

ORDINANCE NO. 11-2023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO
STATE CEQA GUIDELINES SECTION 15183 AND APPROVING REZONE FOR THE
PLEASANT GROVE ESTATES PROJECT (PLNG22-040):
ASSESSOR PARCEL NUMBER 127-0110-024**

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on June 27, 2022, from the Shah Living Trust (Property Owner) requesting a Rezone, Tentative Subdivision Map, Design Review for Subdivision Layout, and Tree Removal Permit for the Pleasant Grove Estates Project PLNG22-040 (the “Project”); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APN 127-0110-024; 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); and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on March 2, 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 3-1-1 to recommend approval of the Rezone to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on April 26, 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

WHEREAS, the City Council continued consideration of the proposed Project to May 24, 2023, to receive additional 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 shown in 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 for the Project under CEQA 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 Project is subject to the General Plan’s Mitigation Monitoring and Reporting Program (MMRP).

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 Project is subject to the General Plan’s Mitigation Monitoring and Reporting Program (MMRP).

The General Plan EIR relies on Vehicle Miles Traveled (VMT) as a measure of transportation impacts. The Applicant provided a VMT Analysis for the Project (Fehr & Peers, April 22, 2022) to determine if the Project complies with City of Elk Grove General Plan Policy MOB-1-1 adopted to reduce VMT and achieve State-mandated reductions on VMT. According to the analysis, the Project would not exceed the City’s VMT limit for the Rural Residential land use. Additionally, the Project shall comply with the City’s Climate Action Plan measures for new single-family dwelling 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; BE-6 – Electrification in New Existing Residential Development; TACM-6 – Vehicle Miles Traveled Threshold and TACM-8 - Tier 4 Final Construction Equipment; and TACM-9 – EV Charging Requirements.

Any future construction on the Project site shall 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), in addition to other pre-construction surveys as defined by the General Plan EIR. Compliance with these standards has been included in the conditions of approval for the Project.

The Applicant has provided a Cultural Resources Analysis for the site which was peer-reviewed by the City. It was concluded that the Cultural Resources Analysis was consistent with the General Plan's goals related to the protection of cultural and tribal resources. The implementation of conditions of approval will address the potential for encountering undiscovered cultural resources and/or tribal cultural resources as it requires that if cultural resources or tribal cultural resources are discovered during future grading or construction activities, work will halt immediately within 50 feet of the discovery, the Planning Division shall be notified, and a professional archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in archaeology shall be retained to determine the significance of discovery.

No potential new impacts related to the Project 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 Project 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 #1: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Applicant is proposing to amend the zoning designation of the site from Agricultural Residential – Minimum 5-Acre Lot (AR-5) designation to the Agricultural Residential – Minimum 2-Acre Lot (AR-2) designation. The General Plan land use designation of Rural Residential (RR) will be retained. General Plan Consistency Matrix Table 3-1 indicates that the AR-2 zoning designation is consistent with the RR designation. The proposed parcel sizes will also be consistent with General Plan Policy RA-1-1, which states that the City shall “ensure that new residential lots are no less than two acres in size.”

Section 3: Action

The City Council hereby approves the Rezone as described in Exhibit A and shown in Exhibit B, both 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: **11-2023**
INTRODUCED: May 24, 2023
ADOPTED: June 14, 2023
EFFECTIVE: July 14, 2023




