

**ORDINANCE NO. 05-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ESTABLISHING THE CALVINE MEADOWS SPECIAL PLANNING AREA AND  
REZONING APNS 121-0180-064 AND 121-0180-052 TO THE CALVINE MEADOWS  
SPECIAL PLANNING AREA**

**WHEREAS**, the Development Services Department of the City of Elk Grove received an application from York Real Estate Dev., LLC (the "Applicant") requesting establishment of a Special Planning Area and approval of a Tentative Subdivision Map for the Calvine Meadows Project (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: 121-0180-064 and 121-0180-052,

**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 adopt the Calvine Meadows Special Planning Area and apply it as zoning to real property in the City.

Section 2: (Findings)

**California Environmental Quality Act (CEQA)**

Finding #1: The proposal will not have a significant adverse impact on the environment and all potentially significant effects have been adequately analyzed in a Mitigated Negative Declaration that was prepared for the Calvine Meadows Project by the City. The Mitigated Negative Declaration adequately addresses all environmental issues related to the development of the subject property.

Evidence #1: Staff prepared an Initial Study/Mitigated Negative Declaration for the Calvine Meadows Project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with the City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on October 28, 2015. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to Section 15072 of the California Code of Regulations (State CEQA Guidelines). A 30-day review and comment period was opened on October 28, 2015 and closed on November 30, 2015. The Mitigated Negative Declaration was made available to the public during this review period. The City received two written comment letters within the 30-day public review period. The comments do not alter the conclusions of the Initial Study/Mitigated Negative Declaration.

On the basis of the Mitigated Negative Declaration, environmental analysis, and the whole record, there is no substantial evidence that the Project will have a significant adverse impact on the environment above those addressed within the adopted Mitigated Negative Declaration.

Finding #2: Although the Final Negative Declaration incorporates changes to the Draft Negative Declaration, none of those changes constitutes substantial revision requiring recirculation pursuant to the criteria set forth in CEQA Guidelines Section 15073.5. The City Council has reviewed and considered the Final IS/MND. The City Council finds that the Final IS/MND provides sufficient analysis of the Calvine Meadows Project pursuant to CEQA and that although the Final IS/MND incorporates changes to the Draft IS/MND, none of those changes constitutes substantial revision requiring recirculation pursuant to the criteria set forth in CEQA Guidelines Section 15073.5.

Evidence #2: The Project analyzed in the October 2015 Initial Study/Mitigated Negative Declaration (Draft IS/MND) circulated for public review assumed a rezoning of the 23.3-acre site from Agricultural Residential (AR-5) to Low Density Residential (RD-4) and Open Space (O) and included a small-lot Tentative Subdivision Map (TSM; dated September 15, 2015) of 56 single-family residential lots on 11.2 net acres, 1 open space lot on 10.0 net acres, and 5 additional lots totaling 2.1 net acres for water quality, drainage, and a landscape corridor. Since circulation of the Draft IS/MND, the Application has been amended to request rezoning of the site from Agricultural Residential (AR-5) to Special Planning Area (SPA) and Open Space (O). The SPA would allow the same number of single-family residential lots with design standards consistent with the RD-5 zoning: minimum lot size of 5,200 square feet and typical dimensions of 55' wide x 100' deep shall be allowed; and maximum allowed height for primary structures shall be thirty feet (30') and sixteen feet (16') for accessory structures. The proposed SPA zoning reflects the development shown on the September 15, 2015 TPM, and the September 15, 2015 TPM has not been amended for the Project.

The City has prepared a Final IS/MND that reflects the change in proposed zoning. The MND includes revisions to the Project description and the Land Use section to describe the amended zoning proposed for the Project. The amendments did not determine any new, avoidable significant effect would occur, require any new mitigation measures, or determine previously identified mitigation measures would not reduce potential effects to a less than significant level.

Because the Draft IS/MND analyzed development as shown on the TPM, effects related to the Project footprint, such as those related to biological resources, cultural resources, flooding, or geological hazards, would not change from that disclosed in the Draft IS/MND. There were no changes made to the Final IS/MND with respect to footprint-related resources. Similarly, the intensity of the proposed development has remained consistent with that analyzed in the Draft IS/MND. Therefore, there were no changes made in the Final MND with respect to intensity-related topics, such as traffic, air quality, and public services and utilities.

