

ORDINANCE NO. 17-2018

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE SOUTHEAST POLICY AREA SPECIAL PLANNING AREA FOR
THE MENDES PROPERTY AND POPPY KEYS SOUTHWEST REZONE PROJECT
(EG-17-033)**

WHEREAS, the Development Services Department of the City of Elk Grove (the "City") received an application on August 8, 2017, from Elk Grove Land Investment, LLC (the "Applicant") requesting approval of a Community Plan and Special Planning Area Amendment (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: 132-0300-017, -021, and -022; and APNs: 132-0290-014, -015, and -016; 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 (Projects Consistent with a Community Plan, General Plan, or Zoning) of Title 14 of the California Code of Regulations ("State CEQA Guidelines") provides streamlined environmental review under CEQA for projects that are consistent with the applicable General Plan and Zoning for which an Environmental Impact Report (EIR) was certified; and

WHEREAS, Section 15162 of the State CEQA Guidelines provides that when an EIR has been certified for an adopted project, no subsequent EIR shall 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 three specified conditions exists; and

WHEREAS, the City has reviewed the Project and analyzed it based upon the provisions in Sections 15183 and 15162 of the State CEQA Guidelines; and

WHEREAS, an EIR was certified by the City Council of the City (the "City Council") for the adoption of the Southeast Policy Area Strategic Plan (State Clearinghouse No. 2013042054); and

WHEREAS, the proposed Project is consistent with the projects described in the previously certified EIR; 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 Title 23 (Zoning Code), the Southeast Policy Area Special Planning Area, 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 July 19, 2018, 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 made a recommendation to the City Council 4-1 to deny the Project; and

WHEREAS, the City Council held a duly- noticed public hearing on August 22, 2018, 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 Southeast Policy Area Special Planning Area as provided in this Ordinance.

Section 2: Findings

The following findings are made with respect to this Ordinance.

California Environmental Quality Act (CEQA)

Finding: The proposed Project requires no further environmental review under CEQA pursuant to State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and 15162 (Subsequent EIRs and Negative Declarations)

Evidence: The Project requires no further environmental review under CEQA pursuant to Title 14 of the California Code of Regulations, (State CEQA Guidelines) Sections 15162 (Subsequent EIRs and Negative Declarations) and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). Section 15162 requires that when an EIR has been certified for an adopted project, no subsequent EIR shall 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 on 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.

Section 15183 (implementing Public Resources Code §21083.3) provides that projects that are consistent with a Community Plan, General Plan or Zoning for which an 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."

On July 9, 2014, the City Council certified an EIR for the Southeast Policy Area Strategic Plan (State Clearinghouse No. 2013042054). The SEPA EIR analyzed full buildout of SEPA based upon the land plan, development standards, and policies contained in the Community Plan and Special Planning Area, as well as the improvements identified in the accompanying infrastructure master plans. The proposed changes to the Mendes Property include amendments to the Community Plan and Special Planning Area which reduce the acreage of the Office and Park sites, make adjustments to the footprint of the Shed C Channel and associated trails and the S6 Detention Basin (based upon the most current design work for these facilities), and increase the area of Low Density Residential. Although there is an increase in residential land uses, the elimination of approximately 10 acres of Office reduces the potential impacts from the Project as documented in analysis prepared by the City and presented at the Planning Commission hearing which shows a net reduction of vehicular trips between the existing land uses and the proposed land uses (a reduction of 854 trips daily, 197 in the morning peak period, and 152 in the evening peak period).

For the Poppy Keys Southwest Property, the proposed change involves the conversion of a school site (which was previously relocated across the street to the Laguna Ridge Specific Plan area) to Medium Density Residential, consistent with adjoining planned land uses. An additional park site is also identified to support the increased residential development consistent with City and Cosumnes Community Services District policies and standards. Although there

is an increase in residential land uses, the elimination of the school site reduces the potential impacts from the Project as documented in analysis prepared by the City and presented at the Planning Commission hearing, which shows a net reduction of vehicular trips between the existing land uses and the proposed land uses (a reduction of 611 trips daily, 344 in the morning peak period, and 77 in the evening peak period).

