

ORDINANCE NO. 24-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE REZONE TO CHANGE 15 ACRES OF LAND SOUTH OF SHELDON ROAD BETWEEN BRUCEVILLE ROAD AND LEWIS STEIN ROAD FROM LAGUNA COMMUNITY/ FLOODPLAIN SPECIAL PLANNING AREA TO HIGH DENSITY RESIDENTIAL CONSISTENT WITH GENERAL PLAN POLICY DIRECTION

WHEREAS, the City of Elk Grove Housing Element Policy H-1 Action 2 and Land Use Policy 40 require the rezoning of Housing Element Site 21 (known as the Sheldon Farms property or Site 21) to accommodate 15 net acres of High Density Residential land prior to January 1, 2017; and

WHEREAS, Site 21 includes five (5) parcels totaling approximately 146 acres designated in the General Plan as Rural Residential and zoned Laguna Community/Floodplain Special Planning Area; and

WHEREAS, the General Plan policy direction is to rezone a minimum of 15 net acres for high density residential, including a minimum of three (3) acres south of Laguna Creek, to accommodate a minimum of 315 multifamily units at a minimum density 21 units per acre; and

WHEREAS, it is proposed to amend the zoning of a nine (9) net acres south of Laguna Creek (South Property) and a total of six (6) net acres north of Laguna Creek (North Property) on two (2) separate sites from Laguna Community Floodplain/Special Planning Area to Residential Density (RD-25) consistent with General Plan policy as shown on Exhibit A; and

WHEREAS, the South Property and North Property are owned by separate persons or entities; and

WHEREAS, any subsequent development of Site 21 will require both parcel maps to create the high density residential lots and master planning in the form of a Special Planning Area, District Development Plan, and/or Design Review to ensure consistency with all relevant provisions of the General Plan, Zoning Code, and Citywide Design Guidelines; and

WHEREAS, approval of this Project shall not preclude the City in the future from approving a shifting, combining and/or increasing or decreasing the acreages of the rezoned, high density residential sites within the larger Site 21 area as may occur with the current General Plan Update process or a subsequent development application; and

WHEREAS, under no circumstances shall any modification to Site 21 reduce the total net area of high density residential to less than 15 acres, including maintaining a minimum of three (3) net acres south of Laguna Creek, as set forth in the City's General Plan land use and housing element policies; and

WHEREAS, the City determined that the Project is subject to the California

Environmental Quality Act (CEQA); and

WHEREAS, State CEQA Guidelines Section 15183 identifies that projects consistent with a general plan for which an environmental impact report was certified are exempt from CEQA; and

WHEREAS, an Environmental Impact Report was prepared and certified for the General Plan Housing Element as part of its adoption in 2014 (SCH #2013082012); and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 20, 2016, as required by law to consider all of the information presented by staff, property owners, and public testimony presented at the meeting and recommended by a vote of 5-0 that the City Council approve the rezone; and

WHEREAS, the City Council held a duly noticed public hearing on November 9, 2016, as required by law to consider all of the information presented by staff, property owners, and public testimony presented 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 rezone 15 net acres of land south of Sheldon Road between Bruceville and Lewis Stein Roads from Laguna Community/ Floodplain Special Planning Area to High Density Residential consistent with General Plan policy direction.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15183.

Evidence: The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15183. This exemption applies to projects that are consistent with a General Plan for which an environmental impact report (EIR) was prepared. The proposed Project would rezone the subject sites to high density residential consistent with the Housing Element policy and environmental analysis, which analyzed the impact of rezoning Site 21 as proposed. An EIR was prepared and certified for the General Plan Housing Element as part of its adoption in 2014 (SCH #2013082012). Therefore, this Project qualifies for the identified exemption and no further environmental review is required.

Rezone

Finding #1: The rezone is from Laguna Community/ Floodplain Special Planning Area to High Density Residential consistent with General Plan policy direction.