Based upon analysis of the Project as currently proposed, although the Final IS/MND incorporates changes to the Draft IS/MND, those changes do not constitute substantial changes requiring recirculation pursuant to CEQA Guidelines Section 15073.5. The Project would not result in a new, avoidable significant effect such that mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or a determination that the proposed mitigation measures will not reduce potential effects to less than significance and new measures or revisions must be required. No further analysis is required.

### **Establishment of Special Planning Area**

Finding #1: The proposed SPA is consistent with the goals, policies, and objectives of the General Plan.

Evidence #1: The proposed Calvine Meadows SPA provides an opportunity to develop the subject property while preserving the wetland features that are present on the property. The density of the proposed land plan is consistent with policy CAQ-7 of the General Plan, which provides opportunities for clustering development in order to preserve natural features. The overall proposed density and intensity of uses is consistent with allowed density and intensity of land uses provided on the General Plan Land Use Map. Proposed uses for the site are consistent with the allowed uses allowed through General Plan Policy LU-3. Therefore, the proposed SPA is consistent with the goals and policies of the General Plan.

Finding #2: That the proposed SPA meets the requirements set forth in Section 23.16.100 of the Elk Grove Municipal Code (EGMC).

Evidence #2: The proposed SPA includes all of the mandatory components identified in EGMC Section 23.16.100.D, including, but not limited to, list of permitted uses, performance and development standards for development, and a listing of reasons for establishment of the SPA.

Finding #3: The area included within the SPA zone has one (1) or more unusual environmental, historical, architectural, land use mixtures, or other specified significant features which justify the adoption of the SPA zone.

Evidence #3: The site of the proposed SPA includes wetlands and potentially biologically-sensitive areas of Laguna Creek which would be preserved through preservation of the 10.0-acre Lot A illustrated in the SPA. The proposed SPA will allow for the clustering of development to facilitate this preservation. Construction of the proposed Project within the Village 1 area requires the establishment of unique development standards, such as alternative minimum lot sizes. These special requirements are best implemented through the adoption of a SPA.

Finding #4: The features cannot be adequately protected by the adoption of any existing standard zone regulation.

Evidence #4: The protection of Laguna Creek and the preservation of on-site wetlands through the implementation of the General Plan clustering provisions cannot, together, be adequately implemented through existing standard zoning regulations. For example,

although consistent with the density allowed by the General Plan, the City's standards for single family residential lots do not provide flexibility for lot sizes such that the Project as proposed could be developed.

### Section 3: Adoption of the Calvine Meadows Special Planning Area

The Calvine Meadows Special Planning Area, as provided in Exhibit A and incorporated herein by this reference, is hereby adopted.

Further, Section 23.40.020.B of the Elk Grove Municipal Code is hereby amended to read as follows (revised text shown with underline):

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. Laguna Community/Floodplain SPA (78-SPA-20);
3. Elk Grove-Florin and Bond Roads SPA (adopted 1989);
4. Laguna Gateway SPA (Ordinance No. SZC 99-0036);
5. Calvine Road/Highway 99 SPA (SPA 5-8-2, Ordinance No. SZC 99-0038);
6. Elk Grove Triangle SPA;
7. Silverado Village SPA (Ordinance No. 15-2014)
8. Calvine Meadows SPA (Ordinance No. 05-2016)

### Section 4: Rezone

Assessor's Parcel Numbers 121-0180-064 and 121-0180-052 are hereby rezoned to the Calvine Meadows Special Planning Area as provided in Exhibit B and incorporated herein by this reference.

### Section 5: 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 6: 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 7: 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.

