

RESOLUTION NO. 2021-227

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER CEQA AND ADOPTING A GENERAL PLAN AMENDMENT FOR FOUR PREVIOUSLY APPROVED PROJECTS

GENERAL PLAN AMENDMENT 2021-3

WHEREAS, on February 27, 2019, the City Council adopted Resolution No. 2019-036, adopting the General Plan of the City of Elk Grove as required by state law; and

WHEREAS, Section 65358(b) of the California Government Code limits the City to four General Plan amendments annually; and

WHEREAS, for this reason, and to accommodate development, the City will consolidate General Plan Amendments as one amendment approval, to be brought back to the City Council at a future time; and

WHEREAS, on June 23, 2021, the City Council adopted Resolution No. 2021-189, adopting an Amended Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Sheldon Grove Project and adopting Resolution No. 2021-190 declaring its intent to approve a General Plan amendment and approving a Tentative Subdivision Map for the Sheldon Grove Project, which findings are incorporated herein by reference; and

WHEREAS, on July 28, 2021, the City Council adopted Resolution No. 2021-212 finding that the General Plan-Zoning Consistency Phase 3 Project did not require further environmental review from CEQA pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and declaring its intent to approve a General Plan amendment, which findings are incorporated herein by reference; and

WHEREAS, on August 4, 2021, the City Council adopted Resolution No. 2021-218, finding that the Esplanade West Subdivision and Souza Dairy Development Agreement Amendment Project did not require further environmental review from CEQA pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15162 (Subsequent EIRs and Negative Declarations) and declaring its intent to approve a General Plan amendment, which findings are incorporated herein by reference; and

WHEREAS, on August 11, 2021, the City Council adopted Resolution No. 2021-225, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Laguna Main Street Apartments Project and adopted Resolution No. 2021-226 declaring its intent to approve a General Plan amendment and approving a Design Review and Special Parking Permit for the Sheldon Grove Project, which findings are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that no further environmental review under CEQA is required for the

Projects identified herein and adopts the General Plan amendment described in the Exhibit A, incorporated herein by this reference, subject to the following findings.

1. Relative to Sheldon Grove (PLNG20-025)

CEQA Finding: The proposal will not have any significant adverse impacts on the environment and all potentially significant effects have been adequately analyzed in a Mitigated Negative Declaration that was prepared for the Project by the City. The Mitigated Negative Declaration adequately addresses all environmental issues related to the development of the subject property. The City Council has reviewed the Amended Initial Study and Draft Mitigated Negative Declaration (IS/MND), which indicates the Sheldon Grove Project will not have a significant impact on the environment.

Evidence: The City prepared an Amended IS/MND for the Sheldon Grove 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 State law, which is designed to ensure compliance during project implementation. The City distributed the Notice of Intent to Adopt the MND on March 26 2021. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to Section 15072 of Chapter 3 of Title 14 of the California Code of Regulations (State CEQA Guidelines). A 30-day review and comment period was opened on March 26, 2021, and closed on April 26, 2021. The MND was made available to the public during this review period. The City received nine written comment letters within the 30-day public review period. The comments do not alter the conclusions of the IS/MND as described in the staff report for the Project. The IS/MND determined that the proposed Project would not result in any environmental impacts that could not be mitigated to a less than significant level. On the basis of the MND, environmental analysis, and the whole record (including the MND and any comments received on the MND), the City Council finds that there is no substantial evidence that the Project, with mitigation as provided in the MND, will have a significant adverse effect on the environment, and that the MND reflects the City Council's independent judgment and analysis.

General Plan Amendment Finding: The proposed Project is consistent with the objectives of the City of Elk Grove General Plan and there is a substantial benefit to be derived from the amendment.

Evidence: The Project proposes that the General Plan land use designation for the Project site be changed from Community Commercial to Low Density Residential (LDR). The LDR designation allows for single-family residential development at a density of 4.1 to 7.0 dwelling units per acre. The designation is mainly intended for detached single-family dwellings. The Project site is an Infill site pursuant to the City's General Plan. The General Plan encourages new housing within infill sites to be built in a variety of shapes and sizes. Additionally, the Project is consistent with the following General Plan policies regarding infill development, such as this Project site. Policy LU-2-1 and MOB-5-1 promote increased densities and the intensity of development along identified transit corridors such as Sheldon Road. Policy LU-2-4 requires new infill development projects to be compatible with the character of surrounding areas and

neighborhoods, support increased transit use, promote pedestrian and bicycle mobility, and increase housing diversity. Pursuant to the General Plan definition, "Compatibility" does not mean "the same as." Therefore, there is substantial benefit to be derived from the amendment.

