

ORDINANCE NO. 14-2021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A REZONE FOR THE
SHELDON GROVE PROJECT (PLNG20-025):
ASSESSOR PARCEL NUMBER 115-0150-042**

WHEREAS, the Development Services Department of the City of Elk Grove (City) received an application on July 1, 2020, from Angelo G. Tsakopoulos, (Applicant) requesting a General Plan Amendment, Rezone, Tentative Subdivision Map, and Subdivision Design Review with Deviation for the Sheldon Grove Project (Project); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APN 115-0150-042; and

WHEREAS, on June 23, 2021, the City Council adopted Resolution No. 2021-189, adopting an Amended Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Sheldon Grove Project (PLNG20-025); 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 June 3, 2021, 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 4-1 (Fernandez voting no) to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on June 23, 2021, 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

Rezone

Finding #1: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Project Applicant proposes to Rezone ±19.81 acres from General Commercial (GC) to RD-7, which is consistent with the proposed General Plan Amendment of Low Density Residential (LDR). The LDR designation allows for single-

family residential development at a density of 4.1 to 7.0 dwelling units per acre. The designation is mainly intended for detached single-family dwellings. The Project site is an infill site pursuant to the City's General Plan. The General Plan encourages new housing within infill sites to be built in a variety of shapes and sizes. Additionally, the Project is consistent with the following General Plan policies regarding infill development, such as this Project site. Policy LU-2-1 and MOB-5-1 promote increased densities and the intensity of development along identified transit corridors such as Sheldon Road. Policy LU-2-4 requires new infill development projects to be compatible with the character of surrounding areas and neighborhoods, support increased transit use, promote pedestrian and bicycle mobility, and increase housing diversity. Pursuant to the General Plan definition, "Compatibility" does not mean "the same as." Therefore, the proposed Rezone to RD-7 is consistent with the General Plan goals, policies, and implementation programs.

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

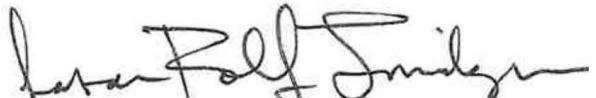
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: **14-2021**
INTRODUCED: June 23, 2021
ADOPTED: July 28, 2021
EFFECTIVE: August 27, 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: July 28, 2021

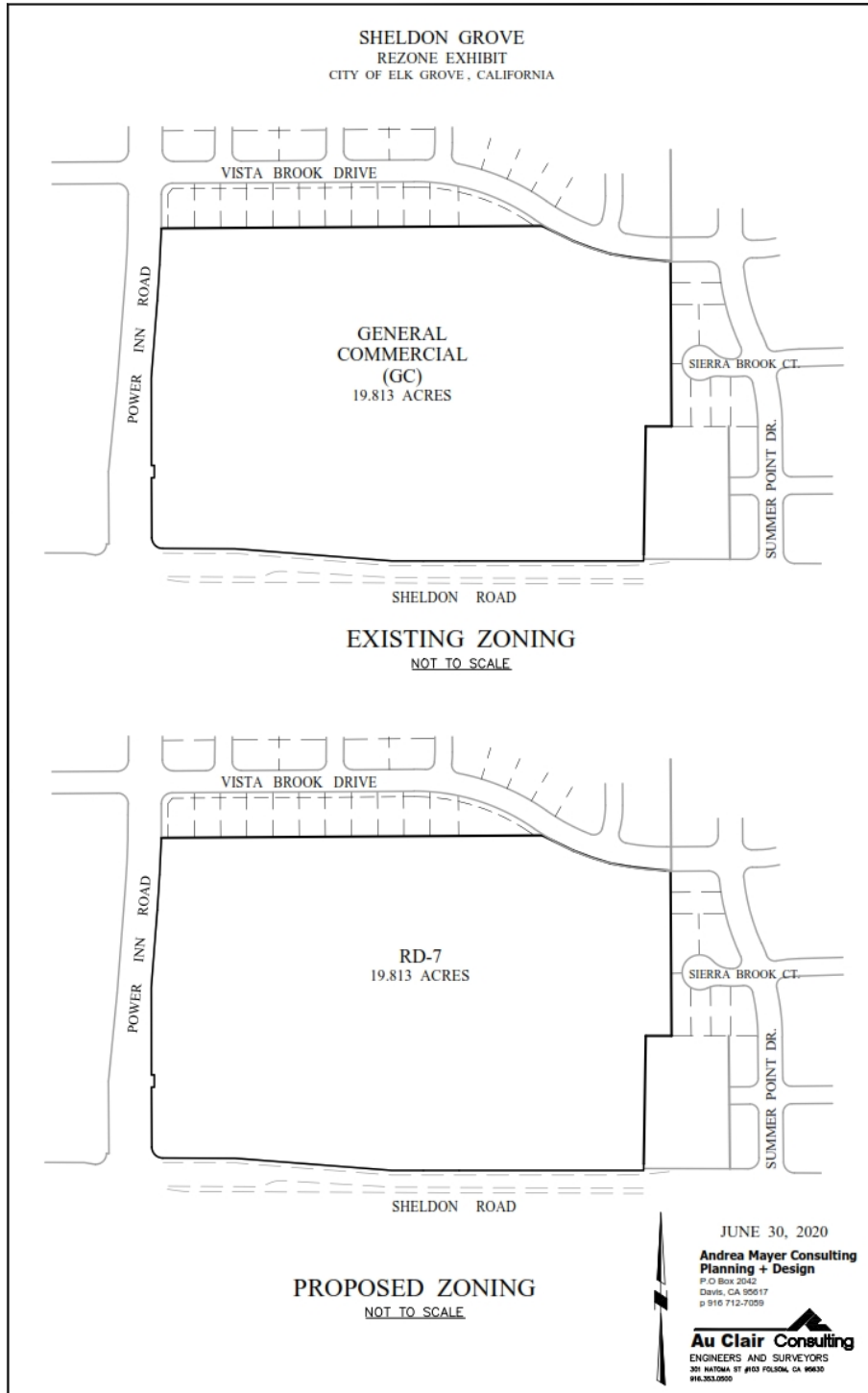
Exhibit A
Sheldon Grove PLNG20-025
Project Description

PROJECT DESCRIPTION

The Sheldon Grove Project (the “Project”) consists of a General Plan Amendment from Community Commercial (CC) to Low Density Residential (LDR), a Rezone from General Commercial (GC) to RD-7, and a Tentative Subdivision Map to subdivide one parcel into 123 single family residential lots and three landscape lots. The Project includes a Subdivision Design Review with a Deviation for a reduced landscape corridor of 21-feet on Power Inn Road.

The Project shall comply with the City’s Climate Action Plan (CAP) for new single-family development, including CAP measures related to energy efficiency (BE-4), electric appliances (BE-6), Vehicle Miles Traveled Reductions (TACM-6), off-road construction fleet (TACM-8), and electric vehicle charging (TACM-9).

Exhibit B
Sheldon Grove PLNG20-025
Rezone Exhibit



F:\207-003 (Sheldon Power Inn)\DWG\207-003-Zone Exhibit.dwg, LocalAdmin, 09:17:45, 07-01-20

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2021

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 June 23, 2021 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 28, 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