The proposed changes to the roadway cross section for Poppy Ridge Road do not alter travel patterns or reduce roadway capacity. Rather, the changes create improvements for pedestrians and ensure parking opportunities along the frontage of the Reardan Park and elementary school site. In addition, the Applicant will be required to pay among other impacts fees all roadway-related impacts including but not limited to the I-5 Subregional Fee.

The Project, as proposed, would be build out at a density/intensity less than what was anticipated in the SEPA EIR. Therefore, there are no substantial changes in the Project from those analyzed in the 2014 EIR and no new significant environmental effects, or substantial increase in the severity of previously identified significant effects necessitating the preparation of a Subsequent EIR pursuant to CEQA Guidelines Section 15162. No new information of substantial importance has been identified. Further, since no changes to the EIR are necessary to support the Project, the City is not required to prepare an Addendum to the EIR as required by State CEQA Guidelines Section 15164. Therefore, the prior EIR is sufficient to support the proposed action and no further environmental review is required.

General Plan

Finding: That the proposed special planning area is consistent with the goals, policies, and objectives of the General Plan.

Evidence: The proposed amendments to the Special Planning Area would update the SPA for consistency with the proposed Community Plan amendments, which is part of the General Plan. The proposed changes would continue to provide a minimum of five acres of parkland per 1,000 residents, as provided in General Plan Policy PTO-4 and would provide a range of housing densities within SEPA and provided in the SEPA Guiding Principles and Policy SEPA-7. It would also be a site for development of employment-generating land uses, which is expressed in the SEPA Guiding Principles and Policies SEPA-5 and SEPA-6.

Section 3: Action

The Southeast Policy Area Special Planning Area is amended as follows:

1. The Land Plan on Page 2-7 is modified as provided in Exhibits A and B, incorporated herein by this reference.
2. Pages 4-4 and 4-5 relative to Streets in Chapter 4 (Physical Form) is modified as provided in Exhibit C, incorporated herein by this reference.
3. New pages 4-14A and 4-15 B relative to Streets in Chapter 4 (Physical Form) are added as provided in Exhibit D, 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 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: 17-2018
INTRODUCED: August 22, 2018
ADOPTED: September 12, 2018
EFFECTIVE: October 12, 2018