2. General Plan-Zoning Consistency Phase 3 (PL0022)

CEQA Finding: No further environmental review is required pursuant to State CEQA Guidelines Section 15162.

Evidence: The proposed amendments implement the General Plan, which was considered through the General Plan Update Environmental Impact Report (EIR) (SCH No. 2017062058). That document provides a programmatic review of the potential impacts associated with implementation of the overall General Plan. The EIR is comprised of a Draft EIR (Draft EIR) and Final EIR (Final EIR). The Final EIR was released for public review on January 4, 2019, and certified by the City Council on February 27, 2019. State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed General Plan land plan amendments are minor in nature and would not result in substantial new development. Amendment 1 (8672 and 8688 Sheldon Road) would change the land use designation from Park to Low Density Residential on 3.47 acres. At an assumed density of five units per acre, this would result in approximately 15 single family dwelling units. This is a minor revision in comparison to the total General Plan buildout of 102,865 dwelling units. The second amendment (8476 Sheldon Road) would bring the General Plan designation into consistency with the existing zoning. No new units or other development would occur as a result of the change. Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR, and no further environmental review is required.

General Plan Amendment Finding: The proposed amendments to the General Plan are consistent with the goals and policies of the General Plan.

Evidence: The proposed revisions to the General Plan Land Plan relative to 8672 and 8688 Sheldon Road, and 8476 Sheldon Road, provide for improved consistency with existing conditions and compatibility with the surrounding neighborhood.

3. Esplanade West Subdivision (EG-17-044) and Souza Dairy Development Agreement Amendment (PLNG20-056)

CEQA Finding: The proposed Project requires no further environmental review under CEQA pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Evidence: No further environmental review is required under CEQA pursuant to State CEQA Guidelines 15162 (Subsequent EIRs and Negative Declarations).

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

On July 9, 2014, the City Council certified an EIR for and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the SEPA 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 (SPA), as well as the improvements identified in the accompanying infrastructure master plans. The Project remains subject to the SEPA MMRP which includes mitigation related to farmland protection, air quality, biological resources including Swainson's hawk foraging habitat, cultural resources, hazardous/toxic materials, drainage, noise, and traffic.

The requested amendments to the Community Plan and SPA will modify the acreages of residential land uses within the Project Area. The Community Plan and SPA Amendments will not expand the development footprint or add any land uses that were not originally anticipated within SEPA. Although the acreages of the residential land uses are being amended, the reconfiguration results in a shift of residential units from northern portions of the SEPA plan area to the central area of SEPA where they will be proximate to parcels designated for office, mixed-use, and employment-oriented land uses. The proposed land use

amendments will allow for the construction of up to 3,656 residential units which is less than a five-percent change from the total number of units allowed under current land use designations (3,422 units).

The Project, as proposed, will build out at a density/intensity consistent with the range of what was anticipated in the SEPA EIR. The City updated its General Plan in 2019; while the proposed Project, including the requested Community Plan amendments, have been found to be consistent with the General Plan goals, policies, and implementation programs, the updated General Plan implements new transportation analysis standards related to Vehicle Miles Traveled (VMT) and also includes a new Climate Action Plan (CAP). Analysis related to VMT and the CAP was completed to determine the Project's consistency with the General Plan and the SEPA Community Plan pursuant to CEQA section 15183. The Project was analyzed against the VMT standards and it was determined that the Project is exempt from additional VMT analysis. The subject site is in an area that has been determined to result in a 15% VMT reduction based on its General Plan/Community Plan land use designations. The proposed Project shifts the location of residential units within the SEPA plan area but still provides the capacity for these units to be constructed. The relocation of these units does not alter the determination that residential development on the Project site will result in a 15% VMT reduction, therefore, no further VMT analysis is necessary.

