

## RESOLUTION NO. 2015-130

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DENYING A GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, REZONE, TENTATIVE SUBDIVISION MAP, ABANDONMENT OF EXCESS RIGHT- OF-WAY, AND DESIGN REVIEW FOR SUBDIVISION LAYOUT FOR THE POPPY KEYS CENTRAL PROJECT (EG-13-052B); ASSESSOR PARCEL NUMBERS 132-0290-004 & -038**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on September 6, 2013 from Big Horn RBVP, LP (the "Applicant") requesting a General Plan Amendment, Specific Plan Amendment, Rezone, Tentative Subdivision Map, Abandonment of Excess Right-of-Way, and Design Review for Tentative Subdivision Map layout (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: 132-0290-004 & -038; and

**WHEREAS**, the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) 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"; and

**WHEREAS**, the proposed Project is a project under CEQA; and

**WHEREAS**, Section 21080(b)(5) of CEQA and Sections 15061(b)(4) and 15270 of Title 14 of the California Code of Regulations (State CEQA Guidelines) provide that projects which are denied are exempt from CEQA review; and

**WHEREAS**, the Planning Department considered the Project request pursuant to the City's General Plan, the Laguna Ridge Specific Plan development standards, Title 23 of the Municipal Code (Zoning Code), the City's Design Guidelines, the Laguna Ridge Specific Plan Supplemental Design Guidelines, and all other applicable State and local regulations; and

**WHEREAS**, the Planning Commission is the appropriate authority to hear and make recommendations to the City Council on applications that consist of zoning, specific plan, and/or General Plan amendments; and

**WHEREAS**, on June 4, 2015, the Planning Commission 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 at the meeting; and

**WHEREAS**, Planning Commission recommended that the City Council deny the Project; and

**WHEREAS**, on June 24, 2015, 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 project proponent, and public testimony presented in writing and at the meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby denies the Project based on the following findings:

### **California Environmental Quality Act (CEQA)**

Finding: The subject project is exempt from the California Environmental Quality Act (CEQA).

Evidence: Pursuant to CEQA Section 21080(b)(5) and Sections 15061(b)(4) and 15270 of the State CEQA Guidelines, projects which are disapproved are exempt from CEQA.

### **General Plan Amendment**

Finding: The proposed General Plan amendment is not of substantial benefit to the City and the amendment is not internally consistent with the General Plan.

Evidence: The proposed Project would eliminate 18.9 acres of a community park site within the City's new growth area, limiting recreational opportunities for residents. Further, it would reduce the parkland diversity and park requirement ratio that are inherent in the overall land plan for the LRSP area. On February 11, 2015, the City Council further substantiated the value in keeping the Project site at its original anticipated park size in order to provide the full outdoor recreational opportunities as originally anticipated during the park facilities planning for the LRSP. Therefore, the proposed Project is not of benefit to the City and is inconsistent with the goals and policies of the General Plan.

### **Specific Plan Amendment (LRSP Section 9 Implementation & Administration)**

Finding #1: Significant changes to the character of the community have not occurred subsequent to the adoption of the Specific Plan which warrants amendments as requested.

Evidence: The loss of 18.9 acres of the community park site would limit the recreational opportunities for residents. Parks are important community resources that provide recreational space for residents. The Cosumnes Community Services District is seeing rising demand for these types of facilities. Thus, the loss of 18.9 acres of the park site

would change the character of the community in a negative way as it would limit the facilities to serve the current and future demand. Further, should the proposed Project be approved, there will be an increased demand for parks beyond that identified in the current Specific Plan.

Finding #2: The requested amendment will not benefit the Specific Plan Area and/or the City.

Evidence: The proposed Project will reduce the amount of parkland provided within the Laguna Ridge Specific Plan. Parks are important community resources that provide recreational space for residents. The reduction of this park site will limit future residents' access to park facilities, limiting their quality of life. This is not a benefit to the Specific Plan area or the City overall.

Finding #3: The amendment is not consistent with the General Plan.

Evidence: As previously mentioned, the proposed Project would eliminate 18.9 acres of a community park site within the City's new growth area, limiting recreational opportunities for residents. Further, it would reduce the parkland diversity and park requirement ratio that are inherent in the overall land plan for the LRSP area. On February 11, 2015, the City Council further substantiated the value in keeping the Project site at its original anticipated park size in order to provide the full outdoor recreational opportunities as originally anticipated during the park facilities planning for the LRSP. Therefore, the proposed Project is not of benefit to the City and is inconsistent with the goals and policies of the General Plan.