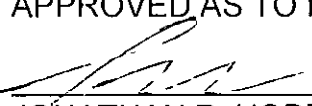
Section 8: Effective Date and Publication

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:** 05-2016  
**INTRODUCED:** March 23, 2016  
**ADOPTED:** April 27, 2016  
**EFFECTIVE:** May 27, 2016

  
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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: May 10, 2016

# **Calvine Meadows Special Planning Area**

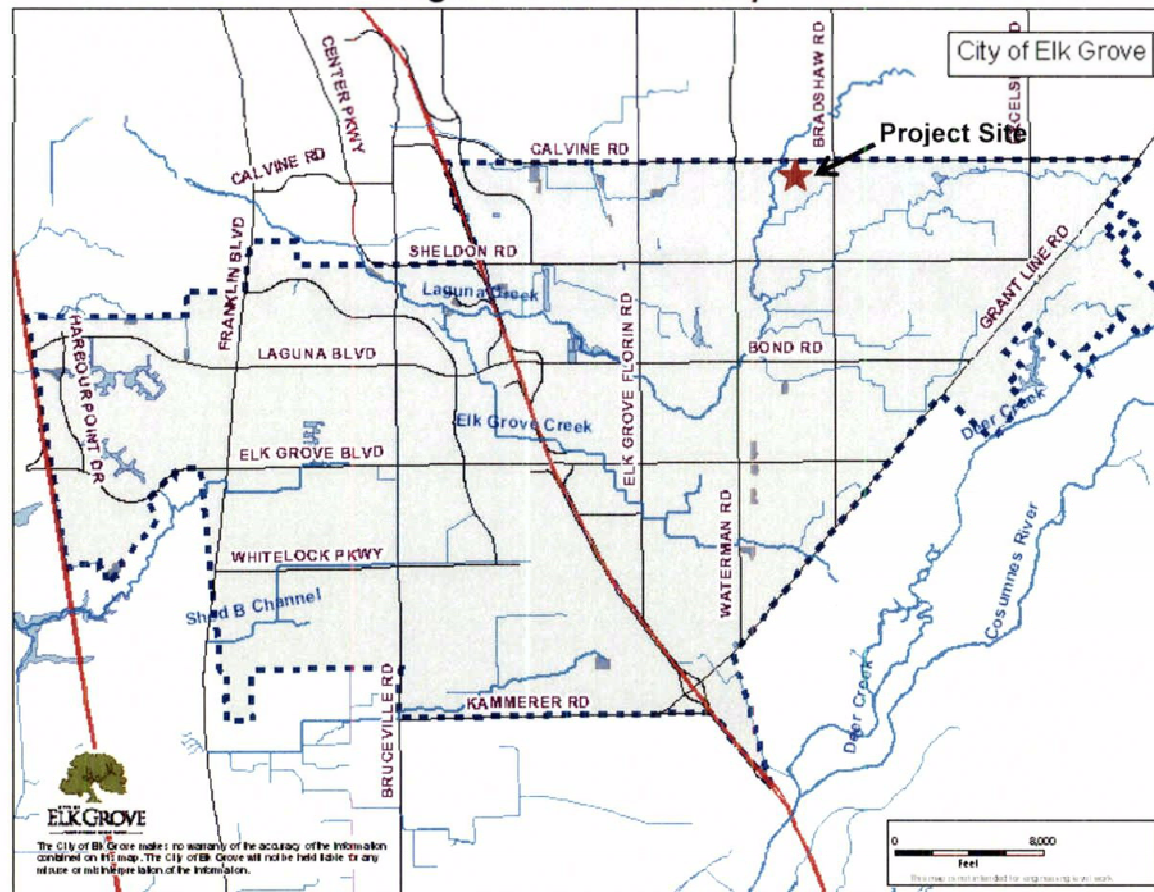
City of Elk Grove

March 23, 2016

**A. INTRODUCTION & PROJECT OVERVIEW**

The Calvine Meadows SPA is an approximately 23.3 acre single-family residential community located on Calvine Road just south of the City's northern boundary, east of the Calvine Road/Jordan Ranch Road intersection (see Figure 1).

**Figure 1: Location Map**



The SPA contains 56 single-family detached homes with a typical lot size of 5,500 square feet. The SPA is designed to cluster the proposed residential development along the eastern side of the property in order to facilitate on-site protection of Laguna Creek, which forms the majority of the SPA's northeastern boundary (see Figure 2). Laguna Creek is intended to remain in its current state and a 50-foot riparian buffer has been implemented for conservation purposes.