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

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

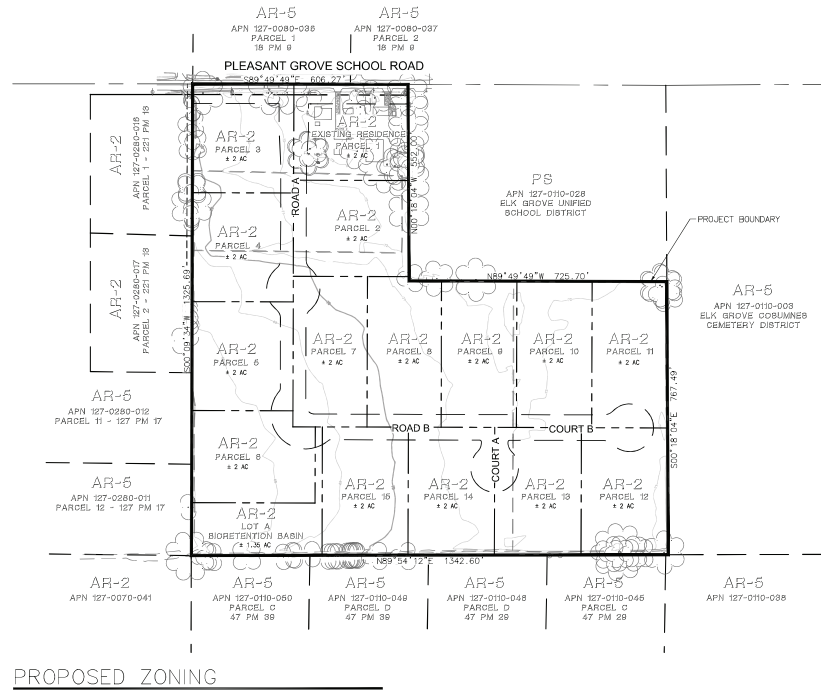
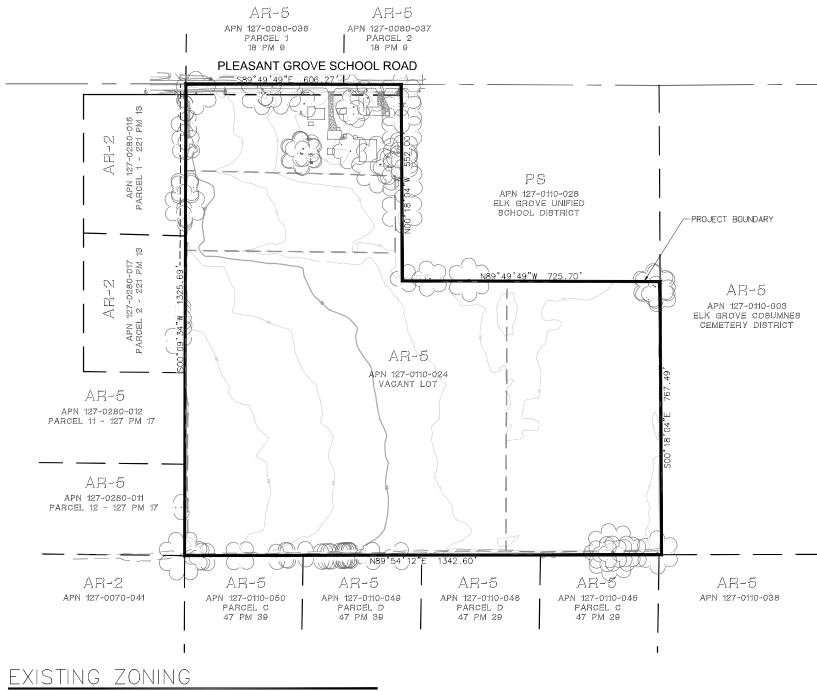
Date Signed: June 14, 2023

Exhibit A
Pleasant Grove Estates (PLNG22-040)
Project Description

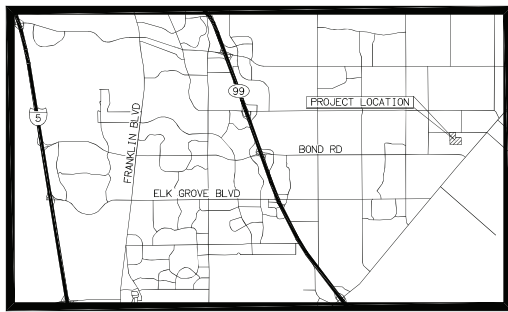
PROJECT DESCRIPTION

The Project consists of a Rezone to amend the zoning designation of ±31.4 gross acres from the Agricultural Residential-Minimum 5-acre lot (AR-5) designation to the Agricultural Residential-Minimum 2-acre lot (AR-2) designation; a Tentative Subdivision Map (TSM) and Design Review for Subdivision Layout to subdivide the existing parcel into 14 single-family residential parcels of at least 2.0 gross acres in size, a detention basin parcel, and a remainder lot; and a Tree Removal Permit. Each parcel will have access off Pleasant Grove School Road through proposed gates and a 22-foot wide private road. Any future home construction shall be required to comply with the City's Climate Action Plan ("CAP") measures for new single-family dwelling 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; BE-6 – Electrification in New and Existing Residential Development; TACM-8 – Tier 4 Final Construction Equipment; and TACM-9 – EV Charging Requirements.

EXHIBIT B



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PROJECT ADDRESS

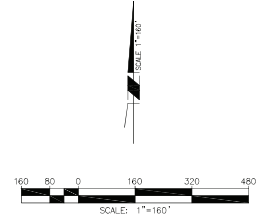
10150 PLEASANT GROVE SCHOOL ROAD
ELK GROVE, CA 95624

LEGEND

- AR-2 AGRICULTURAL RESIDENTIAL 2 ACRE MIN
- AR-5 AGRICULTURAL RESIDENTIAL 5 ACRE MIN
- PS PUBLIC SERVICES

REZONE SUMMARY

ZONE TYPE	EXISTING	PROPOSED
AR-2	0 AC	31.46 AC
AR-5	31.46 AC	0 AC
TOTAL NET ACRES	31.46 AC	31.35 AC



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

CITY OF ELK GROVE
PLEASANT GROVE ESTATES
PROPOSED SUBDIVISION
**EXISTING AND PROPOSED
REZONE EXHIBIT**

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 11-2023**

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 May 24, 2023, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 14, 2023, by the following vote:

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