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

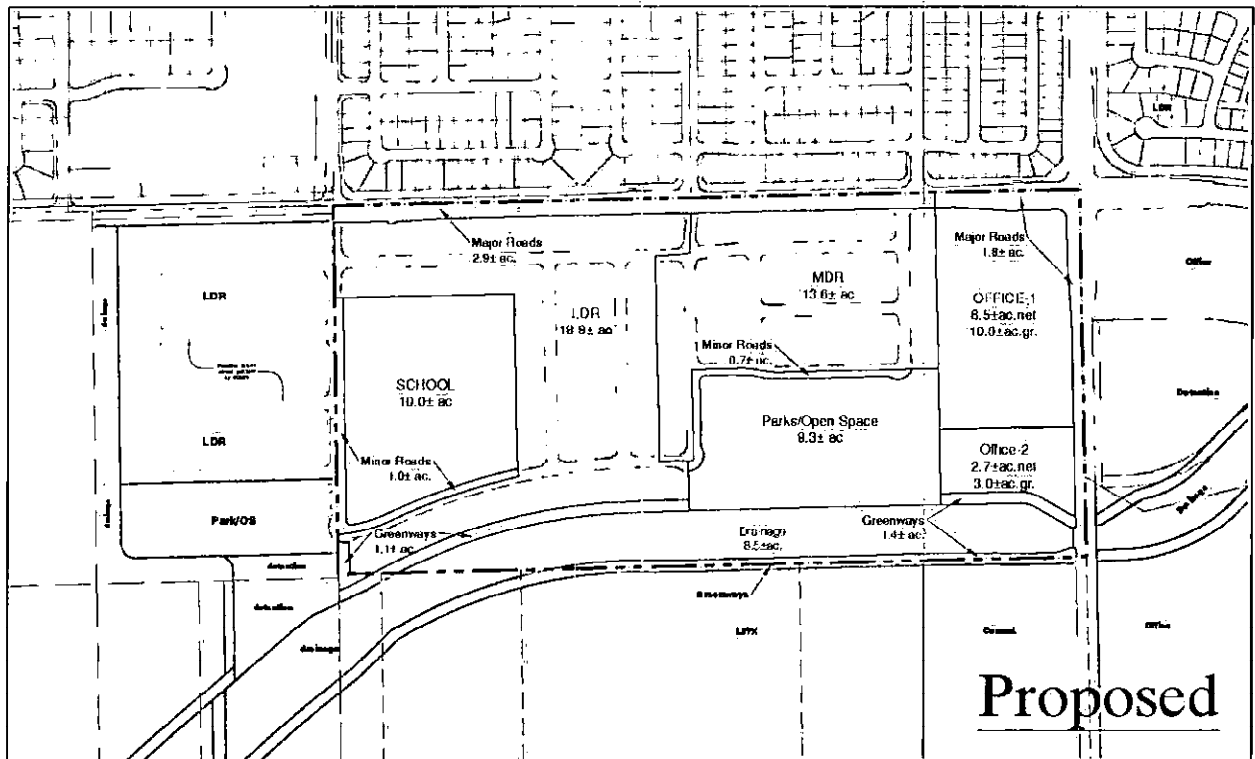
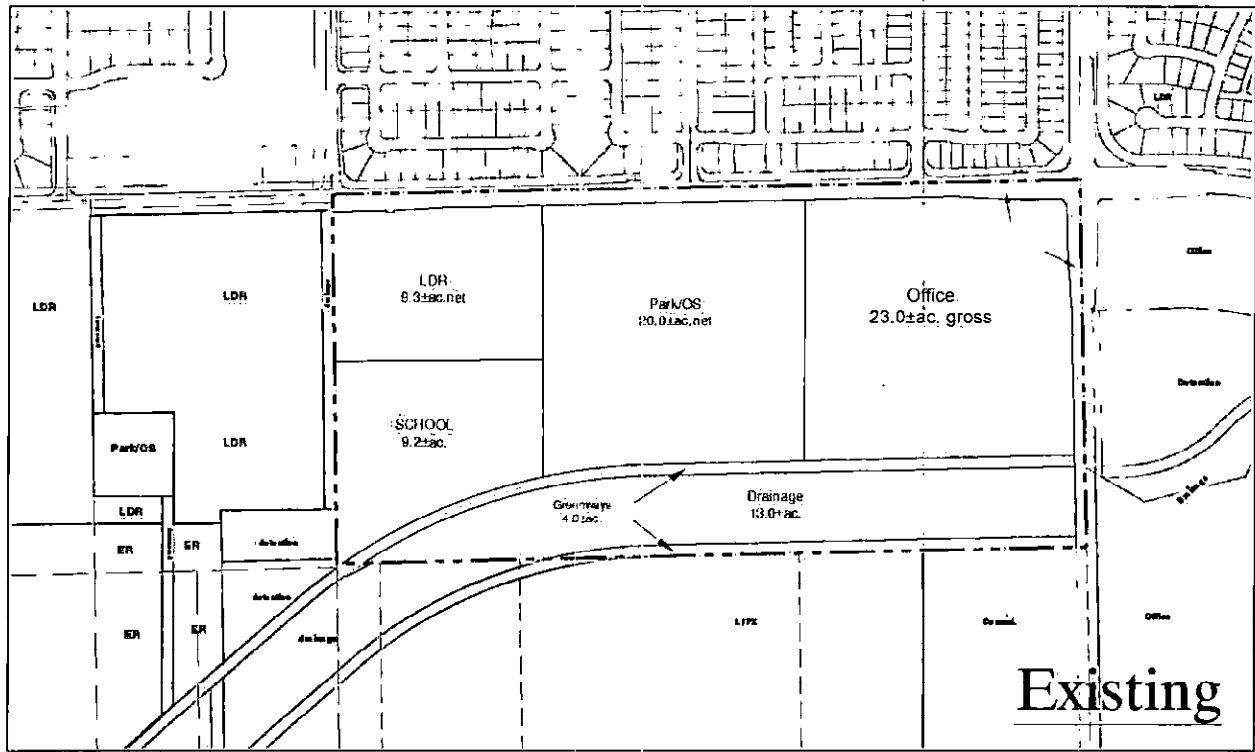
APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: September 27, 2018

