

ORDINANCE NO. 19-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15162 AND 15183 AND AMENDING THE SOUTHEAST POLICY AREA SPECIAL PLANNING AREA FOR THE ESPLANADE WEST (EG-17-044) AND SOUZA DAIRY (PLNG20-056) PROJECTS ASSESSOR PARCEL NUMBERS: 132-0290-014, -015, -016, -017, -018, -019, -020 AND 132-0320-006

WHEREAS, the Development Services Department of the City of Elk Grove (the “City”) received an application on September 25, 2017, from Elk Grove Land Investments, LLC (the “Applicant”) for the Esplanade West project (EG-17-044) requesting approval of a Community Plan Amendment, Special Planning Area Amendment, Tentative Subdivision Map with Design Review for Subdivision Layout, Abandonment of a portion of Poppy Ridge Road, an amendment to the Bicycle, Pedestrian, and Trails Masterplan, and a Tree Removal Permit; and

WHEREAS, the Development Services Department of the City received an application on December 15, 2020, from Big Horn RBVP, L.P. (the “Applicant”) requesting approval of a Community Plan Amendment, Special Planning Area Amendment, Development Agreement Amendment, and a finding of Tentative Subdivision Map Substantial Conformance (PLNG20-056); 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); the Southeast Policy Area (SEPA) Special Planning Area (SPA), and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 15, 2021, 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 (Commissioner Fernandez abstaining) to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on August 4, 2021, 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 land use plan as shown 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 under the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).

Evidence: 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.

No further environmental review is required under CEQA pursuant to State CEQA Guidelines 15162 (Subsequent EIRs and Negative Declarations). State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) 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 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.

On July 9, 2014, the City Council certified an EIR for and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the SEPA 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 (SPA), as well as the improvements identified in the accompanying infrastructure master plans. The Project remains subject to the SEPA MMRP which includes mitigation related to farmland protection, air quality, biological resources including Swainson's hawk foraging habitat, cultural resources, greenhouse gasses (Climate Action Plan compliance), hazardous/toxic materials, drainage, noise, and traffic.

The requested amendments to the Community Plan and SPA will modify the acreages of residential land uses within the Project Area. The Community Plan and SPA Amendments will not add any land uses not currently designated for development within SEPA. Although the acreages of the residential land uses are being amended, the reconfiguration results in less than a 10% increase in the Medium Density Residential Designation and less than a 10% decrease in the Low Density Residential Designation. The proposed number of lots (324) with the Tentative Subdivision Map (TSM) is within the range of lots allowed under the current density ranges and acreages (between 283 and 569 units).

The Project, as proposed, will build out at a density/intensity within the range of what was anticipated in the SEPA EIR. The City updated its General Plan in 2019; while the proposed Project, including the requested Community Plan amendments, have been found to be consistent with the General Plan goals, policies, and implementation programs, the updated General Plan implements new transportation analysis standards related to Vehicle Miles Traveled (VMT). The Project was analyzed against the VMT standards and it was determined that the Project is exempt from additional VMT analysis. The subject site is in an area that has been determined to result in a 15% VMT reduction based on its General Plan/Community Plan land use designations. As the Project does not include any new land uses and the proposal for 324 new single-family residences is within the range of lots allowed under the current density ranges and acreages, the Project will achieve the 15% VMT reduction.

The new General Plan includes a new Climate Action Plan (CAP). The greenhouse gas mitigation of the SEPA MMRP already requires the Project to implement a majority of the measures required for residential development in the new CAP. The SEPA MMRP does not require any measures requiring fully electric appliances for residential construction, therefore the Project has been conditioned to comply with CAP Measure BE-6 requiring at least 10% of all new homes to be built with exclusively electric appliances.

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 that necessitate the preparation of a Subsequent EIR pursuant to State 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 pursuant to State CEQA Guidelines Section 15164. Therefore, the prior EIR is sufficient to support the proposed action and no further environmental review is required.

Southeast Policy Area Special Planning Area Amendment

Finding #1: That the proposed special planning area is consistent with the goals, policies, and objectives of the General Plan.

Evidence: The proposed amendments to the SEPA Special Planning Area (SPA) would modify the SPA land use plan. The SPA Amendment will not add any new land uses not currently designated on the site. Although the acreages of the residential land uses are being amended, the reconfiguration results in less than a 5% increase in the total number of units that can be developed on the Project site. The SPA amendments effectively redistribute the residential units from the northern portion of the SPA to the southern part of the SPA. The SEPA SPA states that the Land Use Plan layout is inherently flexible and is meant to guide the final configuration of land uses through the approval of subsequent tentative maps. The proposed Project will result in residential densities that are not significantly different than what is currently allowed; therefore, the Project is consistent with the goals, policies, and objectives of the General Plan.

