

## ORDINANCE NO. 24-2023

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FOR THE PROJECT (ASSESSOR PARCEL NUMBERS 116-0061-042 AND -010)

**WHEREAS**, the Development Services Department of the City of Elk Grove (the “City”) received an application on August 4, 2021, from Ryan Smith (the “Applicant”) requesting a General Plan Amendment, Rezone, Conditional Use Permit, Major Design Review with Deviation, and Tree Removal Permit for the Stathos Self Storage Project (the “Project”); and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APNs: 116-0061-042 and 116-0061-010; and

**WHEREAS**, on November 8, 2023, the City Council of the City of Elk Grove adopted Resolution No. 2023-258, adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Stathos Self Storage Project (PLNG21-053); 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 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 public testimony presented in writing and at the meeting, 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

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

Evidence #1: Pursuant to the General Plan, Employment Center uses are generally characterized by office uses and professional services or research and development facilities, which may include limited supporting and ancillary retail services. Limited light industrial spaces are allowed, generally as accessory uses. Employment Centers may be located near residential areas with good transportation access. The Project

site's proposed MP zoning designation is considered an implementing zoning district of the EC land use designation (General Plan Consistency Matrix Table 3-1). Pursuant to Elk Grove Municipal Code (EGMC) Table 23.27-1 (Allowed Uses and Required Entitlements), "storage, personal storage facility" and "auto and vehicle storage:" are conditionally permitted use in the MP zone. As the proposed use is conditionally allowed use, the proposed Project will be consistent with the General Plan.

Approval of the proposed Project would provide for an existing personal storage facility to relocate to the Project site consistent with the following General Plan Policies:

**Policy ED-1-3:** Encourage the full and efficient use of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted commercial uses.

**Policy ED-1-5:** Support existing and prospective businesses that contribute to meeting Elk Grove's strategic economic goals and facilitate their relocation and expansion as appropriate.

As discussed in the Project's staff report, 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, consistent with the following General Plan Policies:

**Policy RC-3-2:** Ensure that decisions regarding transportation between regions result in benefits to the Elk Grove community, including decisions regarding regional roadways, airport, port, and passenger and freight rail services.

**Policy MOB-5-11:** Encourage commuter rail transportation by providing for a potential train station location for Amtrak and/or other rail service providers along the Union Pacific Railroad's Sacramento Subdivision line.

Concurrent with the approval of the Project, a corresponding Rezone from RD-4 to RD-7 (Treasure Homes Rezone PLNG21-053) would provide for the 39 residential units lost from the Project consistent with Senate Bill 330 (SB 330).

### Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map as shown in Exhibit A, 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:**           **24-2023**  
**INTRODUCED:**       November 8, 2023  
**ADOPTED:**           December 13, 2023  
**EFFECTIVE:**         January 12, 2024




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

ATTEST:

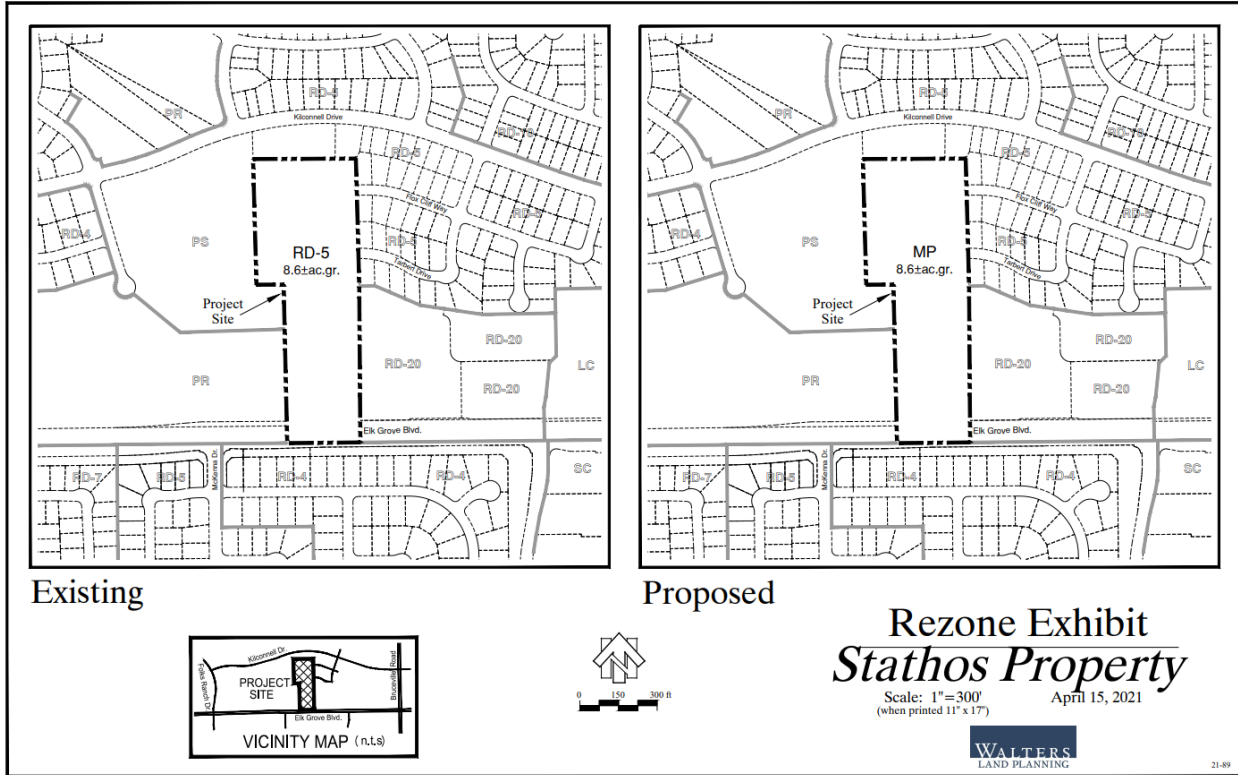
  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date Signed: December 15, 2023

**Exhibit A**  
**Stathos Self Storage PLNG21-053**  
**Rezone Exhibit**



**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 24-2023**

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**