

ORDINANCE NO. 10-2021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ZONING FOR SPECIFIC SITES FOR CONSISTENCY WITH THE
2021 HOUSING ELEMENT**

**2021 Housing Element Update
Project No. SPG004**

WHEREAS, California Government Code Section 65300 requires the City adopt a comprehensive, long-term General Plan for the physical development of the City; and

WHEREAS, Government Code Section 65302(c) requires that a Housing Element be included in the General Plan as a mandatory element; and

WHEREAS, the requirements for the Housing Element are provided in Government Code 65580, et. seq.; and

WHEREAS, Housing Elements are required to be updated every eight years upon adoption of a region's Regional Housing Needs Allocation (RHNA); and

WHEREAS, the Sacramento Region, within which the City lies, is due to prepare and adopt its Cycle 6 Housing Element by May 15, 2021; and

WHEREAS, on March 19, 2020, the Sacramento Area Council of Governments (SACOG) Board of Directors adopted the Cycle 6 (2021-29) Regional Housing Needs Plan, which provides the number of total housing units for which each jurisdiction in the SACOG region must zone during the eight-year period; and

WHEREAS, the City of Elk Grove's RHNA for Cycle 6 requires the identification of sufficient land for 2,661 very low income units, 1,604 low income units, 1,186 moderate income units, and 2,812 above moderate income units; 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 how the City will identify sufficient sites to meet its RHNA; and

WHEREAS, the City has worked closely with the State of California Department of Housing and Community Development (HCD) (the State Agency responsible for reviewing Housing Elements prepared by cities and counties) on the Housing Element Update; and

WHEREAS, the City held workshops throughout 2020 and early 2021 to solicit feedback on the draft 2021-2029 Housing Element; and

WHEREAS, on February 12, 2021, the City released the public draft Housing Element; and

WHEREAS, the City determined that the Housing Element Update (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000, et seq. and that a Subsequent Environmental Impact Report (SEIR) shall be prepared to evaluate the potential environmental effects of the Project; and

WHEREAS, a Notice of Preparation was released for public and agency review and comment on June 19, 2020, for the Housing Element Update and Safety Element Update SEIR, with the public review period starting June 22, 2020, and ending on July 22, 2020; and

WHEREAS, upon receipt of the Notice of Preparation, the State Clearinghouse issued State Clearinghouse Number SCH#202069032 for the Project; and

WHEREAS, the City distributed a Notice of Availability for the Housing Element Update and Safety Element Update Draft SEIR on February 12, 2021, which started a public review period, ending on March 29, 2021; and

WHEREAS, the Notice of Completion for the Draft SEIR was also submitted to the State Clearinghouse for state agency review with a public review period starting February 12, 2021, and ending on March 29, 2021; and

WHEREAS, the City held a public meeting on March 17, 2021, to receive public comments on the Draft EIR and those comments were received and considered in the Final EIR; and

WHEREAS, the Draft SEIR identified two significant and unavoidable environmental impacts of the Housing Element; therefore, approval of the Housing Element requires the adoption of a Statement of Overriding Considerations by the City Council; and

WHEREAS, the Draft SEIR identified several potentially significant impacts that can be addressed with specific mitigation measures; therefore, approval of the Housing Element will require adoption of mitigation findings and a Mitigation Monitoring and Reporting Program; and

WHEREAS, a Final SEIR has been prepared, identifying an erratum of changes to the Draft SEIR as a result of the public comments on the Project, the comments to the Draft SEIR, and other revisions to the Project, as identified by the City; and

WHEREAS, the Draft and Final SEIR, including the response to the public comments, reflects the City's independent judgment and analysis; and

WHEREAS, the Planning Commission held duly noticed public hearings on April 1, 2021, and April 22, 2021, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting and voted 5-0 (with recusal by Commissioner Poole on site C-4 and by Commissioner Fernandez on site C-7) to recommend approval of the Housing Element; and

WHEREAS, the City Council held a duly noticed public hearing on May 12, 2021, as required by law to consider all of the information presented by staff, 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's Zoning Map for specific properties as for consistency with the 2021 Housing Element.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The Subsequent Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act (CEQA) and it reflects the independent judgment and analysis of the City.

Evidence: The General Plan was comprehensively updated in February 2019 and, as part of that, an Environmental Impact Report (EIR) was prepared and certified. Adoption of the Housing Element Update involves specific amendments to the policies and actions of the General Plan, along with revisions to the land use plan. Pursuant to State CEQA Guidelines Section 15162 a Subsequent EIR shall be prepared when there are substantial changes to a project that require major revisions to the previous EIR. Therefore, staff has prepared a Subsequent EIR (SEIR) to the General Plan EIR for the Housing Element Update and Safety Element Update.