Section 3: Action

The City Council hereby approves the Special Planning Area Amendment for the Esplanade West and Souza Dairy Projects as shown, respectively, in Exhibit A and Exhibit B attached hereto and 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: 19-2021
INTRODUCED: August 4, 2021
ADOPTED: August 11, 2021
EFFECTIVE: September 10, 2021


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

ATTEST:

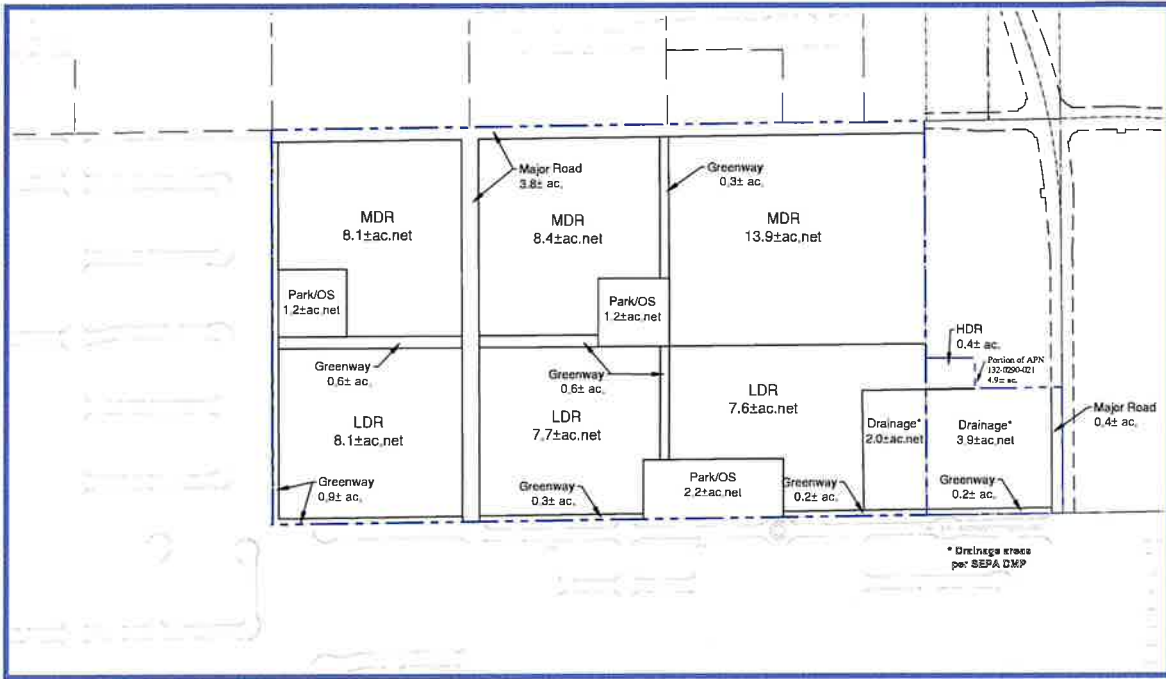

JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

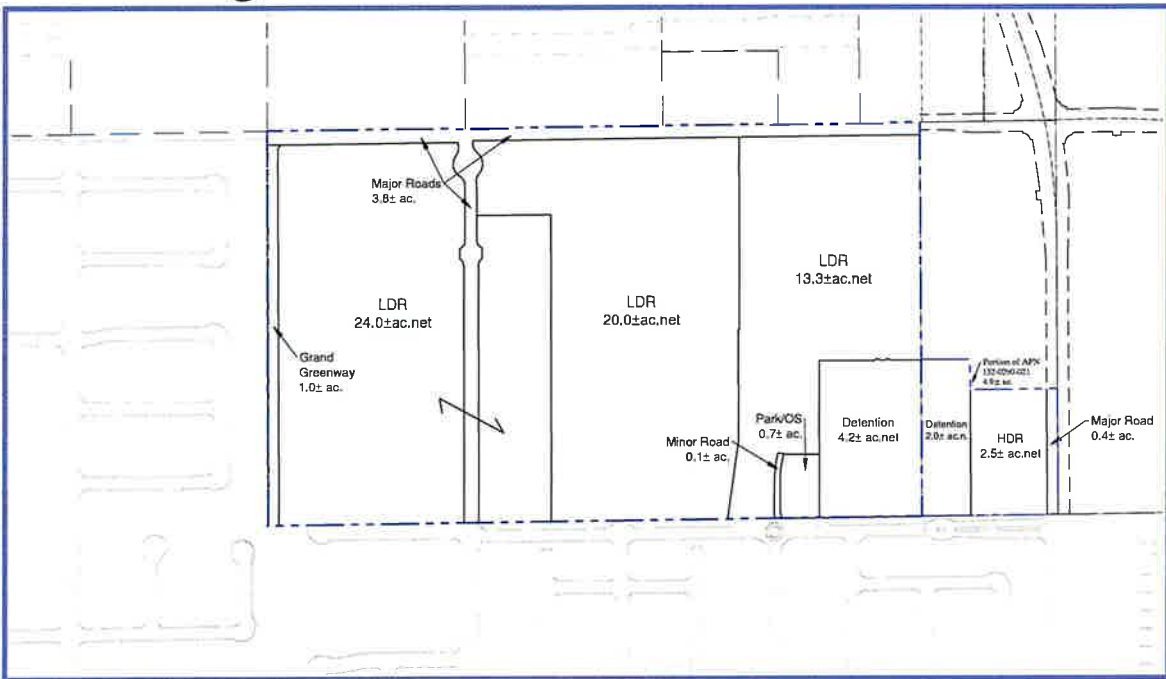

