

ORDINANCE NO. 07-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO STATE CEQA GUIDELINES SECTION 15183 AND APPROVING A REZONE FOR THE CREEKSIDE ESTATES PROJECT (PLNG23-002) ASSESSOR PARCEL NUMBER 127-0140-040

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on January 4, 2023, from Mauricio David Garcia (Property Owner and Applicant) requesting a Rezone and Tentative Subdivision Map and Design Review for Subdivision Layout Extension for the Creekside Estates Project PLNG23-002 (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 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 March 16, 2023, 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 4-0-1 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on April 12, 2023, 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

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required for the Project 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.

CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) identifies when projects 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 Project is subject to the General Plan’s Mitigation Monitoring and Reporting Program (MMRP).

The General Plan EIR relies on Vehicle Miles Traveled (VMT) as a measure of transportation impacts. As part of the original Project, the Applicant provided a VMT Analysis to determine if the Project complies with City of Elk Grove General Plan Policy MOB-1-1 adopted to reduce VMT and achieve State-mandated reductions on VMT. According to the analysis, the Project would not exceed the City’s VMT limit for the Estate Residential land use.

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

Evidence: To move forward with the Tentative Subdivision Map Extension, the zoning designation of the Project site will need to be amended from AR-1 to RD-4. The General Plan land use designation of Estate Residential (ER) will be retained. General Plan Consistency Matrix Table 3-1 indicates that the RD-4 zoning designation is consistent with the ER designation. The proposed RD-4 lots will be consistent with the Zoning Code for density, lot size, and lot dimensions.

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

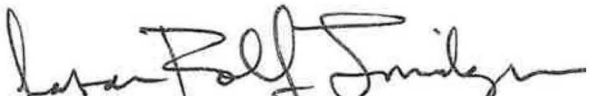
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council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

ORDINANCE: **07-2023**
INTRODUCED: April 12, 2023
ADOPTED: April 26, 2023
EFFECTIVE: May 26, 2023



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

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

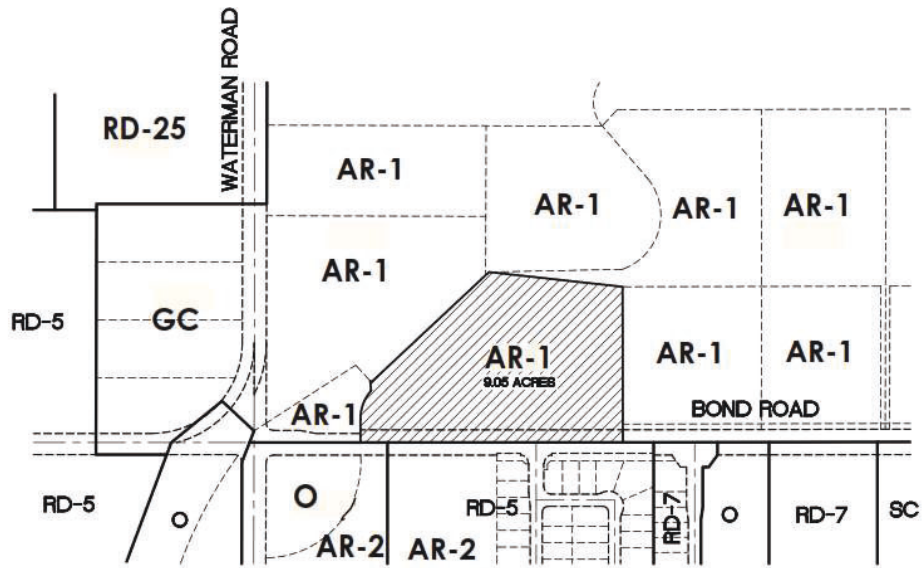
Date signed: April 27, 2023

Exhibit A
Creekside Estates Project (PLNG23-002)
Project Description

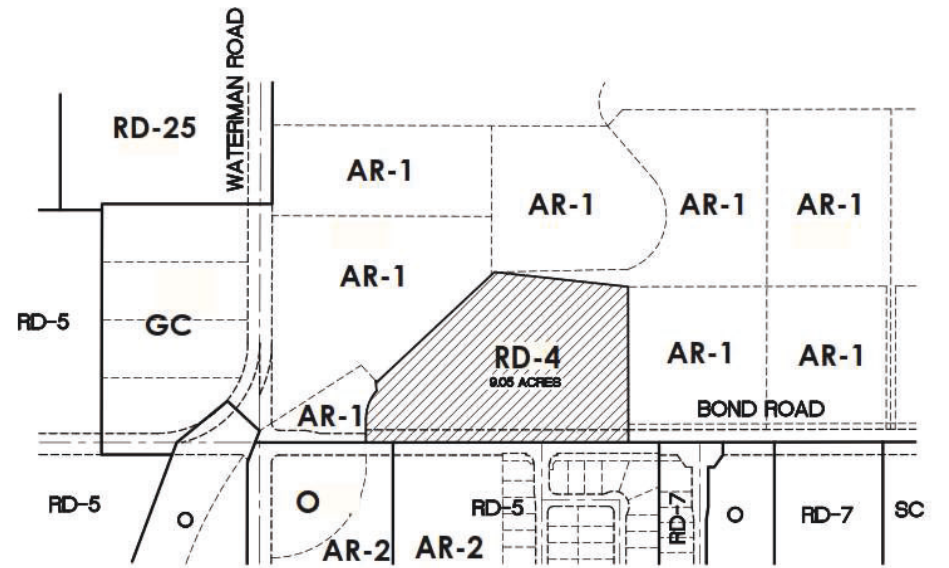
PROJECT DESCRIPTION

The Project consists of a Rezone to amend the zoning designation of ±7.79 gross acres from the Agricultural Residential-1 (AR-1) designation to the Low Density Residential (RD-4) designation; and a 36-month time extension to the previously-approved Creekside Estates Project (PLNG18-103) which would subdivide the approximately 7.79-acre parcel into 15 single-family residential lots, one open space lot, and one drainage lot. The time extension would extend the expiration date of the Tentative Subdivision Map (TSM) and Design Review for Subdivision Layout from February 12, 2023, to February 12, 2026. The Project will remain subject to the Conditions of Approval of the original TSM and Design Review for Subdivision Layout [Creekside Estates Project (PLNG18-103)]. The time extension is conditionally approved subject to the rezone becoming effective.

Exhibit B
Creekside Estates Project (PLNG23-002)
Rezone Exhibit



EXISTING ZONING



PROPOSED ZONING

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 07-2023

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 April 12, 2023, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 26, 2023, by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Spease, Brewer, Robles, 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