

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15183 AND APPROVING A REZONE FOR THE 10049 BOND ROAD PROJECT (PLNG19-032): ASSESSOR PARCEL NOS. 127-0070-035 AND 127-0070-036

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on June 25, 2019, from JTS Engineering Consultants, Inc. (Applicant) requesting a Rezone, Tentative Parcel Map, and Tree Removal Permit for the 10049 Bond Road 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 127-0070-035 and 127-0070-036; 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 Elk Grove Design Guidelines, and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on April 16, 2020, 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 4-1 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on May 13, 2020, 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 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 under the California Environmental Quality Act 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, 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 consistent with the development density established by the General Plan EIR as the Tentative Parcel Map (TPM) will result in four new parcels and a remainder lot, each totaling two acres in size at a density consistent with the rural area range of 0.1 to 0.5 units per acre. While there is no physical construction proposed with this Project, buildout consistent with the EGMC and the proposed rezone would likely result in the development of four, new single-family residential units on the Project site. New construction on the Project site will comply with EGMC development standards for land grading and erosion control (Chapter 16.44), tree protection (Chapter 19.12), Swainson’s hawk surveys and possible mitigation (Chapter 16.130), and pre-construction surveys as defined by the General Plan EIR. Additionally, any new home construction resulting from the Project will be required to comply with the City’s Climate Action Plan (CAP) measures for new single-family construction including: BE-4. Building Stock: Encourage or Require Green Building Practices in New Construction, BE-5. Building Stock: Phase in Zero Net Energy Standards in New Construction, TACM-8. Tier 4 Final Construction Equipment TACM-9. EV Charging Requirements. Compliance with these standards has been included in the conditions of approval for the Project.

In February 2019, the City Council adopted a new General Plan which relies on Vehicle Miles Traveled (VMT) as a measure of transportation impacts. Pursuant the General Plan’s Transportation Analysis Guidelines, projects such resulting in less than 10 dwelling units are exempt. As the Project is proposing a four-lot TPM with a remainder parcel, the maximum number of dwelling units the subdivision could result in would be five, therefore the Project proposal is below the threshold for requiring further VMT analysis.

No additional impacts to on-site resources have been identified beyond what was envisioned in the General Plan EIR. Therefore, no further environmental analysis is required as the proposed TPM and Rezone are consistent with the General Plan and zoning designations. Future construction of the new residential lot would be subject to development measures under the EGMC and existing General Plan’s Mitigation, Monitoring and Reporting Program (MMRP).

Rezone

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

Evidence: The Project proposes to Rezone ±10 acres from AR-5 to AR-2; however, the site will maintain its Rural Residential (RR) General Plan land use designation. General Plan Consistency Matrix Table 3-1 indicates that the resulting AR-2 zone is consistent with the RR designation, therefore, the Rezone is consistent with the General Plan. Additionally, General Plan Policy RA-1-1, states that the City shall “ensure that new residential lots within the rural area are no less than two acres in size.” The development standards of the proposed AR-2 zone are intended to implement rural policies by maintaining a two-acre minimum lot size and rural road design, and restricting connection to public water and sewer facilities.

Section 3: Action

The City Council hereby approves the Rezone as shown in Exhibit A and Exhibit B, 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: **10-2020**
INTRODUCED: May 13, 2020
ADOPTED: May 27, 2020
EFFECTIVE: June 26, 2020



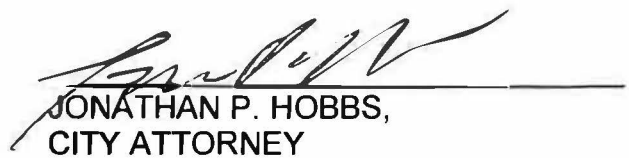
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: May 28, 2020

Exhibit A
10049 Bond Road Project (PLNG19-035)
Project Description

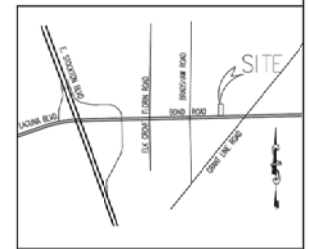
PROJECT DESCRIPTION

The Project consists of a Rezone to amend the zoning designation of ±10 gross acres from the AR-5 (Agricultural Residential-Minimum 5-acre lot) designation to the AR-2 (Agricultural Residential-Minimum 2-acre lot) designation; a Tentative Parcel Map to divide two existing parcels into four parcels and a remainder Parcel, each approximately ±2 acres in size; and a Tree Removal Permit to allow removal of two trees of local importance. Any new home construction resulting from the Project will be required to comply with the City's Climate Action Plan (CAP) measures for new single-family construction including: BE-4. Building Stock: Encourage or Require Green Building Practices in New Construction, BE-5. Building Stock: Phase in Zero Net Energy Standards in New Construction, TACM-8. Tier 4 Final Construction Equipment, and TACM-9. EV Charging Requirements.

EXHIBIT B

EXISTING & PROPOSED ZONING EXHIBIT 10049 BOND ROAD, ELK GROVE

APN: 127-0070-035, 036
CITY OF ELK GROVE, CALIFORNIA
JUNE 17, 2019



VICINITY MAP NO SCALE

EXISTING



PROPOSED



FOR PRELIMINARY PLANNING PURPOSES ONLY. ALL BOUNDARY LINES, EASEMENTS & RIGHT-OF-WAY LOCATIONS TO BE VERIFIED WITH FINAL DESIGN AND ENGINEERING.

LEGEND		EXISTING	PROPOSED
AR-5	RURAL RESIDENTIAL	10.00	0.00
AR-2	RURAL RESIDENTIAL	0.00	10.00
TOTAL NET ACRES		10.00	10.00

JTS ENGINEERING
CONSULTANTS, INC.
1808 J STREET
SACRAMENTO CALIFORNIA 95814 (916) 441-6708

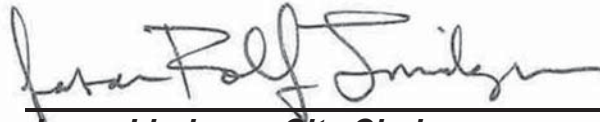
CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 10-2020

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 May 13, 2020 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 27, 2020 by the following vote:

AYES:	COUNCILMEMBERS:	Ly, Hume, Nguyen, Suen
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Detrick

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



Jason Lindgren, City Clerk
City of Elk Grove, California