Evidence: Housing Element Policy H-1 Action 2 states that the City will rezone 15 acres of Site 21, which will provide for a capacity of 315 units, consistent with Land Use Policy LU-40, which reads as follows:

The Sheldon Farms property, located on the south side of Sheldon Road, east of Bruceville Road, and north of Big Horn Boulevard, and consisting of APNs 116-0012-048, 049, 051, 059, and 064, shall be developed consistent with the following provisions:

- The City shall require that 15 net acres be designated for high density residential development. The applicant/property owner may propose and be granted additional acreage at their request and the City's approval. It is anticipated that this acreage will be dispersed to two or three specific locations, allowing for multi-family development consistent with the policies of the Housing Element.
- Development should not occur until a master plan for the site has been prepared. At a minimum, the master plan should include a detailed designation of land uses, development standards, and infrastructure planning as appropriate.
- The site is separated by Laguna Creek. As such, two separate master plans may be prepared, one for the north side of Laguna Creek and one for the land south of Laguna Creek. Should two master plans be prepared the high density residential requirement shall be proportionally shared between the two sides of Laguna Creek. The minimum size for any one high density residential development location shall be 3 acres, consistent with the policies of this General Plan.
- Consistent with Policy H-1 Action 2 of this General Plan, rezoning of the Sheldon Farms property to include the high density residential requirement shall be completed by January 1, 2017. Should a master plan or equivalent development application not be approved by this time, the City may rezone the necessary acreage to satisfy this policy. This action shall not preclude the preparation and adoption of the master plan at a future date, including identifying different location(s) or configurations for the required high density residential development.

Section 3: Action

The City Council hereby approves the rezoning of 15 acres of land south of Sheldon Road between Bruceville and Lewis Stein Roads from Laguna Community/ Floodplain Special Planning Area (SPALCF) to High Density Residential (RD-25) as show in Exhibit A 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.

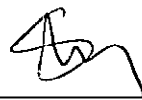
Section 6: Savings Clause

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 affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect 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

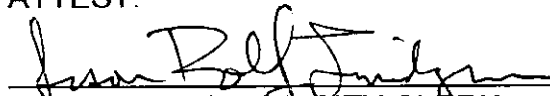
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council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

ORDINANCE: 24-2016
INTRODUCED: November 9, 2016
ADOPTED: December 14, 2016
EFFECTIVE: January 13, 2017



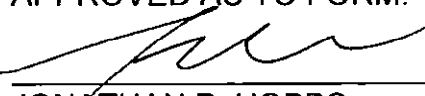
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

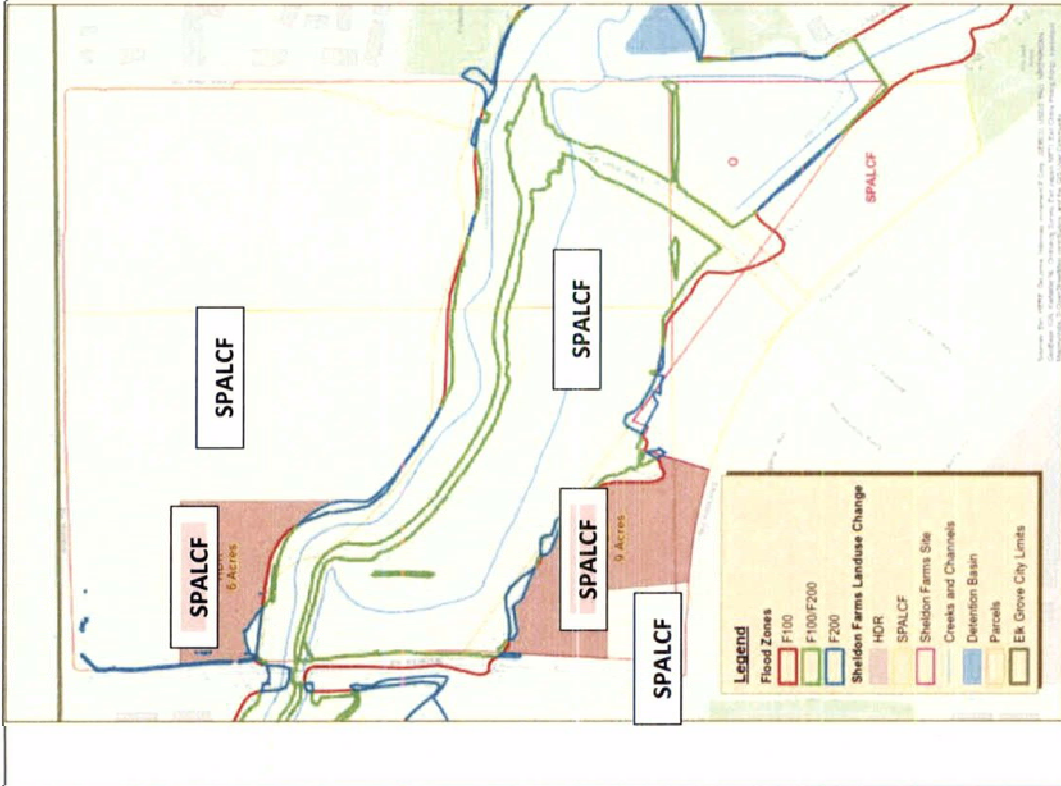
APPROVED AS TO FORM:



