

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING THE ZOOLOGICAL PARK SPECIAL PLANNING AREA AND
REZONING CERTAIN PROPERTY**

WHEREAS, on September 23, 2021, the City of Elk Grove (City) and Sacramento Zoological Society (the Society) entered into an Exclusive Negotiating Agreement (ENA) to explore development of a zoological park in Elk Grove; and

WHEREAS, on March 23, 2022, the City Council received a Feasibility Study describing the potential construction and operating characteristics for a potential New Zoo in Elk Grove (the Project); and

WHEREAS, the City Council directed staff to prepare a Memorandum of Understanding (MOU) with the Society regarding master planning and environmental review for a Zoo in Elk Grove; AND

WHEREAS, on May 25, 2022, the City Council and the Society entered into that MOU, which provided a process for the development of schematic design plans, preparation of an Environmental Impact Report for the Project, and development of other information and materials, including a Finance Plan; and

WHEREAS, on April 8, 2022, the City acquired an approximately 103-acre property at the northwest corner of Kammerer Road and Lotz Parkway, more particularly described as APNs 132-0320-001, 002, & 010, which, pursuant to the terms of the MOU, has been identified as the “Candidate Site” for the Project; and

WHEREAS, pursuant to the terms of the MOU, the City retained the services of a qualified civil engineering firm to prepare conceptual and schematic design for off-site infrastructure services, and the Society retained the services of a qualified zoological park design firm (supplemented by other technical expert design firms), and that together these firms make up the Design Team for the Project; and

WHEREAS, the City and the Society have worked closely in partnership to develop a comprehensive, multiphase design plan for the proposed Project, including key components of an entry complex, animal habitats, guest facilities and amenities including dining and retail spaces, animal care center and holding areas, facility storage and warehousing, guest and employee parking facilities, and off-site infrastructure necessary to serve the Project; and

WHEREAS, during the course of the conceptual and schematic design, potential future acquisition of a Cosumnes Community Services District property at APN 132-2390-006 was identified as an opportunity for employee parking and, along with the Candidate Site, makes up the Project Site; and

WHEREAS, the City determined that the Project shall, pursuant to the terms of the City’s Municipal Code, be treated as any other development application and is subject to entitlement requirements and other discretionary procedures provided in the Municipal Code; and

WHEREAS, City staff determined that the existing zoning and other development regulations present in the City’s Municipal Code were insufficient to address the unique needs of the Project and worked with the Society and the Design Team to prepare a new Special Planning Area zoning document that would guide the entitlement, permitting, development standards, and development process for the Project; and

WHEREAS, public outreach and engagement is of critical importance to the City and, as such, the City prepare and executed an extensive public engagement plan, which included more than 30 workshops, popup events, and other meetings at various locations and times throughout the design process, including a dedicated event with the adjoining neighborhood in the summer of 2022, as well as community open houses in August 2022 and November 2023 and presentation at numerous community groups; and

WHEREAS, the City determined that the Project is subject to the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 4, 2024, as required by law, to consider all of the information presented by staff, the Society, and the Design Team, as well as public testimony presented in writing and at the meeting and voted 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on May 8, 2024, as required by law, to consider all of the information presented by staff, the Society, and the Design Team, as well as 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 establish the Zoological Park Special Planning Area and rezone certain properties in the City of Elk Grove into the Zoological Park Special Planning Area.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: An Environmental Impact Report has been prepared for the Project in accordance with the California Environmental Quality Act (CEQA) and it reflects the independent judgment and analysis of the City.

Evidence: Approval of the proposed New Zoo at Elk Grove Project requires an Environmental Impact Report (EIR). That EIR was certified by the City Council on _____ by Resolution _____.

The City prepared a Notice of Preparation (NOP) and circulated it to public agencies and interested parties (including the general public) on November 18, 2022. The NOP provided an introduction to the Project. Comments on the scope of the EIR were requested by January 13, 2023, consistent with the requirements of the State CEQA

Guidelines. Comments received on the NOP are included in the Draft EIR (Appendix B of the Draft EIR) and responses are provided in Chapter 1 of the Draft EIR.

The Draft EIR has been prepared to meet the requirements of a project EIR as defined by Section 15161 of the State CEQA Guidelines. A project EIR focuses on the changes in the physical environment that would result from the implementation of a project, including its planning, construction, and operation. The State's intention is that a lead agency preparing a project EIR would not be required to provide further environmental analysis for additional regulatory approvals following approval of the project, absent conditions requiring a subsequent EIR, a supplement to the EIR, or an addendum. As such, the EIR has been prepared to address the potential environmental impact of all phases of the Project.

The Draft EIR identified a range of potential impacts resulting from approval of the Project. Some of these impacts are analyzed in comparison to existing Zoological Park in Land Park in Sacramento. The impact areas come from the State's CEQA guidelines (the CEQA Checklist).

The EIR has identified the following environmental issue areas as having potentially significant environmental impacts from implementation of the Project:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Resources
- Energy
- Greenhouse Gas Emissions
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services
- Transportation
- Utilities and Service Systems

Conclusions to the potential impacts are classified as either less than significant, less than significant after incorporation of mitigation measures, or significant and unavoidable. Significant and unavoidable impacts do not limit the City's ability to approve a project. Rather, given CEQA's role in providing disclosure of potential impacts, the City may approve a project with significant impacts that cannot be mitigated to a less than significant level. CEQA Guidelines Section 15093 states that "CEQA requires the [City] to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.' When the [City] approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the [City] shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record." A statement of overriding considerations is necessary to approve the General Plan Update as two impacts, Greenhouse Gas Emissions and Transportation, remain significant and unavoidable after application of all feasible mitigation measures.