The Development Agreement Amendment and Esplanade West Projects shall comply with the City's CAP for new single-family development, including CAP measures related to energy efficiency (BE-4), electric appliances (BE-6), Vehicle Miles Traveled Reductions (TACM-6), off-road construction fleet (TACM-8), and electric vehicle charging (TACM-9). Therefore, the Project is consistent with the City's updated efforts to reduce greenhouse gas emissions through its compliance with the CAP.

There are no substantial changes in the Project from those analyzed in the 2014 EIR and no new significant environmental effects, or substantial increase in the severity of previously identified significant effects that necessitate the preparation of a Subsequent EIR pursuant to State CEQA Guidelines Section 15162. No new information of substantial importance has been identified. Further, the Project has been reviewed in consideration of the VMT standards and CAP compliance measures adopted as part of the City's General Plan to determine Consistency with the General Plan and the SEPA Community Plan pursuant to CEQA Section 15183 . Since no changes to the SEPA or Elk Grove General Plan EIR are necessary to support the Project, the City is not required to prepare an Addendum to the EIR pursuant to State CEQA Guidelines Section 15164. Therefore, the prior EIRs are sufficient to support the proposed action and no further environmental review is required.

Community Plan Amendment Finding #1: The amendments to the community plan are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed Community Plan amendment would modify the land plan for the Project area. The Community Plan Amendment will not add any new land uses not currently designated on the site. Although the acreages of the residential land uses are being amended, the reconfiguration results in less than

a 5% overall increase (3,656 units total) to the total number of residential units allowed under the current land use designations on the Project site.

General Plan Amendment / Community Plan Amendment Finding #2: The amendment to the community plan is internally consistent to the community plan.

Evidence: The proposed amendment would modify the land plan for the Project area reconfiguring and adjusting the acreage of the Low, Medium, and High Density Residential designations. The plan amendments will not introduce any new land uses not anticipated in the Community Plan area. The amendments to the residential land uses will not result in an overall reduction of the number of potential residential units on the Project site. The Applicant proposes to modify the location of parks and greenways to accommodate a gated, age-restricted community. While the distribution and location of parks is being modified, the overall park land ratio of five acres per 1,000 residents will still be met in the SEPA plan area.

4. Laguna Main Street Apartments (PLNG19-047)

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

Evidence: The City prepared an IS/MND for the Sheldon Grove 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 State law, which is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the MND on April 23, 2021. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to Section 15072 of Chapter 3 of Title 14 of the California Code of Regulations (State CEQA Guidelines). A 30-day review and comment period was opened on April 23, 2021 and closed on May 24, 2021. The MND was made available to the public during this review period. The City received six written comment letters within the 30-day public review period. The comments do not alter the conclusions of the IS/MND as described in the staff report for the Project.

The IS/MND determined that the proposed Project would not result in any environmental impacts that could not be mitigated to a less than significant level. On the basis of the MND, environmental analysis, and the whole record (including the MND and any comments received on the MND), the Planning Commissions finds that there is no substantial evidence that the Project, with mitigation as provided in the MND, will have a significant adverse effect on the environment, and that the MND reflects the Planning Commission's independent judgment and analysis.

General Plan Amendment Finding: There is a substantial benefit to be derived from the amendment.

Evidence: The Project proposes that the General Plan land use designation for the Project site be changed from Community Commercial (CC) to Residential Mixed Use (RMU). Residential Mixed uses are generally characterized by pedestrian oriented development, including integrated public plazas, with vertical mixes of uses that feature ground-floor activity spaces, live-work units, or retail or office uses and allow residential uses above. Single-use buildings may also be appropriate. The predominant use is intended to be residential uses supported by commercial or office uses. Residential Mixed Use areas are generally located along transit corridors with access from at least one major roadway. Secondary access may be allowed from minor or local roadways. These areas may also serve as buffers between commercial or employment land uses and residential areas. The proposed Project is consistent with the following General Plan Policies:

Policy LU-2-1: Promote a greater concentration of high-density residential, office commercial or mixed-use sites and the population along identified transit corridors and existing commercial corridors, in activity centers, and at other appropriate locations.

Policy LU-2-4: Require new infill development projects to be compatible with the character of surrounding areas and neighborhoods, support increased transit use, promote pedestrian and bicycle mobility, and increase housing diversity.

