

ORDINANCE NO. 18-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE BRUCEVILLE MEADOWS (EG-15-029) SPECIAL PLANNING AREA AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15162 AND 15183 AND APPROVING THE SPECIAL PLANNING AREA AMENDMENT FOR THE PROJECT

WHEREAS, on July 9, 2014, the City Council approved the Southeast Policy Area Special Planning Area Land Use Plan (SEPA) (Ordinance 16-2014), encompassing approximately 1,200 acres in the southern portion of the City, west of Highway 99; and

WHEREAS, as adopted, the SEPA land plan is meant to allow a mix of flexibility and guide final configuration of land uses through the approval of subsequent tentative map; and

WHEREAS, the proposed changes are more in keeping with the original intent of the SEPA plan to provide more executive and work force type housing.

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

WHEREAS, State CEQA Guidelines Section 15183, projects consistent with a Community Plan, General Plan or Zoning and 15162 identifies that no subsequent environmental impact report shall be prepared unless substantial changes have occurred that would require revisions to the EIR; and

WHEREAS, the City Council held a duly-noticed public hearing on July 26, 2017, as required by law to consider all of the information presented by staff, property owners, and public testimony presented 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 Section 23.040.020 B.7 Southeast Policy Area to modify land use boundaries and acreages for APN 132-0300-006, -007, -008, -009, -011, -012, -013, and -046 located on the northeast corner of Bruceville Road and Kammerer Road and reflect a change to Chapter 4, Physical Street Forms: Streets, Page 4.5 of the Southeast Policy Area document.

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 15183 (Projects consistent with a Community Plan, General Plan or Zoning) and 15162 (Subsequent EIRs and Negative Declarations).

Evidence: The California Environmental Quality Act (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." The proposed Project is a project under CEQA.

The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) Sections 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). State CEQA Guidelines Section 15183 (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 Project proposes changes to the Community Plan and Special Planning Area which reconfigures the boundaries and acreages of the existing land use designations to include an increase to the estate residential and low density residential, slight decrease of high density residential and elimination of the medium density residential. The changes also reflect the most current design work for the Shed C Channel and design for the S7 drainage basin. Although there is an increase in two residential land use categories, the elimination of 20.1 acres of medium density residential and slight decrease of the high density residential reduces the potential lot count for the Project site (calculated at the highest density). The Project as proposed would be build out at less of a density than what was anticipated in the SEPA EIR. No special circumstances exist and no changes in the project have occurred that would necessitate the preparation of subsequent environmental review. No additional environmental impacts have been identified for the Project other than those previously disclosed and analyzed in the EIR for the Southeast Policy Area Strategic Plan. The Project is subject to the Southeast Policy Area Mitigation Monitoring and Reporting Program. Consequently, pursuant to CEQA Guidelines Section 15183, no further environmental review is required for this project.

Additionally, State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) 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 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.

The Project has been reviewed and analyzed based upon the above provisions in Section 15162 of the State CEQA Guidelines. The Project is being undertaken pursuant to and in conformity with the approved Southeast Policy Area Community Plan and Special Planning Area. There are no substantial changes in the Project from that analyzed in the 2014 EIR and no new significant environmental effects, or substantial increase in the severity of previously identified significant effects. 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.

Special Planning Area Amendment

Finding: The proposed Special Planning Area Amendment is consistent with the goals, policies, and objectives of the General Plan.

Evidence: As modified, the amendment would reconfigure the land use designations for the Project site. There is a significant increase in estate residential housing, the elimination of medium-density residential acreage, and a slight increase in low density residential. The changes are being proposed to provide greater opportunities for an under-served segment of the housing market. The changes also include changing "Street F" from a collector to a primary residential street. The proposed amendments do not increase what was previously contemplated as part of the overall build out of the SEPA. The proposed changes are more in keeping with the original intent of the SEPA plan to provide more executive and work force type housing.