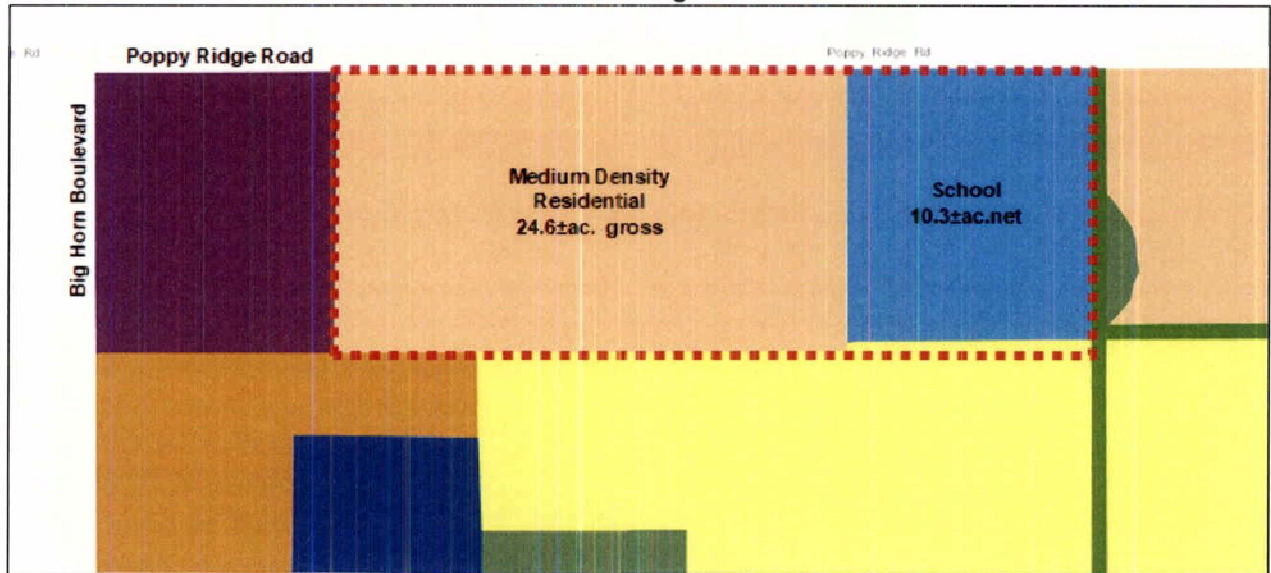
Exhibit A
Mendes Property
SEPA SPA Amendment



Note: Street layouts are conceptual only and shown for context and are not part of the proposed Project.

