

ORDINANCE NO. 21-2017

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE ZONING MAP FOR THE CITY OF ELK GROVE FOR THE
REARDAN PARK REZONE PROJECT (EG-17-018)**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on May 11, 2017, from Raynen & Bardis (the "Applicant") requesting a General Plan Amendment, Specific Plan Amendment, and Rezone (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 APN 132-0290-004 & -038; and

WHEREAS, the Project is located within the Laguna Ridge Specific Plan (LRSP); and

WHEREAS, the LRSP was adopted in June 2004 after certification of an accompanying Environmental Impact Report (EIR, SCH # 2000082139); and

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

WHEREAS, State CEQA Guidelines Section 15162 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 (see CEQA Finding/Evidence below); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on August 3, 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

WHEREAS, the Planning Commission voted 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on August 23, 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;

WHEREAS, on August 23, 2017, the City Council adopted Resolution No. 2017-208, finding the Reardan Park Rezone Project exempt from CEQA pursuant to State CEQA Guidelines Section 15162 and declaring its intent to approve the project;

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 City of Elk Grove Zoning Map for the Reardan Park Rezone Project (EG-17-018).

Section 2: (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 15162.

Evidence: The Laguna Ridge Specific Plan was approved and an Environmental Impact Report (EIR) (SCH 2000082139) certified by the City Council on June 16, 2004. In conjunction with the certification of the LRSP EIR a Mitigation Monitoring and Reporting Program (MMRP) was adopted for the Specific Plan. The Project was included in the analysis under the EIR.

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;
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 on 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 proposes to re-designate a portion of the site from park to school. No new residential or commercial uses are proposed. The LRSP EIR considered ground disturbance and development of this site generally. The operation of a school site along Poppy Ridge Road was specifically considered in the 2004 EIR, though on the adjoining property. While the school use may add more vehicular trips to Poppy Ridge Road, the most recent traffic analysis identifies the roadway segment operating at Level of Service A under cumulative conditions with a vehicle-to-capacity ratio of 0.45, meaning that there is sufficient capacity in the roadway for the proposed Project without impacting traffic operations under adopted City policies.

Therefore, the intensity of development on the site is similar to that anticipated under the 2004 EIR. There are no substantial changes in the Project from that analyzed in the 2004 EIR as the LRSP has been underbuilt from the maximum intensity considered in the analysis. There are 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 15162. Therefore, the prior EIR is sufficient to support the proposed action and no further environmental review is required.

Rezone

Finding: The proposed zoning amendment is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed rezoning will implement the General Plan and Specific Plan amendments consistent with General Plan Policy LU-3.

Section 3: Action

The Zoning Map of the City of Elk Grove is hereby amended as provided in Exhibit A, 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).

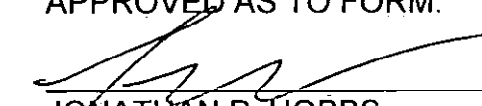
ORDINANCE: 21-2017
INTRODUCED: August 23, 2017
ADOPTED: September 13, 2017
EFFECTIVE: October 13, 2017



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

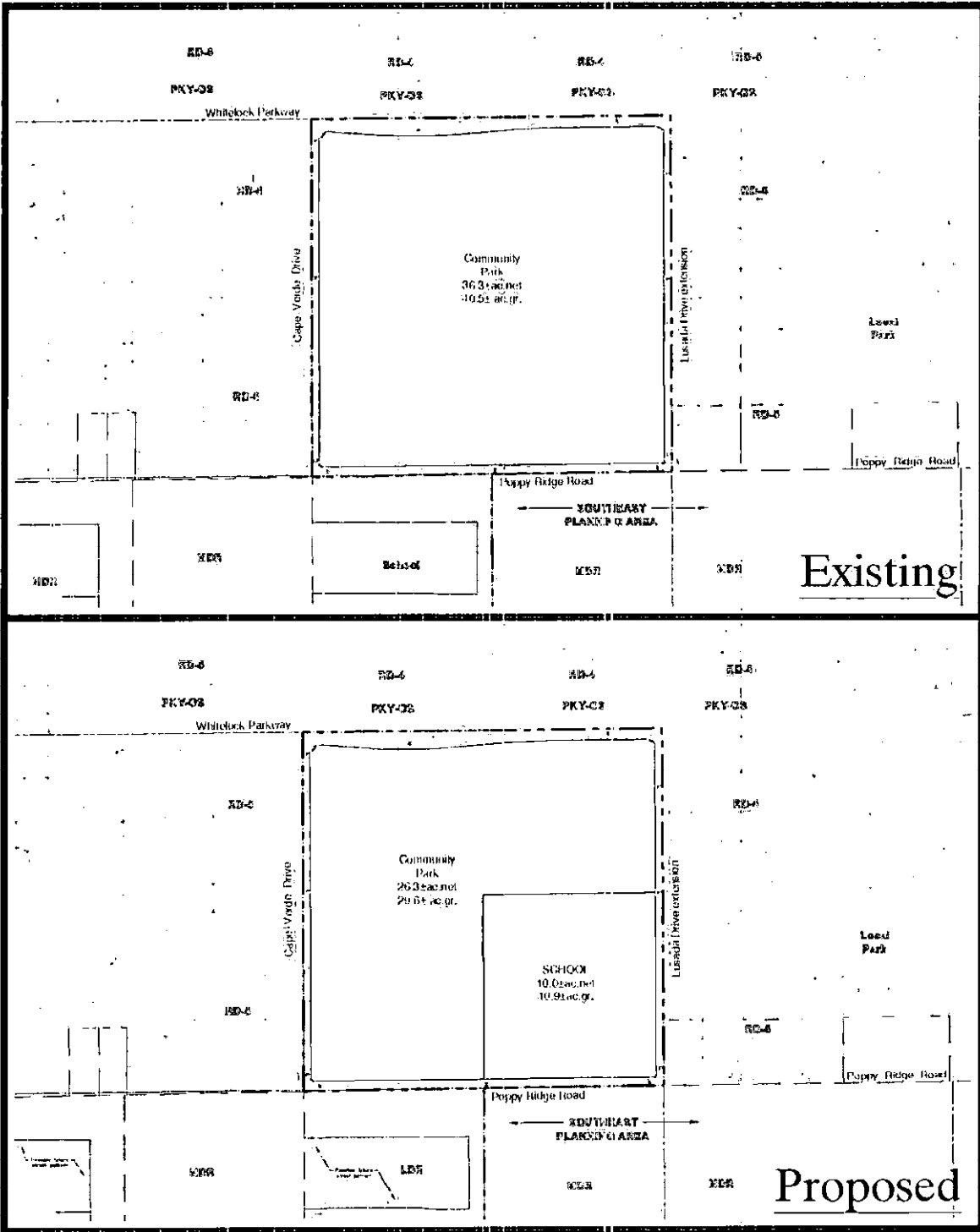

JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: September 21, 2017

EXHIBIT A REARDAN PARK REZONE PROJECT REZONE EXHIBIT



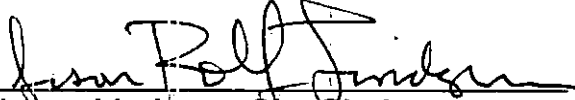
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 21-2017**

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 August 23, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 13, 2017 by the following vote:

AYES :	COUNCILMEMBERS:	Ly, Hume, Nguyen, Suen
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Detrick

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


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