Section 3: Action

The City Council hereby approves this ordinance, and the Special Planning Area Amendment as shown in Exhibit A and Exhibit B, 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

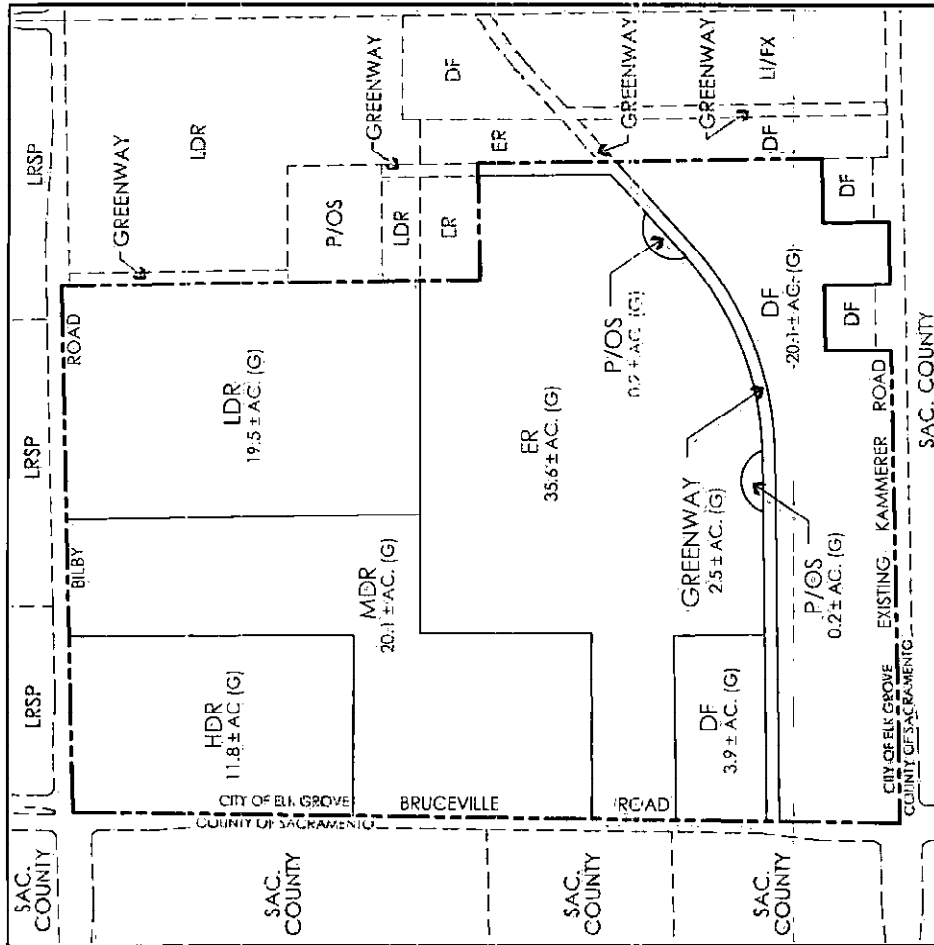
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