JONATHAN P. HOBBS,
CITY ATTORNEY

Date Signed: August 11, 2021

EXHIBIT A



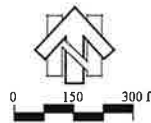
Existing



Proposed

LAND USE TABLE		
Land Use	Existing Acres(+/-)	Proposed Acres(+/-)
HDR	0.4	2.5
MDR	30.4	0.0
LDR	23.4	57.3
Park/OS	4.6	0.7
Greenway	3.1	1.0
Drainage	5.9	6.2
Major Road ⁽¹⁾	4.2	4.2
Minor Road ⁽²⁾	0.0	0.1
Total	72.0	72.0

Notes:
 1) Includes Poppy Ridge Rd. & residential collector.
 2) Includes park frontage.



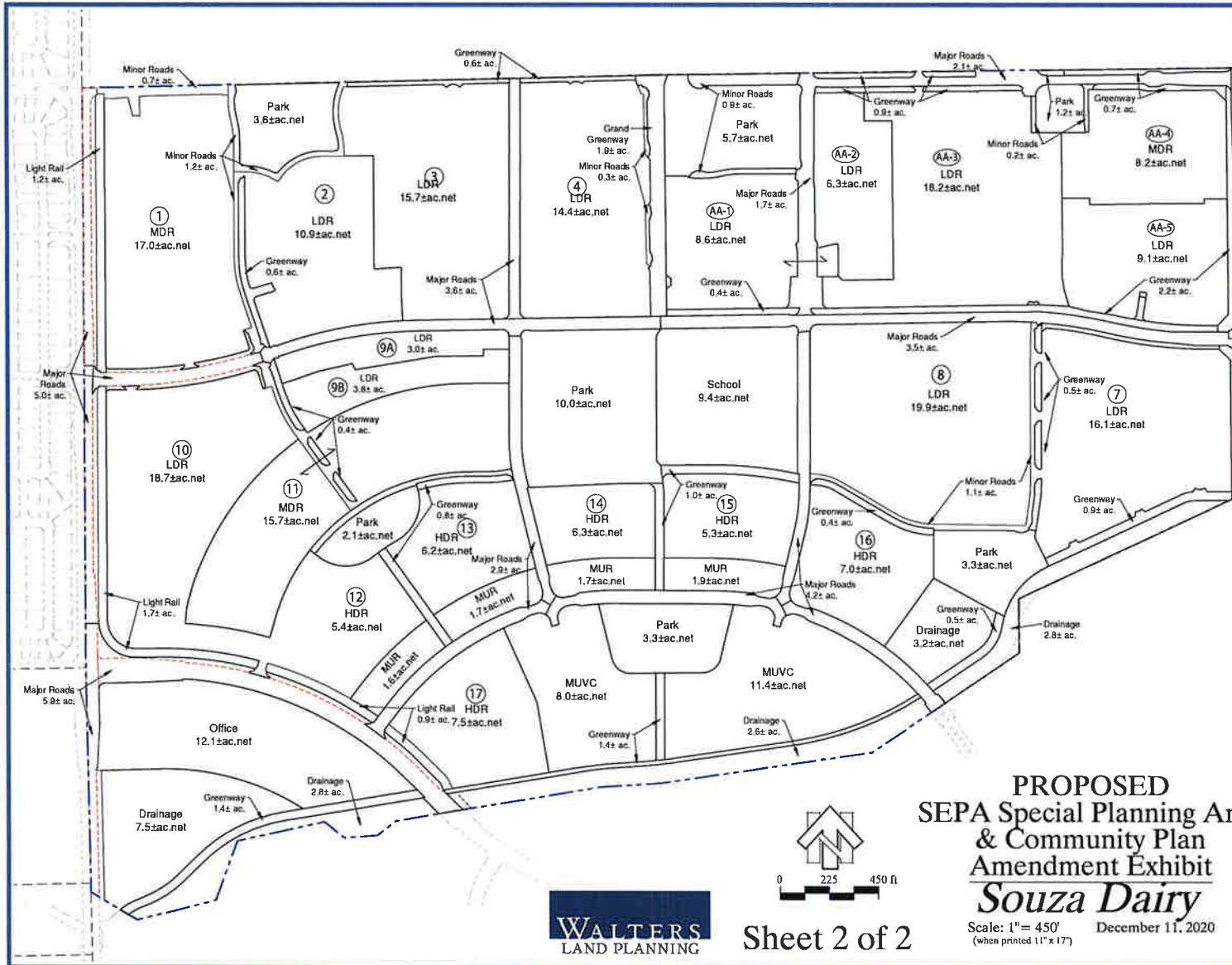
SEPA Special Planning Area & Community Plan Amendment Exhibit *Esplanade West*