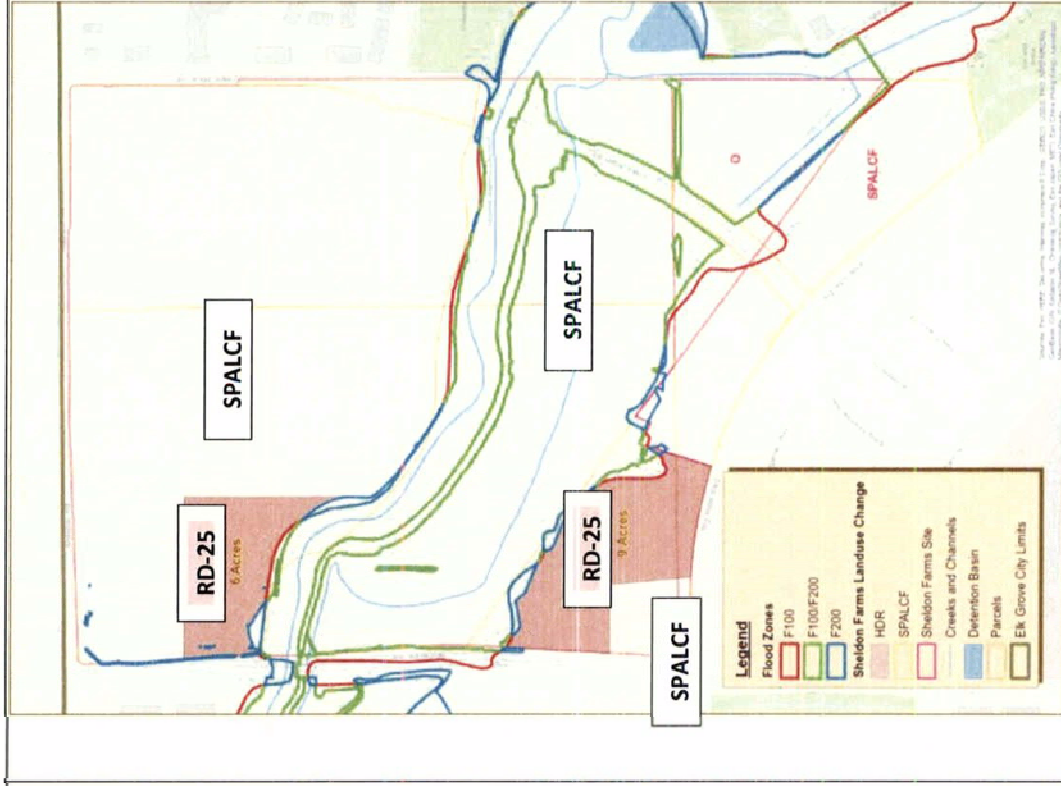
JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: December 22, 2016

EXHIBIT A



EXISTING ZONING OF SITE 21



PROPOSED ZONING OF SITE 21

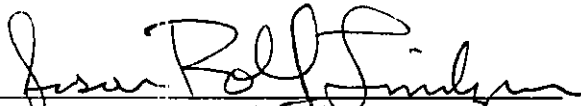
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 24-2016**

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 9, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2016 by the following vote:

AYES : **COUNCILMEMBERS:** **Ly, Detrick, Hume, 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**