EXHIBIT A

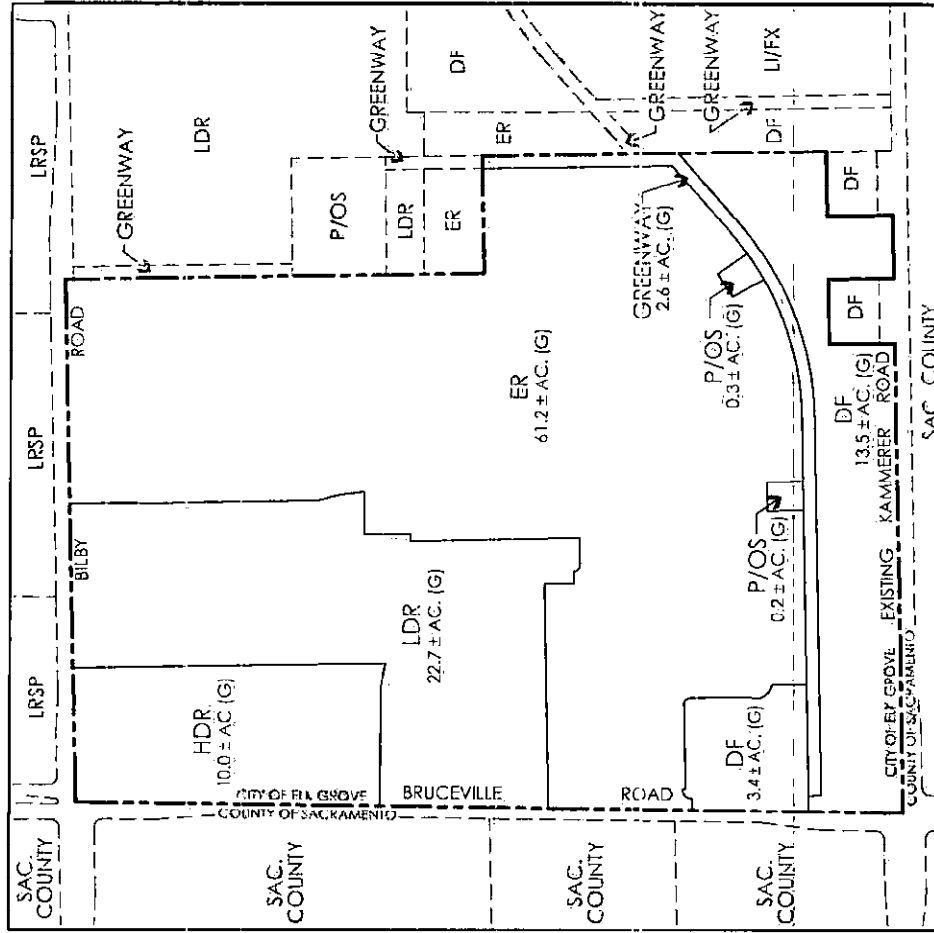
SOUTHEAST POLICY AREA SPECIAL PLANNING AREA AMENDMENT

BRUCEVILLE MEADOWS

CITY OF ELK GROVE, CALIFORNIA
JANUARY 27, 2017



EXISTING SPA



PROPOSED SPA

LAND USE SUMMARY

LAND USE	EXISTING	PROPOSED	DIFF.
ESTATE RESIDENTIAL (ER)	35.6	61.2	25.6
LOW DENSITY RESIDENTIAL (LDR)	19.5	22.7	3.2
MEDIUM DENSITY RESIDENTIAL (MDR)	20.1	0.0	-20.1
HIGH DENSITY RESIDENTIAL (HDR)	11.8	10.0	-1.8
PARKS/ OPEN SPACE (P/OS)	0.4	0.5	0.1
GREENWAY	2.5	2.4	0.1
DRAINAGE FACILITIES (DF)	24.0	16.9	-7.1
TOTAL	113.9 AC	113.9 AC	0.0

