

**ORDINANCE NO. 18-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE  
CEQA GUIDELINES SECTIONS 15183 AND APPROVING A REZONE FROM AR-5  
TO RD-7 FOR THE HEARTSTONE HOMES PROJECT (PLNG18-104)  
ASSESSOR PARCEL NUMBER 121-0140-019**

**WHEREAS**, the Development Services Department of the City of Elk Grove (the "City") received an application on November 21, 2018, from JTS Engineering Consultants, Inc. (the "Applicant") requesting a Rezone, Tentative Subdivision Map, Design Review for Subdivision Layout, and Exception for the Heartstone Homes 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: 121-0140-019; and

**WHEREAS**, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq.; and

**WHEREAS**, Section 15183 (Public Resources Code §21083.3) of the California Code of Regulations, Title 14 ("State CEQA Guidelines"), provides that projects which are consistent with 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;" and

**WHEREAS**, an EIR was prepared and certified by the City Council as part of the Elk Grove General Plan (SCH# 2017062058), and the proposed Project is consistent with the development density and use characteristics considered by the General Plan EIR in the Low-Density Residential land use designation; and

**WHEREAS**, the Project involves a Rezone from the AR-5 designation (Agricultural Residential – 5 gross acres minimum) to the RD-7 designation (Low Density Residential – 7 dwelling units per acre), a Tentative Subdivision Map (TSM), Design Review for Subdivision Layout, and Exception to subdivide the existing parcel into 22 single-family lots and two lots for bioretention swales consistent with the General Plan Low-Density Residential land use designation; and

**WHEREAS**, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that the Project will have a significant effect on the environment beyond what was previously analyzed and disclosed; 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 August 1, 2019, 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 (Murphey absent) to recommend approval of the Project to the City Council; and

**WHEREAS**, the City Council held a duly-noticed public hearing 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 Exhibit A of this Ordinance.

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: 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.

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). The proposed Project is consistent with the development density and use characteristics considered by the General Plan EIR in the Low-Density Residential land use designation.

The proposed Project is consistent with the development density established by the General Plan EIR because the Project proposes to Rezone the Project site from AR-5 to RD-7, which is consistent with the LDR General Plan designation. The proposed Tentative Subdivision Map with 22 single family lots is consistent with the density range of 4.1 to 7.0 du/acre for Low-Density Residential development (6.6 du/acre).

While there is no physical construction proposed with this Project, buildout consistent with the EGMC and the proposed rezone would likely result in the development of 22 new single-family residential unit on the Project site. New construction on the Project site will comply with EGMC development standards for land grading and erosion control (Chapter 16.44). Compliance with these standards has been included in the conditions of approval for the Project.

In February 2019, the City Council adopted a new General Plan which relies on Vehicle Miles Traveled (VMT) as a measure of transportation impacts. While the single-family residential TSM proposes 22 new housing lots, the Project site is in a pre-screened area as defined by the City's Transportation Analysis Guidelines adopted with the General Plan. Projects consistent with the EGMC and the General Plan in pre-screened areas are exempt from any further transportation analysis as they are consistent with the VMT projections of the General Plan.

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 (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The General Plan designation for this property is Low Density Residential (LDR), which allows for densities of 4.1 to 7.0 du/acre. The Applicant is proposing to Rezone the Project site from AR-5 to RD-7, which is consistent with the LDR General Plan designation. Additionally, the proposed Rezone does not alter the allowed intensity or density of development beyond that contemplated in the General Plan. The proposed Tentative Subdivision Map with 22 single family lots is consistent with the density range of 4.1 to 7.0 du/acre for LDR development (6.6 du/acre).

## 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 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

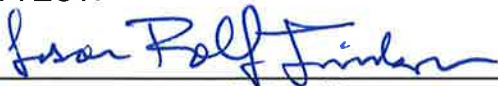
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council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

**ORDINANCE:** 18-2019  
**INTRODUCED:** August 28, 2019  
**ADOPTED:** September 11, 2019  
**EFFECTIVE:** October 11, 2019



\_\_\_\_\_  
STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
JENNIFER ALVES,  
ASSISTANT CITY ATTORNEY

Date signed September 18, 2019

**EXHIBIT A**  
**HEARTSTONE HOMES (PLNG18-104)**  
**Project Description**

**PROJECT DESCRIPTION**

The Project consists of a Rezone to amend the zoning designation of approximately 3.18 gross acres from AR-5 (Agricultural Residential – 5 gross acres minimum) to RD-7 (Low Density Residential – 7 dwelling units per acre), and a Tentative Subdivision Map and Design Review for Subdivision Layout to subdivide the existing parcel into 22 single-family lots and two lots for bioretention swales. The Project also includes an Exception from roadway network design standards to allow a minor residential cul-de-sac street to serve 22 dwelling units.

**EXHIBIT B  
HEARTSTONE HOMES (PLNG18-104)**



**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 18-2019**

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 August 28, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 11, 2019 by the following vote:*

**AYES:**                   **COUNCILMEMBERS:**     **Ly, Hume, Detrick, Nguyen, Suen**

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

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

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

*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**