**Figure 2 : Project Site Map**

## **B. REASONS FOR ESTABLISHMENT OF AN SPA**

### **1. Overview:**

The enabling legislation granting authority to prepare, process, adopt and implement a Special Planning Area (SPA) is defined by Elk Grove Municipal Code Section 23.16.100. This SPA document is regulatory in nature and serves as zoning for the project site. Development plans, subdivision maps, and site plans for the project must be consistent to both the SPA and the City of Elk Grove General Plan.

Consistent with the City of Elk Grove Zoning Code, this SPA was initiated by the project applicant and considered for approval by the City Council. The proposed Calvine Meadows project has significant environmental features that justify the placement of the project site within the SPA land use zone.

### **2. Objectives Promoted by SPA:**

A summary of the Objectives promoted by the Calvine Meadows SPA are summarized below and provide the basis for the findings made by the City:

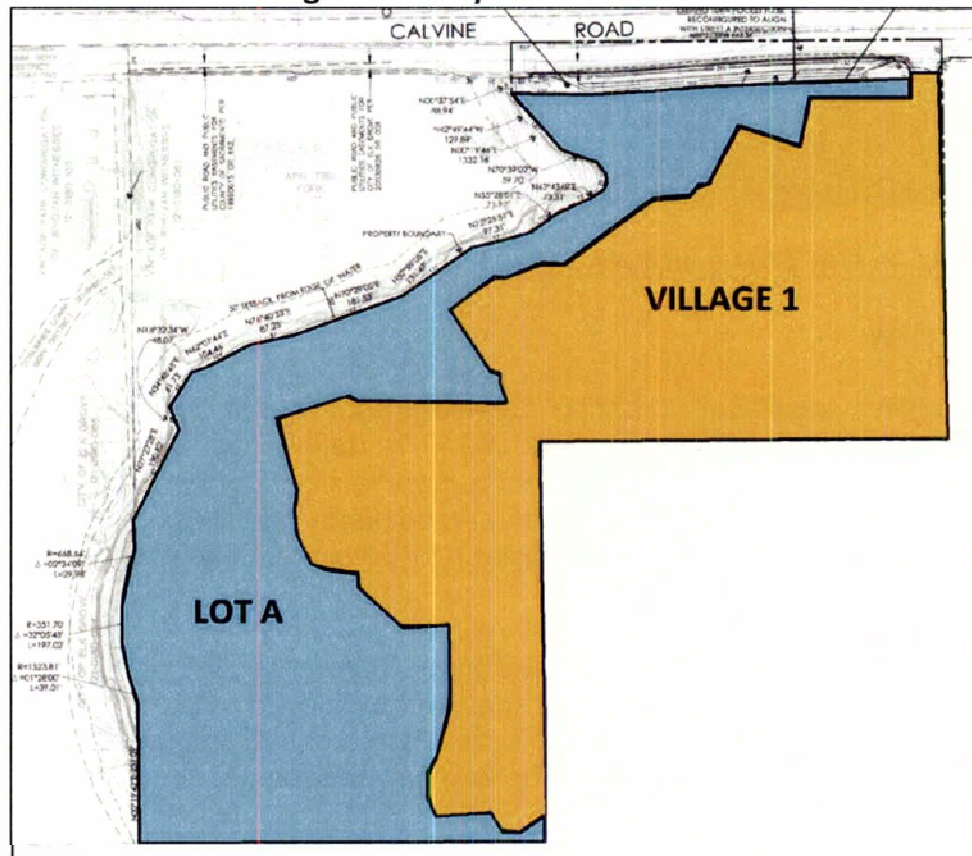
- a. *Consistency with General Plan:* The Calvine Meadows SPA is consistent with the goals, policies and objectives to the City's General Plan and implements the land use plan. The General Plan identifies the Project site as Estate Residential, which allows for a density range of 0.51 to 4.0



dwelling units per acre. Based upon the 23.3 gross acres of land in the SPA boundaries, the General Plan allows for a range of approximately 12 to 93 residential lots. The SPA was proposed to contain a total of 56 single-family residential lots, which is within the allowed range contemplated by the General Plan. Therefore, the Project is consistent with the General Plan.

