

## **ORDINANCE NO. 04-2014**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADOPTING AN AMENDMENT TO TITLE 23 OF THE ELK GROVE MUNICIPAL CODE AND THE ZONING MAP OF THE CITY OF ELK GROVE**

**WHEREAS**, State law (Government Code Section 65300) requires each city to adopt a comprehensive, long-term general plan for the physical development of the city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

**WHEREAS**, in November 2003, the City adopted its first General Plan; and

**WHEREAS**, safe and affordable housing for all persons is a goal of the City of Elk Grove; and

**WHEREAS**, the Housing Element of the General Plan provides an opportunity for the City to demonstrate how this goal will be achieved; and

**WHEREAS**, the City of Elk Grove is required by State law to prepare a Housing Element which provides information, policies, and programs to encourage the development of housing to meet the needs of all of the City's residents; and

**WHEREAS**, the City has worked closely with the State of California Department of Housing and Community Development (HCD), which is the State Agency responsible for reviewing Housing Elements prepared by cities and counties, on the Housing Element update since June 2012; and

**WHEREAS**, on March 4 and April 15, 2013, staff held a public workshop to solicit feedback on the draft 2013-2021 Housing Element; and

**WHEREAS**, on April 18, 2013, the Planning Commission held a workshop to review the process and key issues involved with the 2013-2021 Housing Element update; and

**WHEREAS**, on May 16, 2013, the Planning Commission held a public meeting to review the candidate sites for inclusion in the 2013-2021 Housing Element update and received public comment on the sites; and

**WHEREAS**, on June 26, 2013, the City Council held a public meeting to review the draft policies in the 2013-2021 Housing Element update and received public comment; and

**WHEREAS**, on November 8, 2013, the City released the public draft 2013-2021 Housing Element for public comment and provided a copy to HCD for initial review and comment; and

**WHEREAS**, on January 9, 2014, the Planning Commission of the City of Elk Grove held a duly noticed public hearing on the 2013-2021 Housing Element (Project 1), accepted public comment, and adopted Planning Commission Resolution 2014-1 recommending that the City Council approve Project 1; and

**WHEREAS**, on February 12, 2014, the City Council of the City of Elk Grove held a duly noticed public hearing on the Housing Element and accepted public comment; and

**WHEREAS**, the City Council directed that staff remove site 7A from the proposed list property rezones, and directed staff to increase the density in the Southeast Policy Area in order to meet the City's fair-share housing allocations city-wide; and

**WHEREAS**, policy SA-15 of the General Plan restricts development in the floodplain; and

**WHEREAS**, section 23.60.020 of the Zoning Code (Title 23 of the Municipal Code) implements policy SA-15; and

**WHEREAS**, the City has determined that these policies, as written, are too restrictive and do not reflect the intent of the City; and

**WHEREAS**, on January 16, 2014, the Planning Commission of the City of Elk Grove held a duly noticed public hearing on the Floodplain Policy Update (Project 2), accepted public comment, and adopted Planning Commission Resolution 2014-2 recommending that the City Council approve Project 2; and

**WHEREAS**, on February 12, 2014, the City Council of the City of Elk Grove held a duly noticed public hearing on the Floodplain Policy Update Project and accepted public comment; and

**WHEREAS**, section 65358(b) of the California Government Code limits the City to four (4) General Plan amendments annually; and

**WHEREAS**, for this reason, and to accommodate development, the City will consolidate General Plan Amendments as one amendment approval, to be brought back to the City Council at a future time; and

**WHEREAS**, the City Council held duly noticed public hearings 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**, on February 12, 2014 the City Council adopted Resolution No. 2014-28, certifying an Environmental Impact Report (EIR) for the 2013-2021 Housing Element Project; and

**WHEREAS**, on February 12, 2014 the City Council adopted Resolution No. 2014-30, finding the Floodplain Policy Update Project exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA State Guidelines.

**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 Title 23 of the Elk Grove Municipal Code and the Zoning Map for the City of Elk Grove consistent with the General Plan of the City of Elk Grove.

### Section 2: Findings

The City Council makes the following findings in consideration of Project 1:

Finding: The proposed Zoning Amendment (text and map) is consistent with the General Plan's goals, policies, and implementation programs.

Evidence: The proposed text and map amendments to the Zoning Code (Title 23 of the Elk Grove Municipal Code) maintain consistency with the General Plan as amended. The modification to the allowed density of the RD-25 zone will provide the necessary density range to ensure compliance with State law and Department of Housing and Community Development guidelines for housing elements and local regulations relative to providing appropriately zoned sites for low and very-low income persons. This is consistent with the General Plan Housing Goal 1, which calls for providing adequate sites, including land suitable for multifamily housing, necessary to accommodate the City's share of the regional housing needs.

The proposed rezoning maintains consistency between the General Plan Land Use Map and the Zoning Map as required by law by placing the subject properties in a district (RD-25) that is consistent with the density range described in Land Use Policy LU-2 and corresponding zoning in LU-3.

