Minor Design Review, and Tree Removal Permit for the Mesa at Laguna Ridge Phase 2 Project (PLNG22-021) (the “Project”); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APNs 132-0050-034 and 132-0050-026; and

WHEREAS, the Development Services Department considered the Project request pursuant to the Elk Grove General Plan, the Elk Grove Municipal Code (EGMC) Title 22 (Land Development) and Title 23 (Zoning Code), the Laguna Ridge Specific Plan (LRSP), and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on March 2, 2023, 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 4-0-1 (Poole absent) to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on March 22, 2023, 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

The purpose of this Ordinance is to amend the City of Elk Grove Zoning Map as described in Exhibit A and shown in Exhibit B of this Ordinance.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required for the Project 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.

Staff finds that no further environmental review is required under State CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan, or Zoning). State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), provides 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.” In February 2019, an EIR was prepared and certified by the City Council as part of the Elk Grove General Plan (SCH# 2017062058). The Project is subject to the General Plan MMRP.

The General Plan relies on Vehicle Miles Traveled (VMT) as a measure of transportation impacts. The Project site is not part of a pre-screened area as defined by the City’s Transportation Analysis Guidelines adopted with the General Plan; therefore, the Project is not exempt from VMT analysis. The Applicant submitted a VMT analysis from CWE dated December 9, 2022, for the Project. The analysis was reviewed by the City’s Traffic Engineer. In comparison with the City’s General Plan, the land use designation limit for High Density Residential is 20.60 VMT per service population and the submitted analysis states that the Project will result in 19.37 VMT per service population, which is less than the General Plan threshold. Additionally, the Project shall comply with the City’s Climate Action Plan (CAP) measures for new multi-unit residential development, including CAP measures related to energy efficiency (BE-4), electric appliances (BE-6), off-road construction fleet (TACM-8), and electric vehicle charging (TACM-9).

The Applicant provided a Cultural Resources Analysis dated April 12, 2022, for the site (Michael Baker International) pursuant to the requirements for non-participatory sites within the Laguna Ridge Specific Plan. Conditions of approval have been added to the project that will address the potential for encountering undiscovered cultural resources and tribal cultural resources as it requires that if cultural resources or tribal cultural resources are discovered during grading or construction activities, work shall halt immediately within 50 feet of the discovery, the Planning Division shall be notified, and a professional archaeologist meeting the Secretary of the Interior’s Professional Qualification Standards in archaeology shall be retained to determine the significance of the discovery.

The Applicant also provided a Phase 1 Environmental Site Assessment for the property, which did not identify any environmental concerns. In addition, there are no hazardous substances or petroleum products used or stored on the site.

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 LRSP and General Plan EIRs. No other special

circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, the prior EIRs are sufficient to support the proposed action and, pursuant to State CEQA Guidelines Section 15183, no further environmental review is required.

Rezone

Finding: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposal is to amend the zoning designation of the site from RD-15 to RD-20. The General Plan land use designation of High Density Residential (HDR) will be retained. General Plan Consistency Matrix Table 3-1 indicates that the requested RD-20 zoning designation is consistent with the HDR designation while the site's current RD-15 is not consistent with HDR designation. In addition, any new construction on the two parcels will be required to comply with the City's Climate Action Plan (CAP), which includes the number of parking spaces with electronic vehicle charging.

Specific Plan Amendment

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

Evidence: The proposal is to amend the zoning designation in the Laguna Ridge Specific Plan for the Project site from RD-15 (medium-density residential) to RD-20 (high-density residential) to comply with the current General Plan land use designation of High Density Residential (HDR). The design will be consistent with the design standards of the Zoning Code.

Section 3: Action

The City Council hereby approves the Rezone as described in Exhibit A and shown in Exhibit B, incorporated herein by this reference, and approves the Specific Plan Amendment as described herein.

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

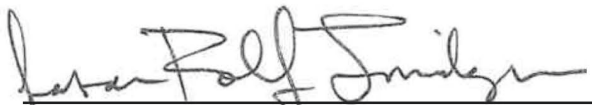
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: **05-2023**
INTRODUCED: March 22, 2023
ADOPTED: April 12, 2023
EFFECTIVE: May 12, 2023



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 13, 2023

Exhibit A
Mesa at Laguna Ridge Phase 2 (PLNG22-021)
Project Description

PROJECT DESCRIPTION

The Mesa at Laguna Ridge Phase 2 Project (the “Project”) consists of a Rezone and Specific Plan Amendment to amend the zoning designation of 10.13 acres from the Medium Design Residential-15 (RD-15) designation to the High Density Residential-20 (RD-20) designation; a Minor Design Review; and a Tree Removal Permit for a new multi-unit residential apartment complex with 143 units and additional site improvements including parking, lighting, and landscaping. The new multi-family development will be constructed in compliance with the City’s applicable Climate Action Plan (“CAP”) measures.

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CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 05-2023

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 March 22, 2023, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 12, 2023, by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Spease, Brewer, Robles, Suen*

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