Exhibit B Poppy Keys Southwest SEPA SPA Amendment

Existing



Proposed

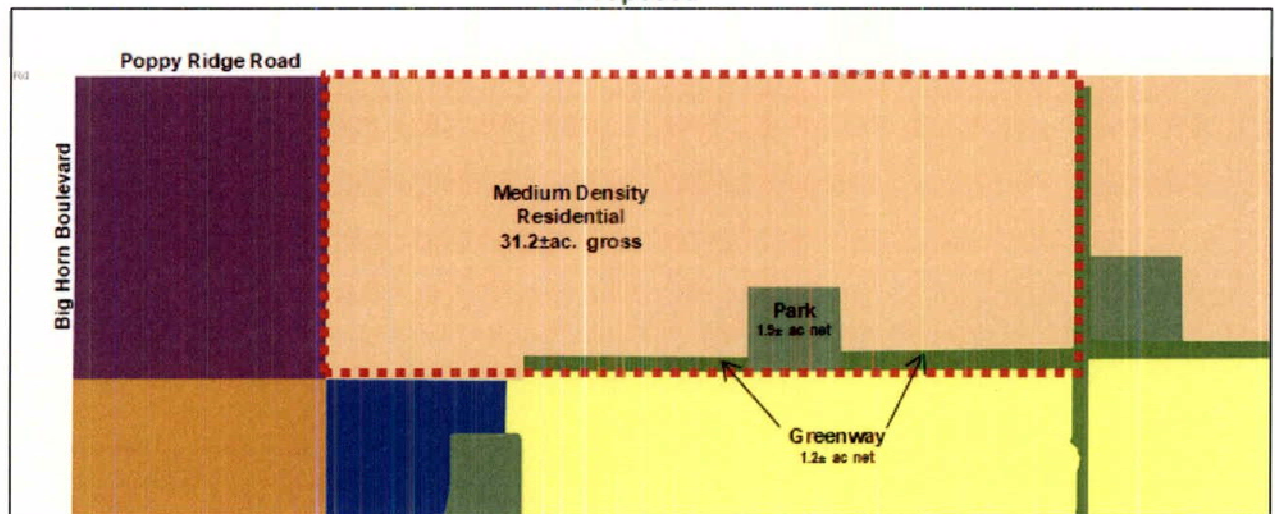


Exhibit C Street Forms – Overview and Street Layout Map

CHAPTER 4 PHYSICAL FORMS: STREETS

PHYSICAL FORM: STREETS

This section describes the various street forms, corresponding development standards, and location within the plan area. All public streets in the plan area shall conform to these development standards to the satisfaction of Public Works.









The street forms used in this plan are:

- A. Kammerer Road
- B. Arterial
- C. Arterial with Transit Corridor
- D. Collector, Commercial
- E. Commercial Main Street
- F. Collector, Residential
- G. Collector, Poppy Ridge Road
- H. Primary Residential Street
- I. Local Residential Street
- J. Local Estate Residential Street
- K. Alley/Drive Aisle

The street forms shall be applied consistent with the following matrix. An "X" indicates that the street form is allowed in the corresponding land use designation, a "-" indicates that the street form is not allowed in the corresponding land use designation. The application of the street form is further regulated by the Street Layout Map provided on the following page.

Street Forms	Land Use Classes/Land Use Designations													
	Employment Hub/Core			Village Center			Residential/Neighborhood				Public/Semi-Public			Special
	O	C	LI/FS	MUR	MUV	ER	LDR	IMDR	HDR	SCH	D	P/OS	SC	
Kammerer Road	X	X	X	-	-	-	-	-	-	-	X	X	X	
Arterial	-	-	-	-	-	-	X	X	X	-	X	X	X	
Arterial with Transit Corridor	X	X	X	X	X	-	-	X	X	-	X	X	X	
Collector, Commercial	X	X	X	-	-	-	-	-	-	-	X	X	X	
Collector, Residential	-	-	-	-	-	-	X	X	X	X	X	X	-	
Commercial Main Street	-	-	-	-	X	X	-	-	-	-	X	X	-	
Collector, Poppy Ridge Road	X	-	-	-	-	-	X	X	-	X	X	X	-	
Primary Residential Street	-	-	-	-	-	X	X	-	-	X	X	X	-	
Local Residential Street	-	-	-	-	-	X	X	-	-	X	X	X	-	
Local Estate Residential Street	-	-	-	-	-	X	-	-	-	-	X	X	-	
Alley/Drive Aisle	X	X	X	X	X	-	X	X	X	-	-	-	-	

Street Layout Map

-  Kammerer Road
 -  Arterial
 -  Arterial with Light Rail ROW
 -  Alternative Light Rail Alignment*
 -  Collector - Commercial**
 -  Collector - Residential**
 -  Collector - Poppy Ridge Road
 -  Commercial Main Street
- * If extension of Light Rail to the east is determined unfeasible, otherwise Arterial.
 ** Numbered pursuant to traffic study