- b. *Respect the Site's existing Natural Features:* The SPA designates 10 acres (43% of site) of the property for natural open space. This is comprised of an open space/drainage parkway area intended to protect sensitive wetland and habitat area within a perennial drainage (Laguna Creek), which transects the property. This open space/drainage parkway area is designated by the SPA as Lot A (See Figure 3).

**Figure 3: Proposed Site Plan**



### 3. Purpose of the Calvine Meadows SPA

The Calvine Meadows SPA provides for a clustering of single-family residential lots within approximately 57% of the 23-acre project site in order to preserve the site's existing natural features. This residential area is designated by the SPA as Village 1. In order to accomplish this clustering, the SPA allows for smaller lot

sizes than typically permitted under the standard development regulations of Title 23 of the City of Elk Grove Municipal Code.

The Calvine Meadows SPA, along with the City of Elk Grove General Plan and Municipal Code, regulates zoning and land use for the Calvine Meadows project. All existing City land use policies, development standards, and roadway improvement standards shall remain in effect, except as provided for in this SPA document. In instances where this SPA is different or otherwise contrary to the other development standards or codes of the City of Elk Grove, the SPA shall prevail and be the controlling document for the project. Where this SPA does not discuss a particular topic, the City's existing zoning shall apply.

#### **4. Justification for the Calvine Meadows SPA**

According to the General Plan, lot sizes within the Estate Residential General Plan Designation typically range between 0.25-acre to 2 acres. Further, Land Use Policy LU-3 states that the smallest implementing zone district within the Estate Residential Designation is RD-4, which requires an 8,500 square-foot minimum lot size.

As stated previously, Estate Residential allows a density range of 0.51 to 4.0 dwelling units per acre. Therefore, the 56 single-family residential lots falls within the allowed density range of 12 to 93 allowed units. However, due to the desire to protect sensitive features in and adjacent to Laguna Creek, smaller lot dimensions were required in order to locate the development away from Laguna Creek.

CAQ-7 within the Conservation and Air Quality Element of the Elk Grove General Plan encourages development clustering where clustering would facilitate on-site protection of woodlands, grasslands, wetlands, stream corridors, scenic areas, or other appropriate natural features as open space, provided that:

1. Urban infrastructure capacity is available for urban use.
2. On-site resource protection is appropriate and consistent with other General Plan Policies.
3. The architecture and scale of development is appropriate for the area.
4. Development rights for the open space area are permanently dedicated and appropriate long-term management is provided for by either a public agency, homeowners association, or other appropriate entity.

Therefore, although consistent with the allowed density range, the Project could not be developed at the proposed lot size of 5,500 square feet required to construct the 56 single-family units and preserve the 10 acres of open space without taking advantage of the clustering allowed by CAQ-7.

#### **5. Development Standards & Entitlements**

The Calvine Meadows SPA does not, in and of itself, entitle any specific development. Rather, it sets up specific development standards and criteria for future development. Successive approvals from the City and other jurisdictional agencies and service providers are necessary, including but not limited to, Tentative Map approval, Final Map approval and recordation, Improvement Plan review and approval, Grading Permits, encroachment permits, Design Review (as required by Section 23.1.080 (Design Review), Building Permits, and other approvals permits, and licenses.

**C. PERMITTED USES AND DEVELOPMENT STANDARDS**

**1. Village 1:**

Village 1 shall be consistent with the RD-5 Zoning designation as defined in Title 23 of the City of Elk Grove Municipal Code.

**a. Village 1 - List of permitted uses:**

i. Permitted uses as allowed by the City of Elk Grove RD-4/5/6 Zoning Districts.

