

**ORDINANCE NO. 08-2018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE  
CEQA GUIDELINES SECTIONS 15183 AND 15162 AND APPROVING THE REZONE  
FOR THE TUSCAN RIDGE SOUTH II PROJECT  
ASSESSOR PARCEL NUMBERS: 132-0050-020, -024 AND -141**

**WHEREAS**, the Development Services Department of the City of Elk Grove received an application on October 5, 2015, from Richland Planned Communities (Applicant) requesting a General Plan Amendment, Specific Plan Amendment and Rezone, Tentative Subdivision Map, and Design Review for Subdivision Layout for the proposed Tuscan Ridge South II Project located on an undeveloped 39.8-acre site at 7911 Elefa Avenue; and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN 132-0050-020, -024 and -141; 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) states no further environmental review is required 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 (Subsequent EIRs and Negative Declarations) of State CEQA Guidelines states no further environmental review is required under CEQA for projects where no subsequent EIR or Negative Declaration is required when no new information of substantial importance has been identified by the lead agency (City); 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 for the adoption of the Laguna Ridge Specific Plan Area (State Clearinghouse No. 2000082139); 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), the Laguna Ridge Specific Plan Area, and all other applicable State and local regulations; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on December 7, 2017, 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 to recommend denial of the Project to the City Council; and

**WHEREAS**, the City Council held a duly-noticed public hearing 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 Laguna Ridge Specific Plan zoning map as described 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 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and Section 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.

Consistent with Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and Section 15162 (Subsequent EIRs and Negative Declarations) of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines), no further environmental analysis is required. State CEQA Guidelines Section 15183 (supported by Public Resources Code Section §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." In 2003, the City Council certified an EIR for the Laguna Ridge Specific Plan (LRSP) (State Clearinghouse No. 2000082139). The LRSP EIR analyzed full buildout of LRSP based upon the land plan, development

standards, and policies contained in the General Plan and Specific Plan, as well as the improvements identified in the accompanying infrastructure master plans.

The Projects proposes minor reconfigurations to the General Plan boundaries and acreages of the existing land use designations that will increase the amount of parks and open space and will include RD-4, RD-5 and RD-7 zoning designations that allow a slightly higher density. These are still within the General Plan Low Density Residential designation that allow a density range from four to seven units per acre. While the increase of the Park space will result in a loss of residential land, it will be compensated by the increase in residential units created from the RD-5 and RD-7 zones. All other land uses will remain in similar locations and in similar size and will not impact the proposed LRSP land use plan or regional street system or trails plan.

Special studies were required as part of the CEQA analysis for the proposed Project in order to examine any potential peculiar effects of the Project consistent with CEQA Guidelines Section 15183(a). These studies included an Arborist Report, Noise Study, Phase 1 Assessment Report, Cultural Report, and Biological Resource Analysis. The results of these analyses concluded the following:

*Arborist Report:* The site contains 68 trees measuring 6-inches in diameter or greater at breast height. These trees include California Black Walnut, English Walnut, Olive, Plane Tree, and Valley Oak. Of those, 15 trees have been recommended for removal due to existing defects that could make them a hazard, while the rest would most likely be removed due to the on-site improvements. A condition has been included to ensure adequate mitigation is made prior to improvement of the site in accordance with the Elk Grove Municipal Code Chapter 19.12.

*Noise Study:* The study indicates Bruceville Road would be the main noise contributor to the Project site. The results state that while higher noise levels would be anticipated, the levels could be managed with the installation of a 7-foot masonry sound wall adjacent to Bruceville Road and Elefa Avenue just behind the entry monument sign at the northeast intersection. Noise insulation, windows, and equipment for homes directly adjacent to the right-of-way were also recommended. These improvements will be enforced through the design review process which will regulate the final design and location of the sound wall and homes. Inclusion of these items which are already required per City development standards will ensure noise levels stay within required ambient levels consistent with the General Plan.

*Phase I Assessment:* The Phase I Assessment, an assessment for any on-site hazardous materials, indicated the site is longer used for agricultural land and is primarily rural residential uses. The Project site contained debris, on-site wells, older structure/homes, but did not identify any existing conditions that could contain hazardous materials or require significant remediation. The Project has been conditioned to comply with

all State and local requirements for demolition and construction to avoid any unforeseen on-site hazardous materials such as lead paint or asbestos from antiquated building materials.

*Cultural Report:* The report concluded there are no known historic or prehistoric resources observed on-site. The Project is subject to the applicable LRSP EIR mitigation and has been conditioned to preserve any historic or prehistoric artifacts found during earth moving activities.

*Biological Resource Analysis:* The Project area is primarily undeveloped apart from several abandoned buildings. The properties within the east boundary of the Project are planted with a grain crop. Surrounding lands are primarily undeveloped land, with the exception of a large residential development to the west. Topography consists of flat terrain at an elevation of approximately 30 feet above mean sea level. There are not existing habitats or conditions suitable to establish a new habitat for endangered species. While the current conditions do not indicate existing habitats, as the site is prone to moderate seasonable pooling due to the wet winters, there is a slight possibility this could eventually lead to the presence of species during the winter rainy season. The site, much like the surrounding parcels in the region, contains grassland with limited biological value for special-status species. As the region contains similar land that could accommodate any potential seasonal migration of species in the region, the impact from development of the site should be considered less than significant as the removal would not deprive potential habitats from seasonal nesting opportunities. As the Project is subject to the LRSP Mitigation Monitoring and Reporting Program, all applicable mitigation for biological resources would apply.

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 LRSP. The Project is subject to the LRSP Mitigation Monitoring and Reporting Program. Consequently, pursuant to CEQA Guidelines Section 15183, no further environmental review is required for this project. The Project was routed to the Wilton Rancheria, Buena Vista Rancheria, and the Native American Heritage Commission in accordance with Senate Bill 18 (SB-18) for General Plan Amendments and no comments were received.

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.

Staff has reviewed the Project and analyzed it 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 LRSP. There are no substantial changes in the Project from those analyzed in the 2004 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 for this Project.

#### **Zoning Amendment per EGMC Section 23.16.110.F**

Finding: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Applicant is proposing these changes to provide larger parks and additional open space while providing varying residential densities to ensure the unit count remains consistent with the General Plan designation and the LRSP land use plan.

### Section 3: Action

The City Council hereby approves 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 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:** 08-2018  
**INTRODUCED:** March 14, 2018  
**ADOPTED:** March 28, 2018  
**EFFECTIVE:** April 27, 2018



DARREN SUEN, VICE MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

  
JASON LINDGREN, CITY CLERK  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Signed: April 2, 2018

**Exhibit A**  
**TUSCAN RIDGE SOUTH II (EG-15-038)**  
**Project Description**

**PROJECT DESCRIPTION**

The Project consists of a Tentative Subdivision Map to subdivide ±39.8 acres into 114 single-family residential lots, two parks lots, two parkway corridor lots, and a landscape lot with exceptions for lot orientation; a General Plan Amendment to reconfigure boundaries and acreages; a Specific Plan Amendment and Zoning Amendment to amend the zoning designation from RD-4 and RD-5 to RD-4, RD-5, and RD-7; and Design Review for Subdivision Layout with deviations.



**Exhibit B**  
**TUSCAN RIDGE SOUTH II (EG-15-038)**  
**Zoning Amendment Exhibit**




**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 08-2018**

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 March 14, 2018 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 28, 2018 by the following vote:*

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

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

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