The City prepared a Notice of Preparation (NOP) for the SEIR and circulated it to public agencies and interested parties (including the general public) on June 19, 2020. The NOP provided an introduction to the Project. Comments on the scope of the SEIR were requested by July 22, 2020, consistent with the requirements of the State CEQA Guidelines. Comments received on the NOP are included in the Draft SEIR (Appendix B).

The Draft SEIR has been prepared as a program EIR pursuant to CEQA Guidelines Section 15168. A Program EIR examines the environmental impacts of an overall area that may contain a series of subsequent projects. This type of EIR focuses on the changes in the environment that would result from implementation of the overall Project, including development of future multifamily residential on sites identified in the RHNA sites list. Consistent with CEQA Guidelines Section 15168(c), the City will review subsequent activities to determine whether the activity is within the scope of the Project covered by the Program EIR or whether an additional environmental document must be prepared.

The Draft SEIR identified a range of potential impacts resulting from adoption of the General Plan. Some of these impacts are analyzed in comparison to existing plans and programs, including the existing General Plan land uses. The impact areas come from the State's CEQA guidelines (the CEQA Checklist).

The SEIR has identified the following environmental issue areas as having potentially significant environmental impacts from implementation of the Project:

- Public Services and Recreation
- Transportation

Conclusions to the potential impacts are classified as either less than significant, less than significant after incorporation of mitigation measures, or significant and unavoidable. Significant and unavoidable impacts do not limit the City's ability to approve a project. Rather, given CEQA's role in providing disclosure of potential impacts, the City may approve a project with significant impacts that cannot be mitigated to a less than significant level. CEQA Guidelines Section 15093 states that "CEQA requires the [City] to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.' When the [City] approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the [City] shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record."

Both of the potentially significant impacts were concluded to be significant and unavoidable, as described below:

- The Draft SEIR identified impacts relative to increased demand for new public school facilities. No additional feasible mitigation is available beyond compliance with existing plans and General Plan polices, and payment of fees to the Elk Grove Unified School District (EGUSD). While the EGUSD could and should implement measures to reduce physical environmental effects of school development, the EGUSD is not subject to mitigation adopted by the City. No enforceable measures are available. Therefore, this impact would remain significant and unavoidable as determined in the General Plan EIR
- Transportation impacts were analyzed pursuant to the City's policies for reduction in Vehicle Miles Traveled, or VMT, which measures the total distance of personal vehicle trips over a day. The City has policies to reduce total VMT both by land use type and cumulatively by 15 percent compared to 2017 levels as part of the General Plan. The Housing Element Draft SEIR identified VMT impacts above the City's thresholds for sites E-6, E-12, E-15, C-1, C-4, C-17, C-22, C-23, and C-25; primarily sites that are located further from the center of the City or that are distant from retail and employment uses. A mitigation measure has been included to address the site-specific impacts to the extent feasible; however, the cumulative impacts to VMT cannot be mitigated to a less than significant level.

Based upon the nature of these impacts and a determination that they are significant and unavoidable, a Statement of Overriding Considerations is necessary to complete adoption of the Housing Element.

On February 12, 2021, concurrent with the public availability of the draft General Plan, the City released the Draft SEIR. The Draft SEIR was made available for public review and comment on the City's website, at City Hall, and at the Elk Grove Library for a period of 45 days. Public comments on the Draft SEIR were due to the City on March 29, 2021. A total of five comment letters were received. Responses to these comments have been prepared by staff and are included in the Final SEIR.

The Final EIR also includes an erratum of changes to the Draft SEIR as a result of the public comments on the Project, the comments to the Draft SEIR, and other revisions to the Project as identified by the City. The Final SEIR indicates that the modifications to the Project are minor in nature and do not cause any change in significant impacts that were analyzed in the Draft SEIR.

Rezoning and SPA Amendment

Finding: The proposed zoning amendment, including amendments to the Southeast Policy Area Special Planning Area, is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed rezonings provided in Exhibits A and B will implement the proposed changes to the General Plan Land Use Plan in order to accommodate the City's obligations under the Cycle 6 RHNA.

Section 3: Action – General Rezonings

The Zoning Map, as provided in Elk Grove Municipal Code Section 23.24.030 is hereby amended as provided in Exhibit A, incorporated herein by this reference.

