

ORDINANCE NO. 23-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED FOR THE TREASURE HOMES REZONE PROJECT (PLNG21-054) UNDER STATE CEQA GUIDELINES SECTION 15182 AND AMENDING THE ELK GROVE ZONING MAP FOR THE PROJECT (ASSESSOR PARCEL NUMBER: PROTION OF 132-0050-155)

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on August 4, 2021, from Frank Stathos (Representative) (the “Applicant”) requesting a Rezone for the Treasure Homes Rezone Project (the “Project”); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APN: 132-0050-155 (portion); and

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

WHEREAS, the Planning Commission held a duly-noticed public hearing on October 5, 2023, as required by law to consider all of the information presented by staff, information presented by the Applicant, and voted 3-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on November 8, 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 of this Ordinance.

Section 2: Findings

CEQA

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15182 (Residential Projects Pursuant to a Specific Plan).

Evidence: The California Environmental Quality Act (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.” The proposed Project is a project under CEQA.

No further environmental review is required for the Project pursuant to Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) Sections 15182 (a) (Residential Projects Pursuant to a Specific Plan). State CEQA Guidelines Section 15182(a) (Public Resources Code §21083.3), provides that where a public agency has prepared an EIR on a specific plan after January 1, 1980, residential projects undertaken pursuant to, and in conformity to, such specific plan do not require the preparation of a negative declaration or an Environmental Impact Report (EIR) if the applicable project meets the requirements of State CEQA Guidelines Section 15182(a). In 2003, the City Council certified an EIR for and adopted a Mitigation Monitoring and Reporting Program for the Laguna Ridge Specific Plan (State Clearinghouse No. 2000082139). The LRSP EIR analyzed full buildout of the LRSP based upon the land plan, development standards, and policies contained in the General Plan and LRSP, as well as the improvements identified in the accompanying infrastructure master plans. In 2004, the City Council certified a Revised EIR for the LRSP (State Clearinghouse No. 2000082139). The LRSP EIR analyzed full buildout of LRSP based upon the land plan, development standards, and policies contained in the Community Plan and Special Planning Area, as well as the improvements identified in the accompanying infrastructure master plans.

The Project site is located within Laguna Ridge Phase 3. The Laguna Ridge Phase 3 Subdivision Projects reconfigured land uses within Phase 3 that resulted in over 250 less residential lots than was previously analyzed and approved in Phase 3. The proposed increase from RD-4 to RD-7 would only potentially add no more than 49 single family lots so there is no net increase of residential lots as previously analyzed. Therefore, there is no new impact related to the proposed Project.

The Project represents residential development being undertaken pursuant to and in conformity with the approved Laguna Ridge Specific Plan Area. There are no substantial changes in the Project site from those analyzed in the 2004 EIR and no new significant environmental effects, or substantial increase in the severity of previously identified significant effects. No new information of substantial importance has been identified. The Project will continue to adhere to the applicable mitigation measures of the LRSP MMRP. Further, since no changes to the EIR are necessary to support the Project, the City is not required to prepare an Addendum to the EIR as required by State CEQA Guidelines Section 15164. Therefore, the prior EIR is sufficient and no further environmental review is necessary.

Rezone

Finding #1: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence #1: The Project site's General Plan land use designation is Low Density Residential (LDR). The Project consists of a Rezone from RD-4 (4 du/acre) to RD-7 (7 du/acre), which is consistent with the site's General Plan Low Density Residential land use designation. The Low Density Residential (LDR) land use designation allows single family housing at a density range of 4-7 units/acre and is intended to include RD4, RD5, and RD7 zoning designations (General Plan LU-3 compatibility table). The Project site's proposed RD-7 zoning designation is considered an implementing zoning district of the LDR land use designation (General Plan Consistency Matrix Table 3-1).

Additionally, as discussed in the staff report for the Stathos Self Storage Project (PLNG21-053), approval of the Project would help provide for the future Elk Grove Station Project, which would provide for a new passenger rail station and siding track to support the new passenger rail service between Stockton and Sacramento, ultimately benefitting City residents and businesses.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map as shown in Exhibit A, attached 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: **23-2023**
INTRODUCED: November 8, 2023
ADOPTED: December 13, 2023
EFFECTIVE: January 12, 2024



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

ATTEST:



JASON LINDGREN, CITY CLERK

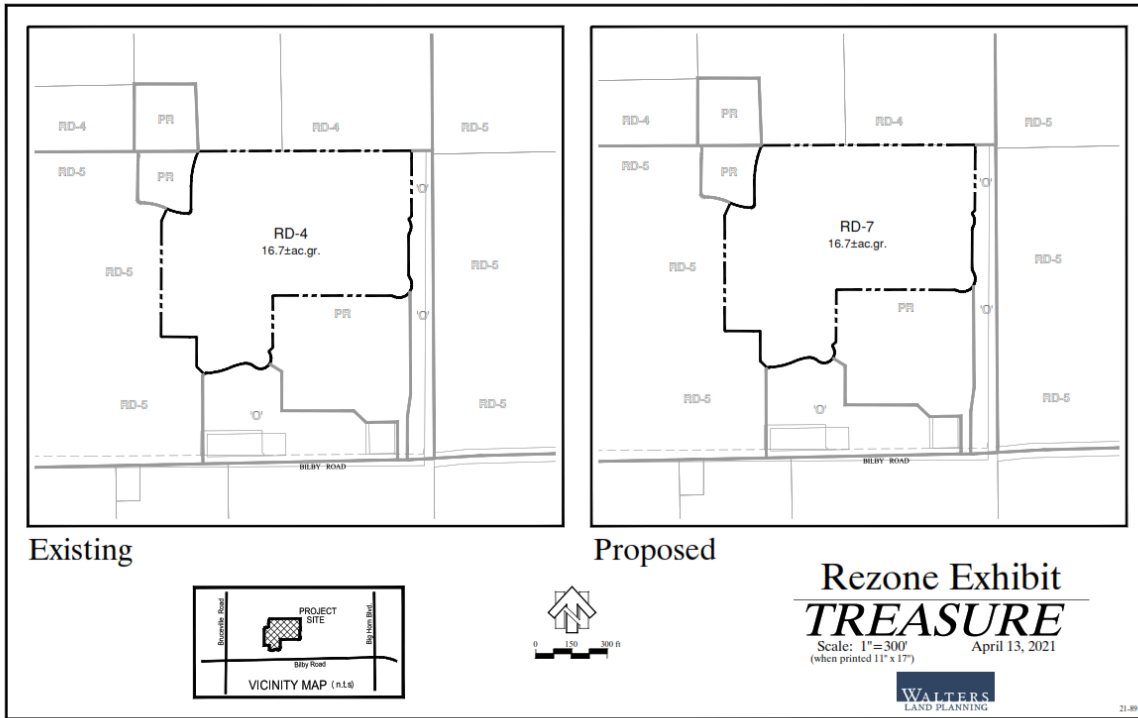
APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date Signed: December 15, 2023

Exhibit A
Treasure Homes Rezone PLNG21-054
Rezone Exhibit



CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 23-2023

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 November 8, 2023, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 13, 2023, by the following vote:

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