Scale: Not To Scale

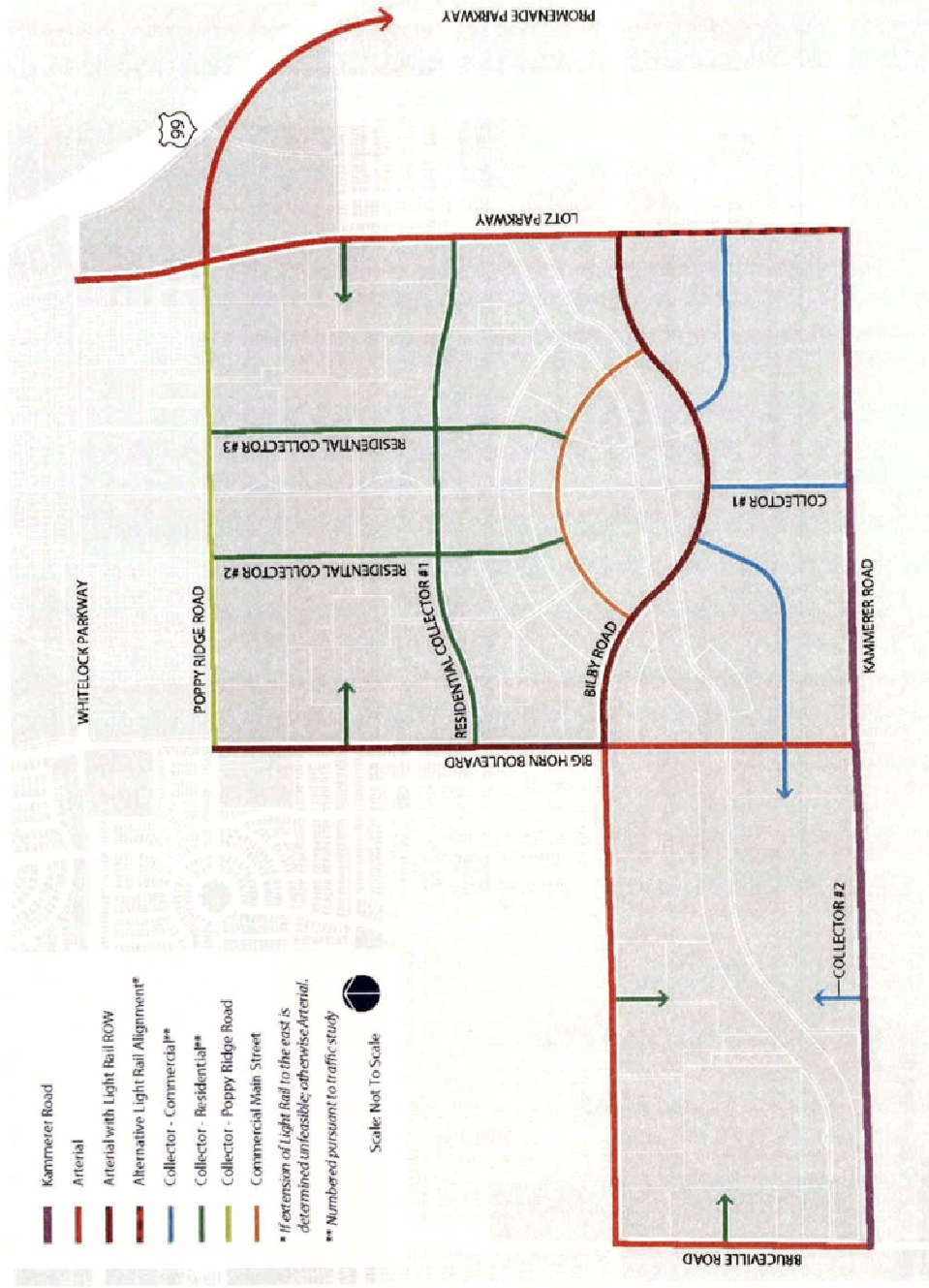


Exhibit D Street Forms – Poppy Ridge Road Standards and Diagrams

CHAPTER 4 PHYSICAL FORMS: STREETS

G. Collector, Poppy Ridge Road

This residential collector applies exclusively to Poppy Ridge Road and serves as a transition from the Southeast Policy Area to the adjoining Laguna Ridge Specific Plan to the north.

Development Standards

Right-of-Way (40 ft. - 58 ft.)

This street type may be built in one of two conditions - either with on-street parking (at the portion along Reardan Park) or without on-street parking.

No On-Street Parking

- A. Travel Lane 12 ft.
- B. Bike Lane 5 ft.
- C. Vertical Curb and Gutter 3 ft.

On-Street Parking

- D. Travel Lane 12 ft.
- E. Bike Lane 5 ft.
- F. On-Street (Parallel) Parking Lane with Vertical Curb and Gutter 8 ft.

Landscape Corridor

The landscape corridor shall only be a publicly owned and maintained lot when single-family residential backs onto the street. Otherwise, this shall be a private landscape area maintained by the homeowner and designed to the City's satisfaction.