Therefore, there is substantial benefit to be derived from the amendment.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of August 2021




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

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit A

Revisions to the General Plan

Figure 3-2 (Composite Map) on pages 3-7 and 3-8 is amended to appear as follows:

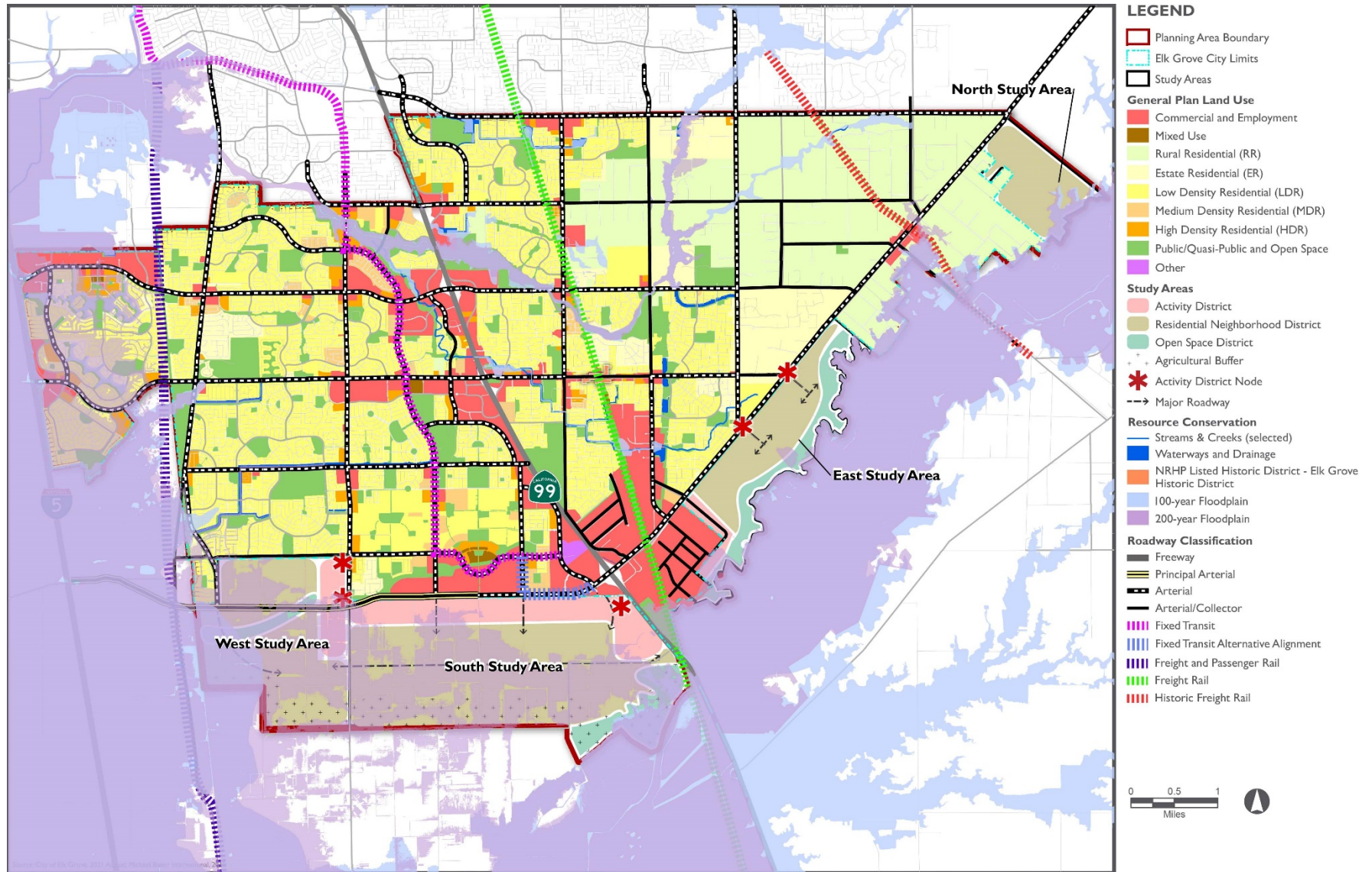
