



# City of Elk Grove NOTICE OF EXEMPTION

To:  Office of Planning and Research  
P.O. Box 3044, 1400 Tenth Street, Room 22  
Sacramento, CA 95812-3044

Sacramento County Clerk-Recorder  
Sacramento County  
PO Box 839, 600 8th Street  
Sacramento, CA 95812-0839

From: City of Elk Grove  
Development Services-Planning  
8401 Laguna Palms Way  
Elk Grove, CA 95758

County Recorder Filing	State Clearinghouse Received
(stamp here)	(stamp here)

PROJECT TITLE: **Elk Grove Apartments (PLNG21-033)**  
 PROJECT LOCATION - SPECIFIC: **Southwest Corner of Harbour Point Drive and Maritime Drive**  
 ASSESSOR'S PARCEL NUMBER(S): **119-1920-017 and 119-1920-018**  
 PROJECT LOCATION – CITY: **Elk Grove** PROJECT LOCATION – COUNTY: **Sacramento**

PROJECT DESCRIPTION: The proposed Elk Grove Apartments Project ("Project") consists of a Minor Design Review and Tree Removal Permit for a new multi-unit residential apartment complex with 75 units and associated site improvements including parking, lighting, and landscaping. With the exception of the manager's unit, all of the units will be 100 percent affordable. The Project will have two, 4-story buildings as well as indoor and outdoor amenities including a community room, tot lot, shade structure for a picnic area, and lawn areas. The new multi-unit residential development shall be constructed in compliance with the City's Climate Action Plan ("CAP") measures.

LEAD AGENCY: **City of Elk Grove**  
Development Services-Planning  
8401 Laguna Palms Way  
Elk Grove, CA 95758

LEAD AGENCY CONTACT: Kyra Killingsworth (916) 478-3684

APPLICANT: Maritime Apartments Investors, L.P.  
Jim Rendler (Representative)  
950 S. Bascom Avenue, #1014  
San Jose, CA 95128  
408-891-8303

- EXEMPTION STATUS:
- Ministerial [Section 21080(b); 15268];
  - Declared Emergency [Section 21080(b)(3); 15269(a)];
  - Emergency Project [Section 21080(b)(4); 15269(b)(c)];
  - Preliminary Review [Section 15060(c)(3)]
  - Consistent With a Community Plan or Zoning [Section 15183(a)]
  - Categorical Exemption [Section 15332]
  - Criteria for Subsequent EIR [Section 15162]
  - Existing Facilities [Section 15301]

**REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:**

No further environmental review is required under CEQA pursuant to State CEQA Guidelines 15162 (Subsequent EIRs and Negative Declarations). State CEQA Guidelines Section 15162 provides that when an EIR has been certified for an adopted project, no subsequent EIR be prepared for that project unless the lead agency determines on the basis of substantial evidence in light of the whole record that one or more of the following exists:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR.
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

In 2021, a Subsequent EIR was prepared and certified by the City Council as part of the City's General Plan Housing Element and Safety Element Update (SCH No. 202069032), which analyzed the Project site for the development of high-density residential dwellings. The Project is an affordable housing project with 75 units zoned high density residential, which is consistent with what was contemplated in the General Plan Housing Element Update. The Project is being undertaken pursuant to and in conformity with the certified subsequent EIR. No special circumstances exist and no changes in the Project have occurred would necessitate subsequent environmental review. Therefore, the prior EIR is sufficient to support the proposed action and no further environmental review is required.

Additionally, staff finds that no further environmental review is required under State CEQA Guidelines Section 15183 (Consistency with a General Plan, Community Plan, or Zoning). State

CEQA Guidelines Section 15183 (Public Resources Code §21083.3) 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." The Project is high-density, low-income housing on a high-density residential site as designated in the Housing Element, and is therefore exempt from Vehicle Miles Traveled (VMT) analysis. Additionally, the Project will comply with the City's Climate Action Plan (CAP) measures for new multi-unit residential development, including CAP measures related to energy efficiency (BE-4), electric appliances (BE-6), off-road construction fleet (TACM-8), and electric vehicle charging (TACM-9).

As for Cultural Resources, the potential remains that an unknown prehistoric site exists on the Project and may be disturbed during the Project construction phase. Therefore, the implementation of the conditions of approval will address the potential for encountering undiscovered cultural resources and tribal cultural resources as it requires that if cultural resources or tribal cultural resources are discovered during grading or construction activities, work shall halt immediately within 50 feet of the discovery, the Planning Division shall be notified, and a professional archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in archaeology shall be retained to determine the significance of the discovery.

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 Housing Element and Safety Element Update SEIR. No other special circumstances exist that would create a reasonable possibility that the Project will have a significant adverse effect on the environment. Therefore, the prior EIRs are sufficient to support the proposed action and pursuant to State CEQA Guidelines Section 15183, no further environmental review is required.

The Project is also exempt from CEQA review pursuant to Government Code section 65583.2. The Project site was rezoned in connection with the Housing Element Update and the Project will be 100% affordable to low-income households. As such, the Project is a use by right which is statutorily exempt from CEQA review pursuant to Government Code section 65583.2.

CITY OF ELK GROVE  
Development Services -  
Planning

By: \_\_\_\_\_



Kyra Killingsworth

Date: February 27, 2024