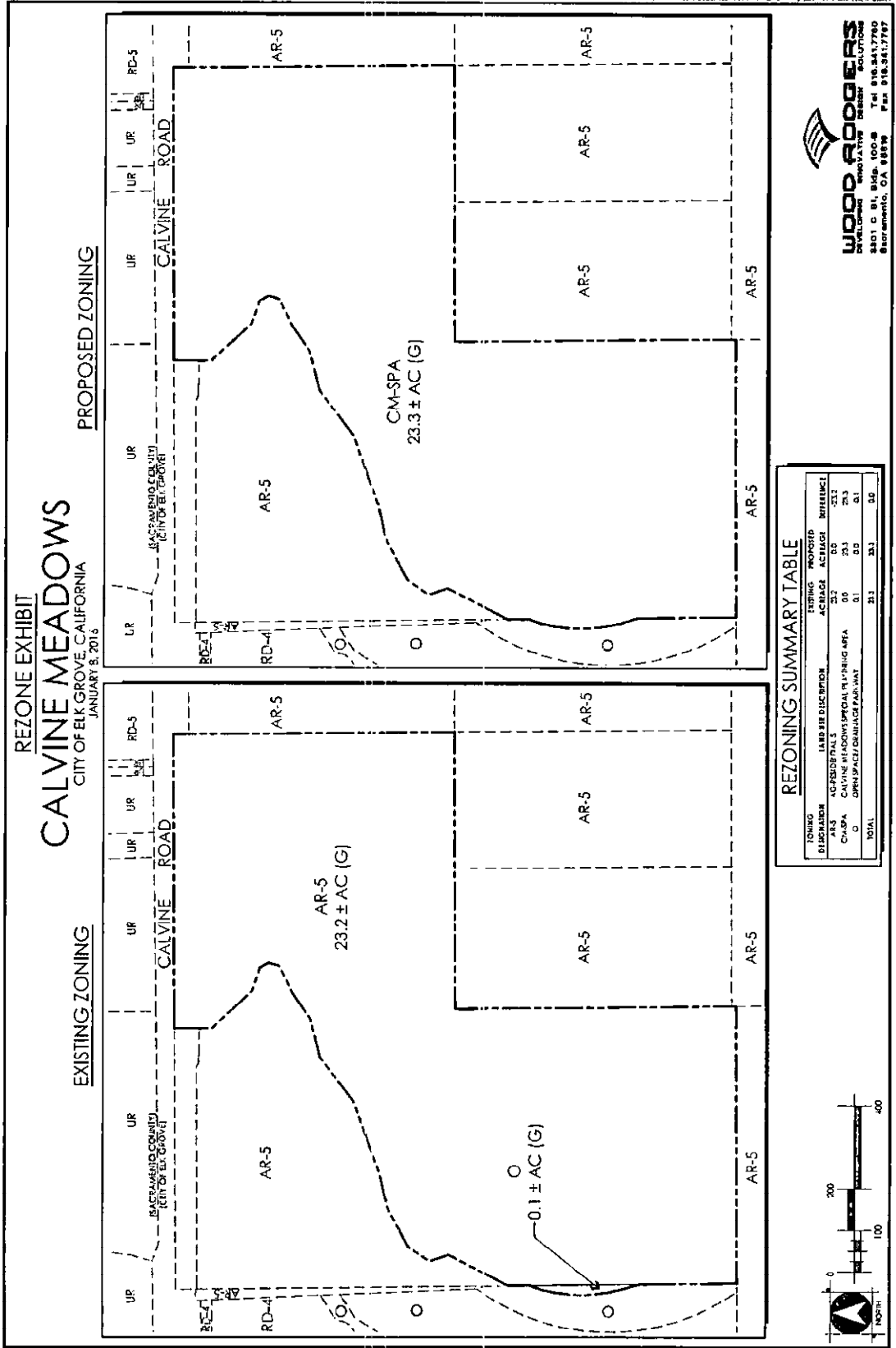
**b. Village 1 - Development Standards:**

- i. Minimum lot size of 5,200 square feet and typical dimensions of 55' wide x 100' deep measured at the appropriate front, rear, and side yard building setback to ensure product fit. Irregular lots (as defined in the Zoning Code) and those special conditions described in this SPA will vary from the typical dimensions.
- ii. Front, side and rear yard setbacks shall be consistent with the RD-5 zone.
- iii. The maximum allowed height shall be:
  1. Thirty feet (30') for primary structures; and
  2. Sixteen feet (16') for accessory structures, or as otherwise regulated by EGMC Section 23.46.040.

**2. Open Space Area**

Development in the Open Space Area (Lot A on the approved tentative map) shall be restricted as permanent open space. No development shall be permitted within this area.

**Exhibit B**  
**Rezoning Exhibit**  
**Subject APNs: 121-0180-064 & 121-0180-052**




**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 05-2016**

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 23, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 27, 2016 by the following vote:*

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

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

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