

RESOLUTION NO. 2022-19

JUNE 2, 2022

**A RESOLUTION OF THE CITY OF ELK GROVE PLANNING COMMISSION
FINDING THE PROJECT NOT ELIGIBLE FOR SENATE BILL 35 STREAMLINED
MINISTERIAL APPROVAL (CEQA EXEMPT)**

**OAK ROSE APARTMENTS PROJECT
PROJECT NO. PLNG22-015
9252 ELK GROVE BOULEVARD
APN: 134-0072-011**

WHEREAS, the Planning Division of the City of Elk Grove received a pre-application on November 9, 2021, and a formal application submittal on March 4, 2022, from Oak Rose Apts LP (the "Applicant") requesting processing of a supportive housing project pursuant to Senate Bill 35 (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: 134-0072-011; and

WHEREAS, the Development Services Department considered the Project request pursuant to Senate Bill 35 ("SB35") and the City's objective standards of the Elk Grove General Plan, Title 23 (Zoning) of the Elk Grove Municipal Code and the Old Town Elk Grove Special Planning Area Standards and Guidelines; and

WHEREAS, City staff had previously found that the Project did not comply with the City's objective standards, and so notified the Applicant; and

WHEREAS, the Planning Commission held a duly-noticed public oversight meeting on June 2, 2022, as provided 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 Planning Commission of the City of Elk Grove finds no further environmental review is required under CEQA for the Oak Rose Apartments Project (PLNG22-015) pursuant to CEQA Guidelines Section 15270 (Project Which Are Disapproved) and denies the Project as not eligible for SB35 ministerial approval based upon the following determinations and findings:

California Environmental Quality Act (CEQA)

Finding: No environmental review is necessary for the Oak Rose Apartments Project (PLNG22-015) pursuant to State CEQA Guidelines Section 15270 (Projects Which Are Disapproved).

Evidence: CEQA does not apply to projects which a public agency rejects or disapproves. Therefore, Planning Commission denial of the Project is exempt from CEQA pursuant to Section 15270.

AND, BE IT FURTHER RESOLVED, that, for the reasons presented by City staff and as identified on the record of the public oversight meeting, the Planning Commission of the City of Elk Grove hereby finds that the Project is not eligible for streamlined ministerial approval under SB35 as the Project does not comply with the City's objective standards including, without limitation:

1. The Old Town Special Planning Area commercial use zoning designation.

AND, BE IT FURTHER RESOLVED, that the Planning Commission finds, based on the materials presented by the Applicant and City staff, and as identified on the record of the public meeting, that the requested concessions or incentives seeking relief from the City's land use restrictions are not authorized by law and, even if authorized, will not result in identifiable and actual cost reductions (Gov. Code §65915(d)(1)(A); EGMC §23.50.070(C)(1)).)

The foregoing Resolution of the City of Elk Grove was passed and adopted by the Planning Commission on the 2nd day of June 2022, by the following vote:

AYES:	Fernandez, Robles, Singha, Poole, Murphey
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:


Sandy Kyles, SECRETARY


George Murphey, CHAIR of the
PLANNING COMMISSION