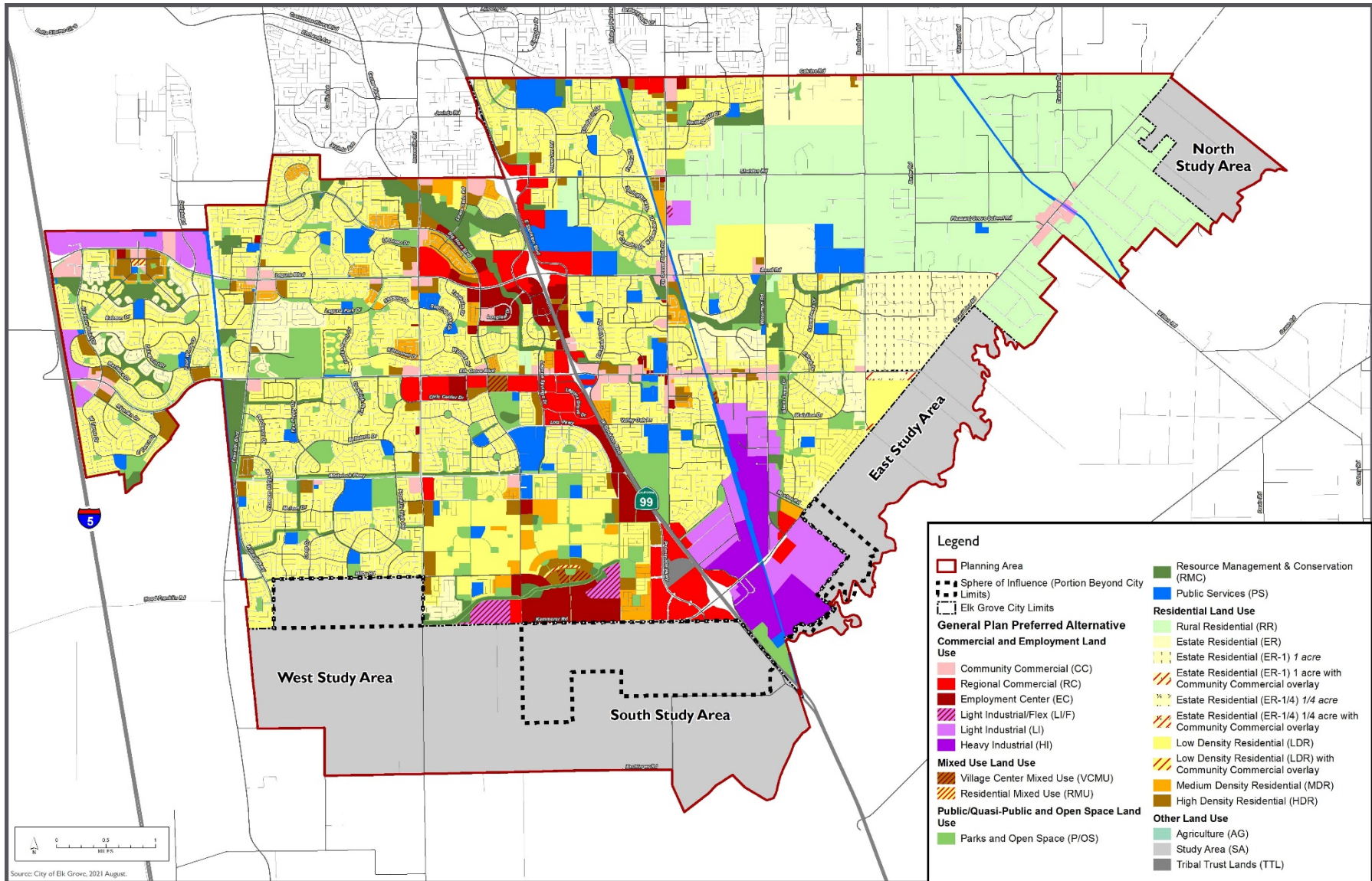


Figure 3-4 (Land Use Diagram) on pages 3-21 and 3-22 is amended to appear as follows:



CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2021-227

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 August 11, 2021 by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Nguyen, Hume, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California