Finding #4: The amendment will adversely affect adjacent properties and can be properly serviced.

Evidence: The proposed Project will reduce the amount of parkland provided within the Laguna Ridge Specific Plan. This will have an effect on adjacent properties by limiting the recreational opportunities of future residents as these properties develop from their current, vacant/agricultural state into residential subdivisions.

Finding #5: Where applicable, the physical constraints of the property area are such that the requested amendment is warranted.

Evidence: There are no physical constraints to the Project site that warrant or support the proposed Project. The site is flat and is accessible on multiple sides to public streets and urban services (e.g., water, sewer, electricity).

## **Rezone**

Finding: The proposed zoning amendment is not consistent with the General Plan goals, policies, and implementation programs.

Evidence: As previously mentioned, the proposed Project would eliminate 18.9 acres of a community park site within the City's new growth area, limiting recreational opportunities for residents. Further, it would reduce the parkland diversity and park requirement ratio that are inherent in the overall land plan for the LRSP area. On February 11, 2015, the City Council further substantiated the value in keeping the Project site at its original anticipated park size in order to provide the full outdoor recreational opportunities as originally anticipated during the park facilities planning for the LRSP. Therefore, the proposed Project is not of benefit to the City and is inconsistent with the goals and policies of the General Plan.

## **Tentative Subdivision Map**

Finding: Pursuant to Government Code Section 66474, the City Council shall deny approval of a tentative map if it makes any of the following findings.

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.

Evidence: The following evidence supports the above findings for denial of the tentative map.

- a.-d. The proposed map is not consistent with the City's General Plan and the LRSP as the proposed Project would eliminate 18.9 acres of a community park site within the City's new growth area, limiting recreational opportunities for residents. Further, it would reduce the parkland diversity and park requirement ratio that are inherent in the overall land plan for the LRSP area. Thus, the site is not physically suitable for the proposed residential development, including the density of development.

## Subdivision Design Review

Finding #1: The proposed Project is not consistent with the objectives of the General Plan, complies with applicable zoning regulations, specific plan provisions, special planning area provisions, Citywide Design Guidelines, and improvement standards adopted by the City.

Evidence: As previously mentioned, the proposed Project would eliminate 18.9 acres of a community park site within the City's new growth area, limiting recreational opportunities for residents. Further, it would reduce the parkland diversity and park requirement ratio that are inherent in the overall land plan for the LRSP area. On February 11, 2015, the City Council further substantiated the value in keeping the Project site at its original anticipated park size in order to provide the full outdoor recreational opportunities as originally anticipated during the park facilities planning for the LRSP. Therefore, the proposed Project is not of benefit to the City and is inconsistent with the goals and policies of the General Plan.

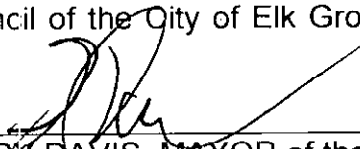
Finding #2: The proposed Project will create conflicts with vehicular, bicycle, or pedestrian modes of transportation.

Evidence: The bicycle and pedestrian circulation would have conflicts as the proposed subdivision would eliminate 18.9 acres of a community park site which limits the design and location of bicycle and pedestrian facilities and amenities on the remaining park acreage.


Finding #3: The residential subdivision is not well integrated with the City's street network, creates unique neighborhood environments and establishes a pedestrian friendly environment.

Evidence: As mentioned, the proposed Project will reduce the amount of parkland provided within the Laguna Ridge Specific Plan. This will have an effect on the neighborhood by limiting the recreational opportunities and pedestrian friendly environment to the residents.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 24<sup>th</sup> day of June 2015.

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

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

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

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2015-130**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE         )

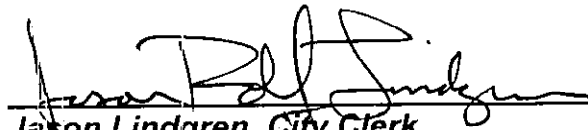
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 24, 2015 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**     Davis, Hume, Detrick, Ly, Suen

**NOES:**        **COUNCILMEMBERS:**     None

**ABSTAIN :**    **COUNCILMEMBERS:**     None

**ABSENT:**     **COUNCILMEMBERS:**     None

  
\_\_\_\_\_  
Jason Lindgren, City Clerk  
City of Elk Grove, California