

**RESOLUTION NO. 2022-192**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15270, DENYING THE APPLICANT APPEAL OF THE PLANNING COMMISSION'S DETERMINATION THAT THE PROJECT IS NOT ELIGIBLE FOR SENATE BILL 35 MINISTERIAL REVIEW, DENYING THE DEVELOPMENT STANDARD WAIVER REQUEST, DENYING THE DENSITY BONUS, AND FINDING THAT THE EXECUTION OF AN AFFORDABLE HOUSING REGULATORY AGREEMENT IS NOT APPLICABLE FOR THE OAK ROSE APARTMENTS PROJECT (APLA22-001) LOCATED AT 9252 ELK GROVE BOULEVARD (APN: 134-0072-011)**

**WHEREAS** the Development Services Department of the City of Elk Grove (the "City") received an application on or about March 4, 2022 from Oak Rose Apts L.P. (the "Applicant") requesting processing of a supportive housing project known as Oak Rose Apartments Project (the "Project") pursuant to Senate Bill 35 (SB 35) and requesting a density bonus to allow for the construction of 67 residential units for the Project; and

**WHEREAS**, the Applicant has requested a development standard waiver pursuant to Government Code section 65915(e)(1) seeking relief from the restrictions on ground-floor residential use in the Old Town Special Planning Area ("OTSPA"); and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City more particularly described as APN: 134-0072-011; 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), the OTSPA, and all other applicable state and local regulations; and

**WHEREAS**, the City of Elk Grove Planning Commission (the "Planning Commission") held a duly-noticed design review/public oversight hearing on June 2, 2022, as authorized 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

**WHEREAS**, by a 5-0 vote, the Planning Commission found that the Project did not comply with the City's objective zoning standards and, therefore, is not eligible for SB 35 ministerial approval; and

**WHEREAS**, an appeal of the Planning Commission's decision was submitted on June 10, 2022 by Oak Rose Apts L.P.; and

**WHEREAS**, the City Council held a duly-noticed public hearing on July 27, 2022, as authorized by law to consider all the information presented by staff, information presented by the Applicant, and public comments, whether written or oral, related to the appeal, the development standard waiver, the density bonus, and other requests of the Applicant concerning the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove hereby finds the Project exempt from CEQA pursuant to State CEQA Guidelines Section 15270 (Projects Which are Disapproved) based upon the following 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, City Council's denial of ministerial approval 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 appeal hearing, the City Council of the City of Elk Grove hereby denies the appeal, affirming the Planning Commission's decision that the Project does not comply with the City's General Plan Community Commercial land use and the objective zoning standards of the City's Old Town Special Planning Area commercial use zoning designation, and specifically the ground floor residential use restriction for this commercial zoned site, and the Project, therefore, is not eligible for SB 35 ministerial approval.

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby denies the Applicant's development standard waiver request made pursuant to Government Code section 65915(e)(1) as not authorized by, and contrary to, state law; the Applicant is not making a request for a concession or incentive under Government Code section 65915(d)(1), however, if such request were made, any such concession or incentive concerning the ground floor residential use restriction for this commercial zoned site would not result in identifiable and actual cost reductions, and is not authorized by, and is contrary to, state law.

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby denies the density bonus request for the requested 67 residential units as moot and unavailable in light of the denial of the development standard waiver.

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove hereby finds that the approval and execution of an Affordable Housing Regulatory Agreement is not applicable and moot in light of the above determinations.

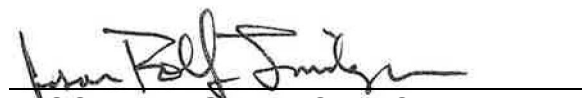
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 27<sup>th</sup> day of July 2022



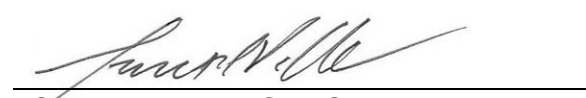
BOBBIE SINGH-ALLEN, MAYOR of the CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2022-192**

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 July 27, 2022 by the following vote:*

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

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

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

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

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