Section 4: Action – SEPA Special Planning Area

The Southeast Policy Area Special Planning Area is amended as follows:

1. The sites listed in Exhibit A are rezoned into the corresponding districts as listed.
2. The description of the High Density Residential district, as provided on page 2-4 of the SEPA SPA, is modified as provided in Exhibit B, incorporated herein by this reference.

Section 5: 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 6: 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 7: 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 8: 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: 10-2021
INTRODUCED: May 12, 2021
ADOPTED: May 26, 2021
EFFECTIVE: June 25, 2021




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

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

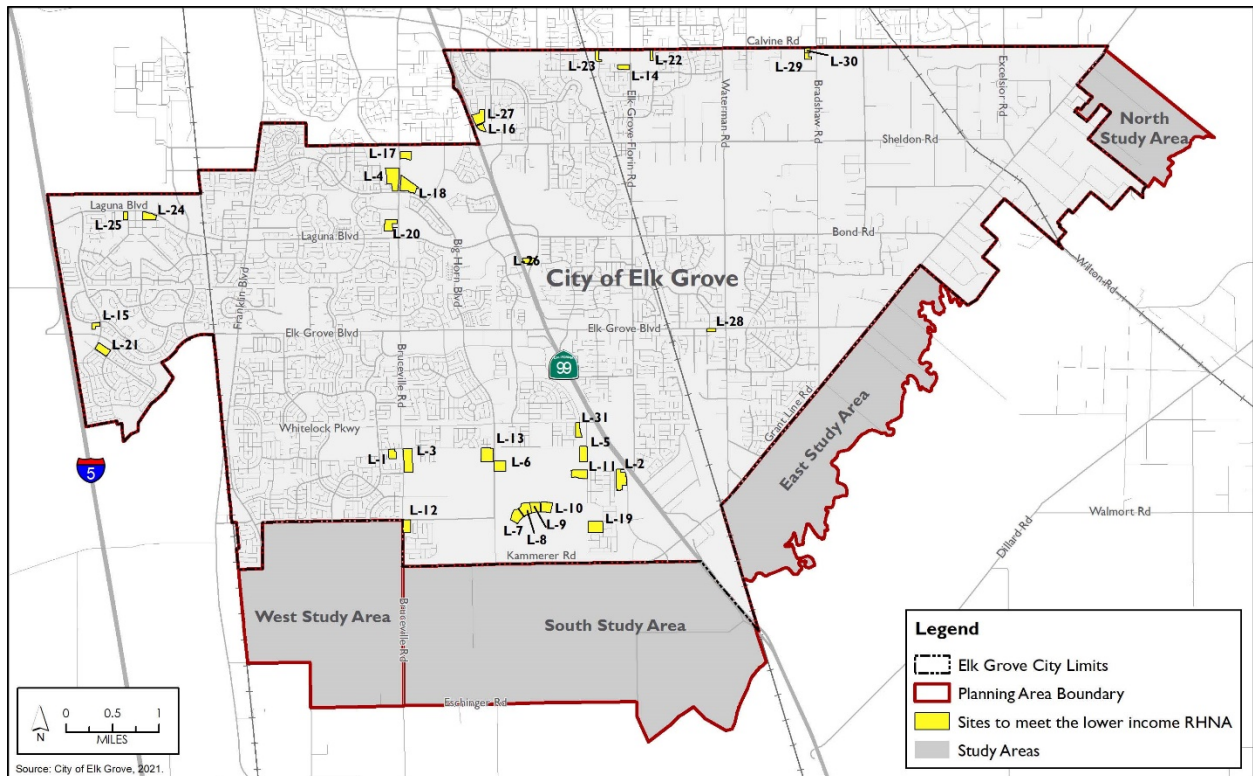
Date signed: May 27, 2021

**EXHIBIT A
REZONINGS**

Site ID	Map ID	General Location	APNs	Acreage	Existing Zoning	Proposed Zoning
E-1	L-2	M&H Site in Lent Ranch	134-1010-013	12.8	RD-20	RD-20
E-2	L-1	Quail Run	132-1780-048	4.88	RD-25	RD-25
E-3	L-3	Southeast corner of Bruceville Road and Poppy Ridge Road	132-0050-161	15.48	RD-20 ²	RD-30
E-4	L-4	Northwest corner of Bruceville Road and Big Horn Boulevard	116-0011-004	6.5	RD-25	RD-30
E-5	L-5	SEPA, Clark Property, Poppy Ridge at Lotz Parkway	132-0290-021	9	SEPA-HDR (15.1-30)	SEPA-HDR (25-30)
E-6	L-6	SEPA, Suyanaga Property, Southeast corner of Poppy Ridge and Big Horn	132-0290-044	8.6	SEPA-HDR (15.1-30)	SEPA-HDR (25-30)
E-7	L-7	SEPA, Souza Lot 1096	132-0320-006	7.1	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)
E-8	L-8	SEPA, Souza Lot 1097	132-0320-006	7.9	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)
E-9	L-9	SEPA, Souza Lot 1098	132-0320-006	6.5	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)
E-10	L-10	SEPA, Souza Lot 1098	132-0320-006	7.2	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)
E-11	L-11	SEPA, Souza Lot 1105	132-0320-006	9.3	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)
E-12	L-12	SEPA, Bruceville Meadows	132-0300-006	8.4	SEPA-HDR (15.1-30)	SEPA-HDR (15.1-30)
E-13	L-13	Laguna Ridge, Backer Property, Southwest corner of Big Horn and Poppy Ridge	132-0050-091; 132-0050-052; 132-0050-044	11.1	RD-25	RD-30
E-14	L-14	Elk Grove Florin Road at Brown Road	115-0180-012; 115-0180-013	4.4	RD-25	RD-30
E-15	L-15	Harbour Point Drive and Maritime Drive	119-1920-017; 119-1920-018	3.06	RD-25	RD-30
E-16	L-16	East Stockton Boulevard at Bow Street	115-0162-036; 115-0162-019; 115-0162-023	2.9	RD-25	RD-30
E-17	L-17	Sheldon Farms North, Stein	116-0012-051	5.3	RD-25	RD-30
E-18	L-18	Sheldon Farms South, Arsone	116-0012-064	9	RD-25	RD-30