The City Council makes the following findings in consideration of Project 2:

Finding: The proposed Zoning Amendment is consistent with the General Plan's goals, policies, and implementation programs.

Evidence: The proposed Zoning Amendment implements the amendments to General Plan SA-15, which, as amended, allows for non-habitable structures to be placed in the floodplain, provided it does not result in a net increase to the water surface elevation adjacent to, downstream, and upstream of the development as determined by the City.

### Section 3: Action

The City Council of the City of Elk Grove hereby amends Title 23 of the Elk Grove Municipal Code and the Zoning Map of the City of Elk Grove as illustrated in Exhibits A, B, and C.

### 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.

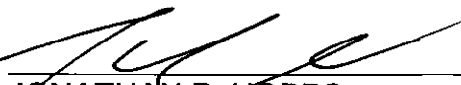
Section 7: Effective Date and Publication

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:** 04-2014  
**INTRODUCED:** February 12, 2014  
**ADOPTED:** February 26, 2014  
**EFFECTIVE:** March 28, 2014

  
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 GARY DAVIS, MAYOR of the  
 CITY OF ELK GROVE

ATTEST:  
  
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 JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
 \_\_\_\_\_  
 JONATHAN P. HOBBS,  
 CITY ATTORNEY

Date signed: February 28, 2014

## EXHIBIT A

### Amendments to Title 23 of the Elk Grove Municipal Code for Consistency with the 2013-2021 Housing Element

Section 23.30.020.D.2 of Title 23 of the Elk Grove Municipal Code is hereby amended to read as follows:

2. RD-25. The RD-25 district is intended for high density residential development, including apartments and condominiums or higher density attached single-family units, such as townhomes. The minimum density in this district is 20.1 dwellings units per acre and the maximum density is 30.0 dwelling units per acre. It is expected that most developments will be two to three stories in height with greater lot coverage than in the RD-20 district.

Table 23.30-2D of Title 23 of the Elk Grove Municipal Code is hereby amended to read as follows:

**Table 23.30-2D  
High Density Residential Zoning District Development Standards**

Development Standard	RD-20	RD-25	RD-30
Minimum lot area	No minimum <sup>1</sup>	No minimum <sup>1</sup>	No minimum
Minimum density	15.1 du/acre	20.1 du/acre	25.1 du/acre
Maximum density <sup>2</sup>	20 du/acre	30.0 du/acre	30 du/acre
<b>Setbacks</b>			
Front	25 ft.	25 ft.	25 ft.
Sides, interior lot <sup>3</sup>	25 ft.	25 ft.	25 ft.
Street side, corner lot	25 ft.	25 ft.	25 ft.
Rear <sup>3</sup>	20 ft.	20 ft.	20 ft.
Open space <sup>4</sup>	25%	25%	25%
<b>Height Limit<sup>5</sup></b>			
Primary structures	40 ft.	40 ft.	40 ft.
Accessory	16 ft.	16 ft.	16 ft.
Accessory structures	Refer to EGMC Chapter 23.46		
Fences and walls	Refer to EGMC Chapter 23.52		
Landscaping	Refer to EGMC Chapter 23.54		
Lighting	Refer to EGMC Chapter 23.56		
Parking	Refer to EGMC Chapter 23.58		
Performance standards	Refer to EGMC Chapter 23.60		
Signs	Refer to EGMC Chapter 23.62		

Notes:

1. Determined in the design review process.
2. Density range may be increased pursuant to the density bonus provisions listed in EGMC Chapter 23.50, Density Bonus.
3. The side and rear setback for all three (3) or more story multifamily structures (or portions thereof) abutting any single-family residential or open space district shall be one hundred (100' 0") feet, measured from the property line of the common boundary.
4. Open space includes active and passive recreation areas, other outdoor amenities, natural open space areas, and all landscaped areas outside of the required landscape corridors along adjoining streets.
5. As part of the design review process, the maximum height may be increased to sixty (60' 0") feet.

## **EXHIBIT B**

### **Amendments to Title 23 of the Elk Grove Municipal Code for Consistency with General Plan Policy SA-15**

*Section 23.60.020.B is amended to read as follows:*

#### **23.60.020 Creeks and other natural drainage courses/tributary standards.**

- B. Develop Standards. The following development standards shall apply to the placement of structures within floodplains of designated tributaries:
  - 1. With the exception of non-habitable structures, all structures shall be located outside of the one hundred (100) year floodplain and a minimum twenty-five (25'0") from the centerline of the creek or tributary.

*Section 23.100.020.N is amended to read as follows:*

#### **23.100.20 General definitions.**

N. "N" Definitions.

- 7. "Non-habitable structures" means buildings and/or structures of an accessory character including, but not limited to, agricultural buildings, aircraft hangars, barns, carports, fences, grain silos, greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, swimming pools, tanks, towers, etc.