On January 5, 2024, the City released the Draft EIR. The Draft EIR was made available for public review and comment on the City's website, at City Hall, and at the Elk Grove library for a period of 45 days. Public comments on the Draft EIR were due to the City on February 20, 2024. Comments were received from five agencies and 35 individuals on the content of the Draft EIR. Responses to these comments have been prepared by staff and are included in the Final EIR.

The Final EIR also includes an erratum of changes to the Draft EIR as a result of the public comments on the Project, the comments to the Draft EIR, and other revisions to the Project as identified by the City. The Final EIR indicates that the modifications to the Project are minor in nature and do not cause any change in significant impacts that were analyzed in the Draft EIR.

Adoption of the Special Planning Area and Rezoning

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

Evidence: The proposed Zoological Park Special Planning Area implements extensive portions of the City's General Plan. The Vision Statement provides that Elk Grove is a "great place to make a home, a great place to work, and a great place to play" and describes the community as being "family-oriented" and plentiful in parks. General Plan Goal RC-1 notes that "Elk Grove aims to become a center within the larger region, providing opportunities for employment, recreation, education, retail, industry, and residential development. This objective aligns with regional goals for economic development, sustainability and resiliency, and quality of life." Accompanying policy RC-1-3 provides that Elk Grove should invest in public infrastructure, including developing "great public spaces including urban plazas and parks, and adequate community services." Policy CIF-5-1 provides that "community facilities should be planned and designed to provide services and programs available for residents." The proposed Zoological Park implements the General Plan Vision and the noted goal and policies as it provides for a family-oriented activity in a park-like environment and expands the range of community services and amenities. It also furthers objectives the City has to be a regional destination as noted in Goal RC-1.

The draft Special Planning Area provides for design requirements for the proposed development that implements the provisions of both General Plan Policy LU-5-1, which states that new development should reflect "the City's desire to create a high-quality, attractive, functional, and efficient built environment," and Policy LU-5-4 also requires high standards of architecture and site design for both public and private development.

Policy LU-5-4 also provides for the imposition of "strong design controls for all development projects." The draft Special Planning Area implements this by providing for regulatory review and approval of the project design by various levels of approval, including the City Council, Planning Commission, and the Development Services Director.

Additionally, General Plan Policy MOB-3-1 provides for the implementation of a balanced transportation system, building complete streets that ensure the safety and mobility of all users, including pedestrians, cyclists, motorists, children, seniors, and people with disabilities. The roadway infrastructure described in the draft Special Planning Area

provides for complete streets with safe access for all users.

Finding #2: That the proposed special planning area meets the requirements set forth in Title 23 (Zoning) of the City's Municipal Code.

Evidence: The proposed Special Planning Area includes all of the required elements provided for in Elk Grove Municipal Code (EGMC) Section 23.16.100.D, including a list of permitted and conditionally permitted uses (described in Chapter 2), performance and development standards (described in Chapter 3), other design standards appropriate for the project (described in Chapter 4), and the reasons for establishment of the SPA (described in Chapter 1). The Special Planning Area also includes some of the optional elements allowed for in EGMC Section 23.16.100.E, including infrastructure and circulation (described in Chapter 5).

Finding #3: That the proposed special planning area is needed because the project is not possible under the existing zoning requirements.

Evidence: Development of the Project, as envisioned by the City and its partner, the Sacramento Zoological Society, is a unique public-private partnership. Given the complexities of the Project, lead times, and financial partnership between the City, Society, other partners, and the greater community, development of the Project will occur in multiple phases over an extended period of time. Also, unlike other developments within the City, much of the Project will exist within a restricted, fenced area, screened from public view. The application of traditional development standards, design guidelines, and permitting would not provide the necessary flexibility or long-term certainty needed to realize the Project. Therefore, this SPA provides unique planning standards, regulations, and approval procedures for the Project.

Section 3: Action: SPA Adoption

The Zoological Park Special Planning Area, as described in Exhibit A and incorporated herein by this reference, is adopted.

Section 4: Action: Municipal Code Amendment

Elk Grove Municipal Code Section 23.40.020.B, Special Planning Area District, Designation, is hereby amended to read as follows:

B. Designation. On the zoning map, all property within a designated special planning area shall be delineated in a manner similar to that of any other zoning district except that each SPA-zoned area shall also bear a number or name which distinguishes it from other special planning areas. The assignment of the SPA designation and number or name serves to provide a reference to the corresponding special planning area documents and exhibits adopted by the City Council. If there are unique zoning regulations and standards applicable to the land area, such provisions will be established in the adopted special planning area. The following special planning areas have been adopted and designated on the zoning map under the following ordinances:

1. Elk Grove Old Town SPA (SPA 5-6-4);
2. Elk Grove-Florin and Bond Roads SPA (adopted 1989);

3. Elk Grove Triangle SPA (Ordinance No. 16-2019);
4. Auto Mall SPA (Ordinance No. 23-2003);
5. CMD Court SPA (Ordinance No. 35-2008);
6. Southeast Policy Area SPA (Ordinance No. 16-2014);
7. Silverado Village SPA (Ordinance No. 20-2014);
8. Calvine Meadows Special Planning Area (Ordinance No. 05-2016);
9. Zoological Park Special Planning Area (Ordinance No. _____).

Section 5: Action: Rezoning

The following Assessors Parcel Numbers are hereby rezoned to the Zoological Park Special Planning Area:

- 132-0320-001, 002, & 010
- 132-2390-006

Section 6: 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 7: 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 8: 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 9: 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).

INTRODUCED:
ADOPTED:
EFFECTIVE:

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

ATTEST:

APPROVED AS TO FORM:

JASON LINDGREN, CITY CLERK

JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: _____

Exhibit A
Zoological Park Special Planning Area

Provided under separate cover and available from the City Clerk or on the City's website at www.elkgrovecity.org/zoodocuments.