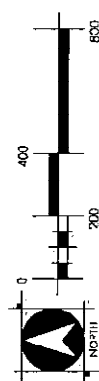









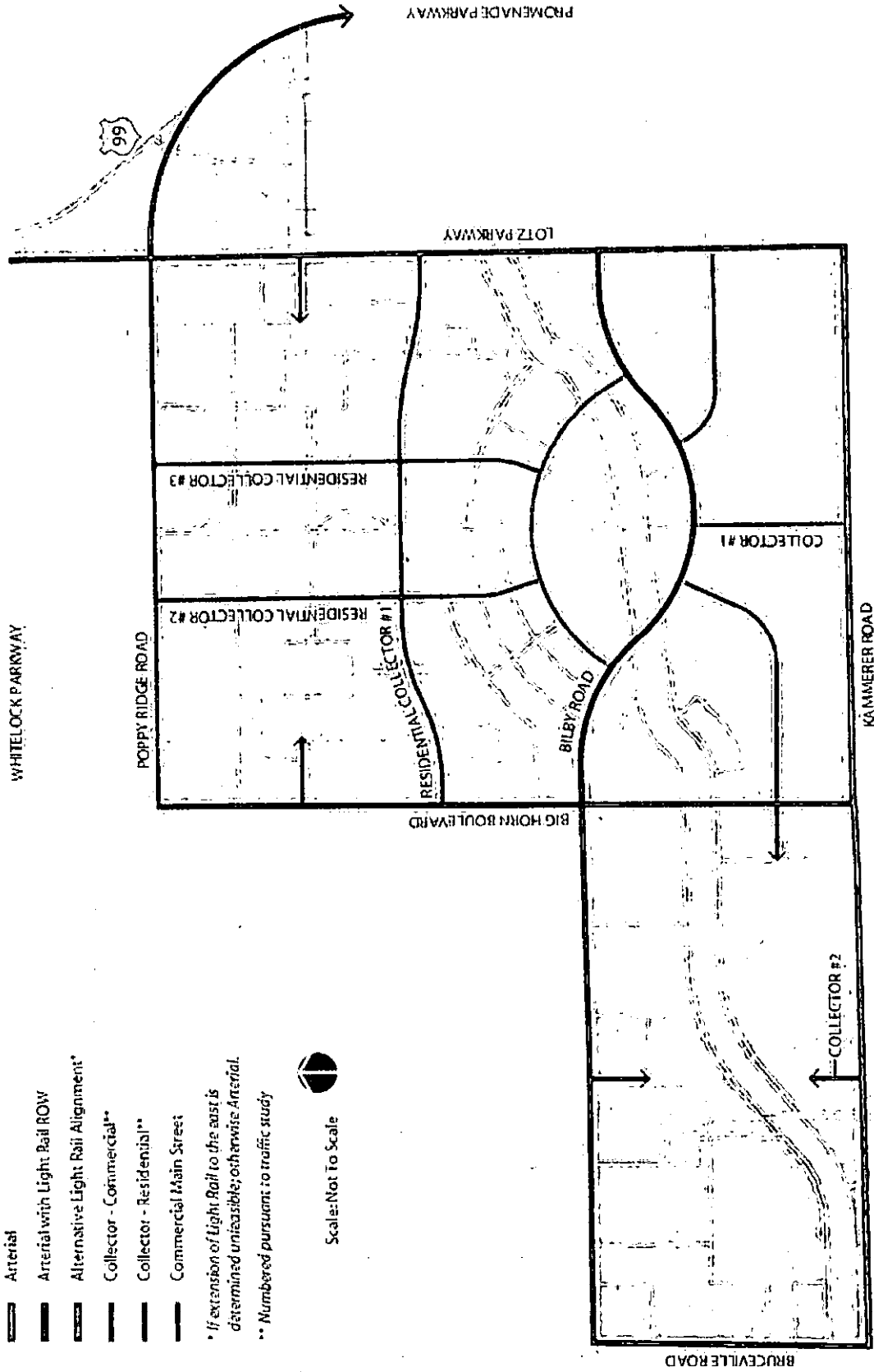
EXHIBIT B PROPOSED SEPA PHYSICAL FORM: STREETS

Street Layout Map

-  Kammerer Road
 -  Arterial
 -  Arterial with Light Rail ROW
 -  Alternative Light Rail Alignment*
 -  Collector - Commercial**
 -  Collector - Residential**
 -  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



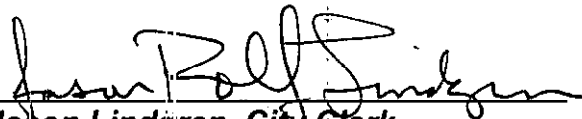
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 18-2017**

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 July 26, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 23, 2017 by the following vote:

AYES :	COUNCILMEMBERS:	<i>Ly, Detrick, Hume, Nguyen, Suen</i>
NOES:	COUNCILMEMBERS:	<i>None</i>
ABSTAIN:	COUNCILMEMBERS:	<i>None</i>
ABSENT:	COUNCILMEMBERS:	<i>None</i>

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



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

ORDINANCE: 18-2017
INTRODUCED: July 26, 2017
ADOPTED: August 23, 2017
EFFECTIVE: September 22, 2017



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK

JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: August 29, 2017