## EXHIBIT C

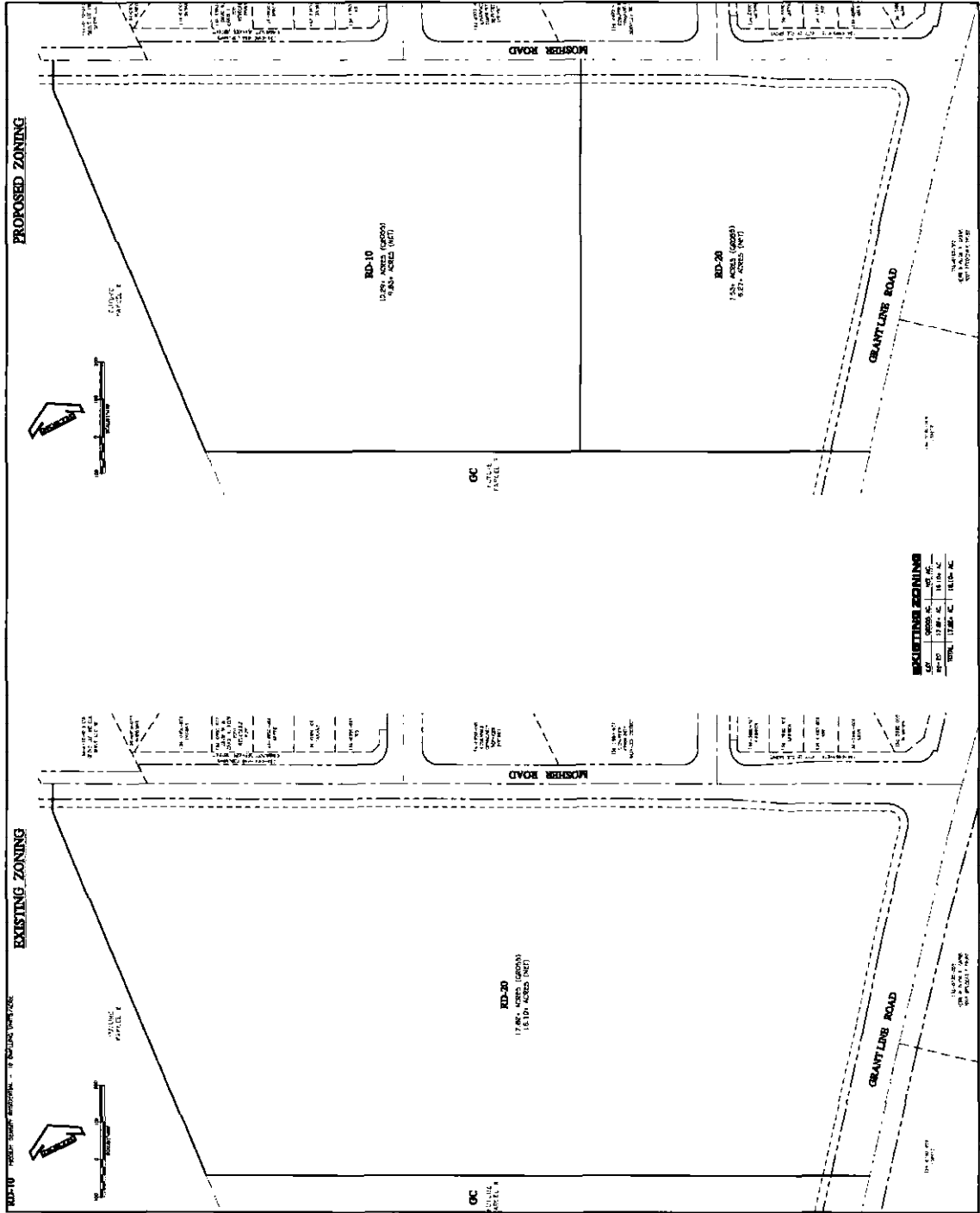
### Amendments to the Zoning Map of the City of Elk Grove for Consistency with the 2013-2021 Housing Element

Site #	APN	Zoning	
		Existing	Proposed
2	132-0050-088	RD-20	RD-25
3	132-0050-050	RD-20	RD-25
6*	134-0182-001	RD-20	RD-10/RD-20
C-1	115-0150-069	SPAC99	RD-25
C-2	116-0011-004	SPALCF	RD-25
C-10	132-0460-107	LC	RD-15
C-18	132-0050-091	AG-20	RD-25
C-19	132-0050-052	AG-20	RD-25
C-20	132-0050-044	AG-20	RD-25
C-21	115-0180-012 115-0180-013	AR-5	RD-25
C-31	119-1920-017 119-1920-018	GC	RD-25
C-33	115-0162-011 115-0162-019 115-0162-023 115-0162-033	RD-20	RD-25

Note:

\* Site 6 shall be modified as provided in the attached map.

# Site 6 Rezoning





**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 04-2014**

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 February 12, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 26, 2014 by the following vote:*


**AYES :**        **COUNCILMEMBERS:**        *Davis, Cooper, Hume, Trigg*

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN:**   **COUNCILMEMBERS:**        *None*

**ABSENT:**    **COUNCILMEMBERS:**        *Detrick*

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

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