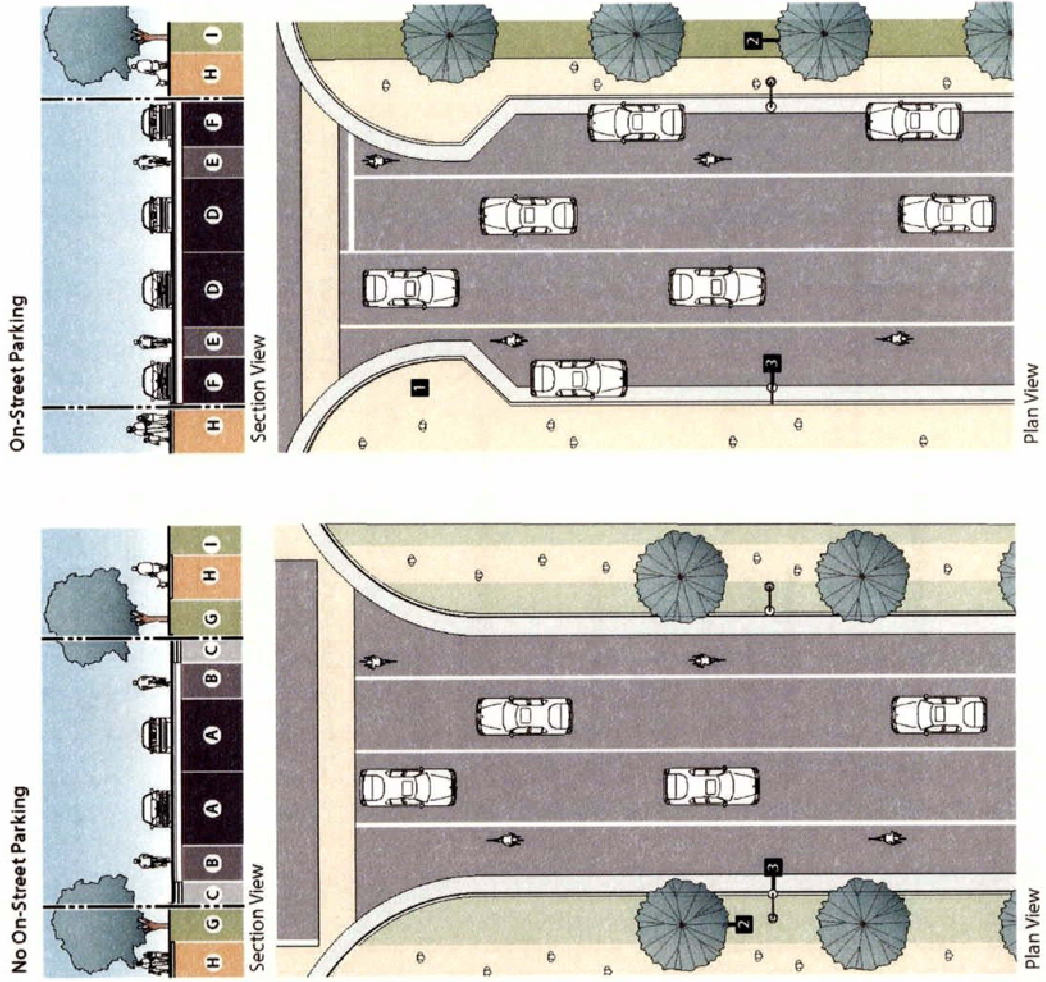
- G. Landscape Area, Attached to Curb
- H. Sidewalk
- I. Landscape Area, Behind Walk

- 6 ft. in Laguna Ridge; 8 ft. in SEPA
- 8 ft in SEPA and along Reardan Park and school site; otherwise 4 ft.
- 5 ft; 13 ft. along Reardan block

Streetscape Elements

For a description of the streetscape elements, see section subsection I, Streetscape Materials, in the Physical Form Common Features section of this chapter. The location and quantity of these elements shall be to the satisfaction of the City.

1. Bulbout (when on-street parking is provided)
2. Street Tree
3. Streetlight



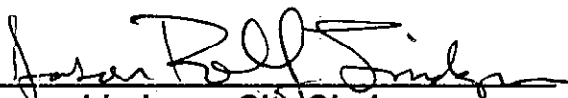
CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 17-2018

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 22, 2018 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 12, 2018 by the following vote:

AYES :	COUNCILMEMBERS:	Ly, Suen, Hume, Nguyen
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Detrick

A summary of the ordinance was published pursuant to GC 36933(c) (1).


Jason Lindgren, City Clerk
City of Elk Grove, California