

ORDINANCE NO. 02-2020

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO
SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AND APPROVING A REZONE FROM AR-5 TO RD-4 FOR THE
CREEKSIDE ESTATES PROJECT (PLNG18-103)
ASSESSOR PARCEL NUMBER 127-0140-040**

WHEREAS, the Development Services Department of the City of Elk Grove (the "City") received an application on November 16, 2018, from Frank Mantong (the "Applicant") requesting a Rezone, Tentative Subdivision Map, Design Review for Subdivision Layout, and Tree Removal Permit for the Creekside Estates Project (the "Project"); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APN 127-0140-040; and

WHEREAS, the Project involves a Rezone from AR-5 (Agricultural Residential – 5 gross acres minimum) to RD-4 (Low Density Residential – 4 dwelling units per acre), a Tentative Subdivision Map (TSM), Design Review for Subdivision Layout, and Tree Removal Permit to subdivide the existing parcel into 15 single-family lots, an open space lot, and a drainage lot 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 of the City (the "Planning Commission") held a duly-noticed public hearing on January 16, 2020, as required by law to consider all information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting, and voted 4-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on February 12, 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 Elk Grove Zoning Map as described in the attached Exhibit A and shown in the attached Exhibit B .

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: Finding that no further environmental review is necessary under CEQA pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: The California Environmental Quality Act (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 Project 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).

In February of 2019, the City Council adopted the General Plan and Certified the General Plan Environmental Impact Report (EIR) (SCH #2017062058). The proposed Project is consistent with the development density and use characteristics of the General Plan Estate Residential (ER) land use designation as the Project proposes to Rezone the Project site from AR-5 to RD-4 and subdivide the subject property into 15 single-family lots. With a density of ±1.9 du/acre, the Project is within the density range of 0.51 to 4.0 du/acre prescribed by the General Plan for Estate Residential development. While there is no physical building construction proposed with this Project, buildout consistent with the EGMC and the proposed rezone would likely result in the development of 15 new single-family residential units on the Project site. New construction on the Project site will be required to comply with the EGMC development standards for land grading and erosion control (Chapter 16.44), as well as the City's Climate Action Plan (CAP) for single-family construction, which includes compliance with the following measures:

- 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 Construction Equipment.
- TacM-9. EV Charging Requirements

Compliance with the aforementioned standards has been included in the conditions of approval for the Project.

As part of the General Plan Update, the City adopted a new vehicle miles traveled (VMT) standard for the analysis of transportation related impacts. The General Plan update specifies daily VMT limits in order to achieve a 15 percent reduction from 2015 conditions. For the 15 percent reduction to be achieved, the Project would need to generate less than 49.2 VMT per the property's Estate Residential General Plan Designation. A VMT analysis was performed for the Project and determined the proposed Project's VMT to be 17.5. Therefore, the Project results in a VMT that is well within the parameters needed to meet the General Plan's 15 percent reduction.

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: The proposed zoning amendment is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The project proposes to amend the current zoning of the ±7.79-acre site from AR-5 to RD-4. As indicated on General Plan Consistency Matrix Table 3-1, the current AR-5 zoning designation is inconsistent with the Property's General Plan designation of Estate Residential. The proposed RD-4 zoning designation will remedy the existing inconsistency between the General Plan and zoning designations. The property's Estate Residential General Plan designation provides for large-lot residential development with typical lot sizes between 0.25 and 2 acres. With a maximum permitted density of four dwelling units per acre, the proposed RD-4 zoning designation is in conformance with the density permitted by the Estate Residential designation. The easement to retain the floodway is consistent with the General Plan goal to minimize damage from flooding and drainage and the proposed bicycle and pedestrian trails are consistent with the City's Bicycle, Pedestrian and Trails Master Plan (BPTMP).

Section 3: Action

The City Council hereby approves the Rezone as described in Exhibit A and shown on 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.

