

## RESOLUTION NO. 2021-102

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DECLARING ITS INTENT TO APPROVE A GENERAL PLAN AMENDMENT IN RESPONSE TO AN APPLICATION RELATED TO THE SHELDON PARK ESTATES NORTH PRIVATE GATED COMMUNITY PROJECT (PLNG20-024), LOCATED AT THE NORTH SIDE OF SHELDON ROAD EAST OF WATERMAN ROAD; ASSESSOR PARCEL NUMBERS: 121-1130-001 THRU -016, 121-1190-001 THRU -011 AND 121-0180-066 (CEQA EXEMPT)

**WHEREAS**, the Development Services Department of the City of Elk Grove (the “City”) received an application on July 15, 2020, from Task Engineering, Inc., (the “Applicant”) requesting a General Plan Amendment for the Sheldon Park Estates North Private Gated Community Project (the “Project”) to allow the addition of vehicular gates to the Project; and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APNs 121-1130-011 thru -016; 121-1190-001 thru -011; and 121-0180-066; 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), and all other applicable state and local regulations; and

**WHEREAS**, on November 5, 2020, the Planning Commission recommended denial of the Sheldon Park Estates North Private Gated Community Project (PLNG20-024); and

**WHEREAS**, the City Council held a duly-noticed public hearing on April 14, 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, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby finds the Sheldon Park Estates North Private Gated Community Project (PLNG20-024) exempt from CEQA under Section 15303 (New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations based upon the following finding:

#### **California Environmental Quality Act (CEQA)**

Finding: The Project is exempt under CEQA pursuant to State CEQA Guidelines Section 15303(e) (New Construction or Conversion of Small Structures).

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.

The Project is exempt from CEQA pursuant to CEQA Guideline Section 15303 (New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations. CEQA Guidelines Section 15303(e) applies to projects that consists of construction and location of limited numbers of new, small facilities, or structures;

installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

The Project consists of a General Plan Amendment to allow for private gated communities in the Rural Area of Elk Grove. The intent of the approval of the General Plan Amendment does not approve any physical development project. The General Plan amendment would allow subdivisions and neighborhoods to have vehicular gates. The placement, design, and development standards of the vehicular gate will be subject to compliance with the Elk Grove Municipal Code and any associated conditions of approval. The amendment will not have any significant effect on the environment and is therefore exempt from further review from CEQA.

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby tentatively approves the request for a General Plan Amendment for the Sheldon Park Estates North Private Gated Community Project (PLNG20-024);

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby declares its intent to amend the General Plan to remove Policy RA-1-8, as set forth at Exhibit A, to remove the prohibition of gated subdivisions or communities in the Rural Area of the City, based upon the following finding.

### **General Plan Amendment**

Finding: The proposed Project is consistent with the objectives of the City of Elk Grove General Plan.

Evidence: Removal of the prohibition on gated communities in the Rural Area will not be contrary to the objectives of General Plan or its policies related to the preservation of a rural lifestyle. As existing standalone lots, the current General Plan Policy does not prohibit installation of single vehicular gates and there are many existing vehicular gates throughout the Rural Area. Based on recommendations of the Council, staff mapped all parcels with the Rural Road designation by size, and determined there are a total of 1,427 total parcels. The map reveals that a large majority of parcels in the Rural Area are less than 10 acres in size (about 1,398 parcels or 98 percent).

The privatization of a neighborhood to allow vehicular gates includes the following City requirements consistent with the Streets and Highways Code:

- Vacation (abandonment) of Public Right of Way – any streets that have already been dedicated and recorded as public right of way would be abandoned and no longer publicly maintained;
- New roads – any new roads within the gated community would be private roads; and
- Formation of a Homeowner Association (HOA) with a funding mechanism [i.e. Covenants, Conditions, and Restrictions (CC&Rs)] – the HOA would provide maintenance of private improvements, which include pavement, curb, gutter, sidewalk, streetlights, drainage, signs and pavement markings.

Due to the City's privatization requirements for gated communities and the Rural Area's two-acre minimum lot size, gating subdivisions on the smaller lots (10 acres or less) would likely be cost prohibitive. Staff expects that only larger parcels in the Rural Area would have the ability to fulfill the City's privatization requirements.

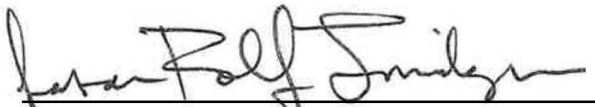
There are over 20 existing gated subdivisions throughout the City, but only one in the Rural Area, the "Shires" neighborhood, which has 12 parcels within 28 acres as part of the subdivision. Sheldon Park Estates North (75 acres) is the second project to request to be a gated subdivision in the Rural Area. Future gated subdivisions within the Rural Area will still be subject to Design Review for Subdivision Layout and staff would review fences and gates for consistency and compatibility with character of the Rural Area. Furthermore, the public would have the opportunity to comment on such subdivisions through the public hearing process.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14<sup>th</sup> day of April 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

## EXHIBIT A

Remove Policy RA-1-8 from the City of Elk Grove General Plan, page 9-23:

**~~Policy RA-1-8: Prohibit gated neighborhoods and subdivisions in the Rural Area~~**

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-102**

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 resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 14, 2021 by the following vote:*

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

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

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

**ABSENT:**   **COUNCILMEMBERS:** *None*

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