C-1	L-19	Sterling Meadows HDR Site (southeast corner of Lotz Parkway and Bilby Road)	132-2390-008	10.68	RD-20	RD-30
C-3	L-20	Laguna Boulevard and Bruceville Road (COBRA/Pacific Properties)	116-0011-020; 116-0011-021; 116-1380-009; 116-1380-008; 116-1380-005; 116-1380-014	7.6	RD-15	RD-40
C-4	L-21	2804 Elk Grove Boulevard (Samos)	132-0460-107; 132-0460-073	7.49	RD-15	RD-30
C-8	L-22	8994 Calvine Road	121-0140-003	2.32	RD-5	RD-25
C-9	L-23	8770 Calvine Road	115-0180-020	3.5	RD-20	RD-25
C-10	L-24	Laguna Boulevard and Haussmann Street	119-1110-022	6.96	LC	RD-30
C-11	L-25	Laguna Vaux	119-1110-088	2.59	LC	RD-30
C-13	L-26	9296 E Stockton Boulevard	116-0090-059	3.81	RD-20	RD-30

Site ID	Map ID	General Location	APNs	Acreage	Existing Zoning	Proposed Zoning
C-18	L-27	Bow Street Northwest	115-0161-021; 115-0161-005; 115-0161-018; 115-0161-013; 115-0161-019; 115-0161-016	10.3	RD-6	RD-30
C-19	L-28	Old Town, southwest corner of Elk Grove Boulevard and Webb Street	134-0072-013; 134-0072-014; 134-0072-015; 134-0072-016	1.87	OTSPA	RD-25
C-25	L-29	Bradshaw, just south of Calvine, (Eden Gardens Event Center)	121-1100-003 (portion)	2.5	AR-5	RD-25
C-23	L-30	Calvine Road and Bradshaw Road	121-1100-001	2.02	GC/AR-5	RD-25
C-24	L-31	Southwest corner Lotz Parkway and Whitelock Parkway	132-0290-030; 132-0290-031; 132-0290-036; 132-0290-037; 132-0290-009	5	RD-5	RD-25

The location of the sites listed above are illustrated in the following map.



**EXHIBIT B
SEPA SPA AMENDMENT**

Page 2-4 of the SEPA SPA is amended as follows:

...

High Density Residential (HDR)

Designates areas for developments with a vertical mix of uses (e.g., buildings with retail or restaurants/cafes on the ground floor with office or residential units above) a range of higher density single and multiple family dwellings. The buildings will range in density and intensity with the high density of development focused around transit stops and major intersections. This designation allows for dwelling units ranging from 15.1 to 40.0 units per acre; it is divided into two sub-designations, with one allowing a density range of 15.1-30.0 units per acre, and a second with an allowed density range of 25.0 to 30.0 units per acre. Sites shall also comply with the minimum density requirements of the underlying General Plan land use designation and any requirements of the Housing Element.

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**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 10-2021**

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 12, 2021 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 26, 2021 by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Nguyen, Hume, Spease, 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**