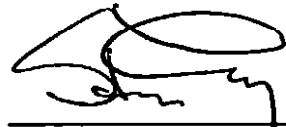
Section 6: Savings Clause

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 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: 02-2020
INTRODUCED: February 12, 2020
ADOPTED: February 26, 2020
EFFECTIVE: March 27, 2020



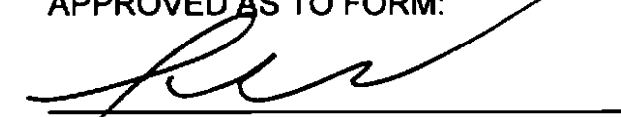
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: March 12, 2020

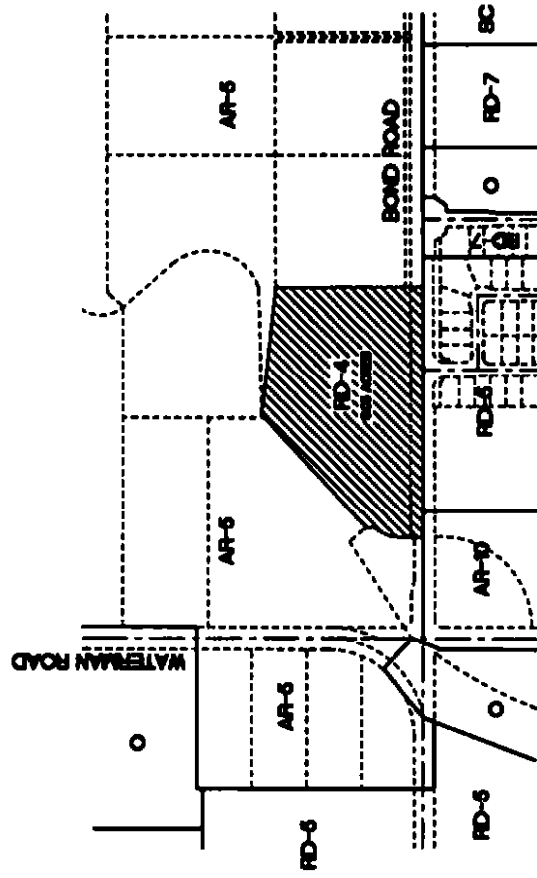
Exhibit A
Creekside Estates (PLNG18-103)
Project Description

PROJECT DESCRIPTION

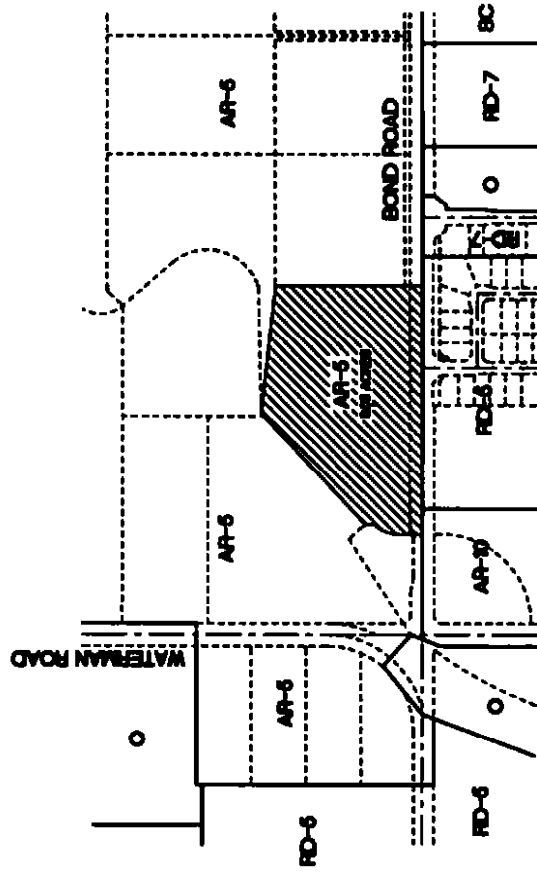
The Project consists of a Rezone to amend the zoning designation of ±7.79 gross acres from AR-5 (Agricultural Residential – 5 gross acres minimum (AR-5)) to RD-4 (Low Density Residential – 4 dwelling units per acre(RD-4)); a Tentative Subdivision Map and Design Review for Subdivision Layout to subdivide the existing parcel into 15 single-family lots, an open space lot, and a drainage lot; and a Tree Removal Permit to allow removal of one Tree 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 TACM-9. EV Charging Requirements.

Exhibit B

CREEKSIDE ESTATES (PLNG18-103)



PROPOSED ZONING



EXISTING ZONING


**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 02-2020**

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 January 22, 2020 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, 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**