

ORDINANCE NO. 12-2020

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 8511 WATERMAN REZONE PROJECT (PLNG19-025): ASSESSOR PARCEL NUMBER 121-0180-059

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on May 1, 2019, from Umer Malik (the “Applicant”) requesting a Rezone for the Waterman Rezone Project (PLNG19-025) (the “Project”); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APN: 121-0180-059; and

WHEREAS, the Project involves a Rezone from Open Space (O) to Low Density Residential (RD-4) consistent with the General Plan Estate Residential land use designation; 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), and all other applicable State and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on May 21, 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 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on June 24, 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 15162 (Subsequent EIRs and Negative Declarations).

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.” The proposed Rezone is a project under CEQA.

State CEQA Guidelines Section 15183 (Public Resources Code §21083.3), 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 Zoning Amendment is consistent with the development density and use characteristics considered by the General Plan EIR in the Estate Residential (ER) land use designation as the Project proposes to Rezone the Project site from O to RD-4, which is an implementing zoning designation of the ER General Plan Designation. Uses and development intensity will be limited to those permitted within the RD-4 zoning district.

No development is proposed with this Project. All future development will be subject to environmental review under CEQA. Furthermore, all future development will be reviewed for compliance with the General Plan including Vehicles Miles Traveled (VMT) and the Climate Action Plan (CAP).

No potential new impacts related to the Rezone have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the General Plan EIR. No other special circumstances exist that would create a reasonable possibility that the Rezone will have a significant adverse effect on the environment. Therefore, 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: By the Project the Applicant proposes to amend the current zoning of the 8.81-acre site from O to RD-4. Per General Plan Consistency Matrix Table 3-1, the current O zoning designation is inconsistent with the property’s General Plan designation of Estate Residential. The Estate Residential General Plan designation provides for large-lot residential development with typical lot sizes between 0.25 and 2 acres. With a maximum density of four units per acre, the proposed RD-4 zoning designation is an implementing zoning district of the Estate Residential General Plan designation and will remedy the existing inconsistency between the zoning and General Plan designations. Therefore, the proposed Rezone is consistent with the General Plan goals, policies and implementation programs in that it will reconcile the property’s zoning designation with its General Plan designation.

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 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: **12-2020**
INTRODUCED: June 24, 2020
ADOPTED: July 22, 2020
EFFECTIVE: August 21, 2020



STEVE LY, MAYOR of the
CITY OF ELK GROVE

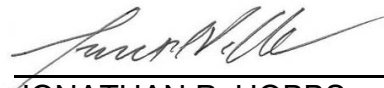
ATTEST:



JASON LINDGREN, CITY CLERK

Date Signed: July 31, 2020

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

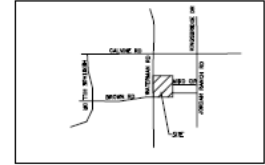
Exhibit A
8511 Waterman Rezone (PLNG19-025)
Project Description

PROJECT DESCRIPTION

The Project consists of a request to rezone an approximately ±8.81-acre parcel from O to RD-4. The rezone would remedy an existing inconsistency between the property's current open space zoning designation and its Estate Residential General Plan Designation.

Exhibit B
Waterman Rezone (PLNG19-025)
Rezone Exhibit

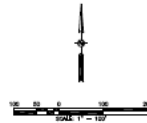
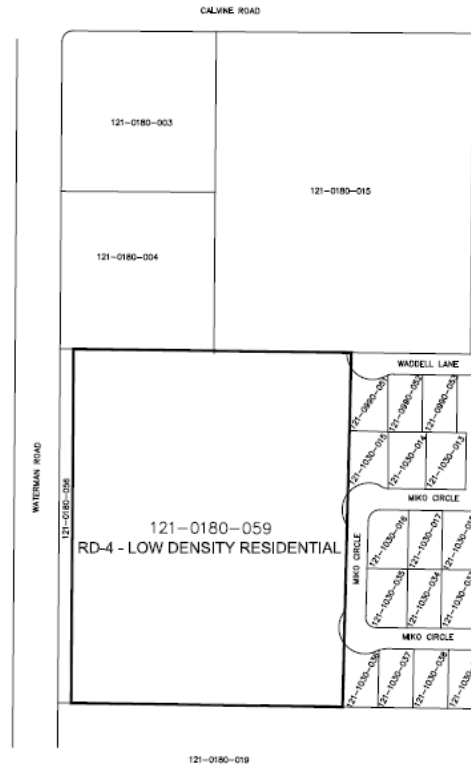
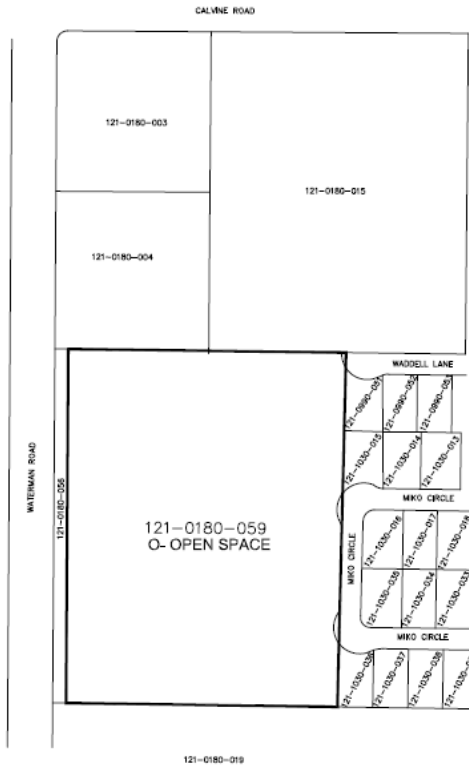
EXISTING AND PROPOSED ZONING EXHIBIT
8511 WATERMAN ROAD
 APN 121-0180-059
 CITY OF ELK GROVE, CA
 MARCH 2019



VICINITY MAP
 1/4" = 1" SCALE

EXISTING ZONING

PROPOSED ZONING



ZONING SUMMARY

	EXISTING	PROPOSED
O - OPEN SPACE	8.8 ACRES	0 ACRES
RD-4 - LOW DENSITY RESIDENTIAL	0 ACRES	8.8 ACRES

FOR PRELIMINARY PLANNING PURPOSES ONLY.
 BOUNDARY LINES, EXISTENTS, AND RIGHT-OF-WAY
 SHALL BE VERIFIED BY A LICENSED LAND SURVEYOR.


**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2020**

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 June 24, 2020 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 22, 2020 by the following vote:

AYES:	COUNCILMEMBERS:	<i>Ly, Detrick, Hume, Nguyen, Suen</i>
NOES:	COUNCILMEMBERS:	<i>None</i>
ABSTAIN:	COUNCILMEMBERS:	<i>None</i>
ABSENT:	COUNCILMEMBERS:	<i>None</i>

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



**Jason Lindgren, City Clerk
City of Elk Grove, California**