Scale: 1" = 450'
 (when printed 11" x 17")

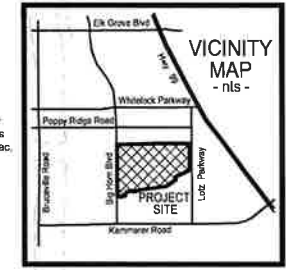
December 4, 2020



EXHIBIT B



Land Uses Abbreviations
 MUR - Mixed Use Residential
 MUVVC - Mixed Use Village Center
 HDR - High Density Residential
 MDR - Medium Density Res.
 LDR - Low Density Residential



Village	SEPA Land Use	Lot Type	Units	Acres Gross	Acres Net	Density
1	MDR	45' x 95' typ	123	17.0	7.2	
2	LDR	45' x 105' typ	71	10.9	6.5	
3	LDR	55' x 105' typ	84	15.7	5.4	
4	LDR	60' x 105' typ	76	14.4	5.3	
7	LDR	70' x 110' typ	66	18.1	4.1	
8	LDR	60' x 105' typ	101	19.9	5.1	
9A	LDR	55' x 105' typ	18	3.0	8.0	
9B	LDR	55' x 105' typ	19	3.8	5.0	
10	LDR	50' x 90' typ	116	18.8	8.2	
11	MDR	40' x 65' typ	141	15.7	9.0	
Subtotal			815	135.3		
AA-1	LDR	45' x 105' typ	58	8.6	6.7	
AA-2	LDR	55' x 105' typ	38	6.3	6.0	
AA-3	LDR	85' x 105' typ	85	18.2	4.7	
AA-4	MDR	45' x 105' typ	58	8.2	7.1	
AA-5	LDR	55' x 105' typ	52	9.1	5.7	
Subtotal			291	50.4		
12-16	HDR		649	28.2	23.0	
12-15	MUR		159	6.9	23.0	
17	HDR-VC		173	7.5	23.0	
Subtotal			980	42.6		
MUVVC				19.5		
Office				12.1		
Elementary School				9.4		
Parks				23		
Greenway				13		
Parks-private				6.9		
Greenway-private				1.8		
Drainage				20.7		
BRT/RT				3.8		
Major Roadway (1)				28.1		
Minor Roadway (2)				4.0		
Major Roadway-private (1)				3.8		
Minor Roadway-private (1)				1.1		
Subtotal				147.2		
GRAND TOTALS			2086	375.5		

(1) Includes arterial and collector roads (public and private).
 (2) Includes primary & local half-street mileage of parks, bikeways, and busways.



Sheet 2 of 2

PROPOSED SEPA Special Planning Area & Community Plan Amendment Exhibit *Souza Dairy*

Scale: 1" = 450'
 (when printed 11" x 17")
 December 11, 2020

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 19-2021**

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 4, 2021, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 11, 2021, by the following vote:

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