

ORDINANCE NO. 18-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15162 AND APPROVING THE SPECIFIC PLAN AMENDMENT AND REZONE FOR THE PARK AT ELK GROVE PROJECT (EG-17-038): ASSESSOR PARCEL NUMBERS: 132-2150-014, -015, -016, -017 AND -029

WHEREAS, the Development Services Department of the City of Elk Grove ("City") received an application on August 28, 2017, from RJ Development, LLC, ("Applicant") requesting a General Plan Amendment, Specific Plan Amendment, Rezone, Major Design Review with Design Exception for Driveway Depth, Voluntary Merger of Contiguous Parcels, Boundary Line Adjustment, and Tree Removal Permit for the proposed The Park at Elk Grove EG-17-038 ("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 132-2150-014, -015, -016, -017 and -029; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq.; and

WHEREAS, Section 15162 (Subsequent EIRs and Negative Declarations) of State CEQA Guidelines states that no further environmental review is required under CEQA for projects where no subsequent EIR or Negative Declaration is required because 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 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 (LRSP), which considered the future development of the Project site (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, and all other applicable State and local regulations; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on August 16, 2018, 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 (Commissioner Maita recused) to recommend approval 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 and Laguna Ridge Specific Plan text 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 15162 (Subsequent EIRs and Negative Declarations).

Evidence: 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" (State CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

Consistent with State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), no further environmental analysis is required. State CEQA Guidelines Section 15162 specifies that when an Environmental Impact Report (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 there are new significant impacts due to a change in the project or circumstances, or there is new information of substantial importance requiring a further EIR. In 2003, the City Council certified an EIR and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the Laguna Ridge Specific Plan (LRSP) (SCH# 2000082139). The LRSP EIR analyzed full buildout of LRSP based upon the land plan, development standards, and policies contained in the General Plan and LRSP, as well as the improvements identified in the accompanying infrastructure master plans.

The proposed General Plan, LRSP, and zoning amendments for the senior housing and residential care facility for the elderly request would be less intense than the current commercial and office designation. The Project will have a proposed density of 19.6 units per acre and will be restricted to three stories in height consistent with the proposed HDR designation and RD-20 zone. The existing LRSP commercial/office land use designation envisions commercial and office uses and permits vertical mixed-use development that could reach six stories at similar HDR densities of 15-30 units per acre. While both the existing and proposed designations allow high density residential land use, the current LRSP land uses allow mixed-use high-density development that would be greater in scope than the maximum allowed under the proposed residential development. This reduction of allowed on-site intensity is highlighted by a reduction in the anticipated traffic trips, reduced parking demand, and reduced building size for the senior housing and elderly residential facility compared to what is allowed under the site's current commercial designation.

An arborist report and traffic analysis were performed in order to examine any potential peculiar effects of the Project consistent with CEQA Guidelines and the envisioned LRSP land use. The arborist report indicated most of the existing trees were in good condition; however, as shown on the Project plans, nine secure Valley Oak trees require removal due to their location within the proposed building and street layout. While eight of the trees are listed in fair condition, the ninth and largest tree was listed as dead. A condition of approval has been added to require mitigation of the removal of these trees prior to issuance of a grading permit and/or improvement plans. In regards to traffic, it is anticipated that development will result in approximately 58 trips at peak for full buildout of the site. These trips are within the range of trips anticipated for the street system under the LRSP and General Plan which anticipated a mix of commercial and high-density residential uses within the immediate area. The proposed Project and land use amendment would only allow for three-story development at a density of 15-25 units per acre, while the existing land use could allow six-story development with no maximum floor area ratio (FAR) to limit building coverage. In addition, the noise standards for residential uses would be lower than that of the existing commercial uses which typically have greater daytime and nighttime ambient levels. The 100-foot setback will minimize potential privacy and noise impacts from the three-story building and the single-story facility will be setback almost double the required setback. The single-story duplexes that abut the existing residential community will function similar to other single family homes as the rear yards will be separated by the existing 6-foot high masonry wall.

Based on the above analysis, staff believes the traffic impacts are consistent with those anticipated in the LRSP and General Plan EIR for impacts from uses anticipated for the site. The site will maintain access to all roadways and utility tie-ins and the Project complies with all local requirements. The three-story building complies with all setback standards to ensure the building massing will not negatively impact the visual aesthetics or privacy of the adjacent single-family housing. The facility will also implement General Plan policies for providing senior housing and care for the elderly. No additional environmental impacts have been identified for the Project other than those previously disclosed and analyzed in the EIR for the LRSP and the Project will be subject to the LRSP MMRP. The Project is being undertaken pursuant to and in conformity with the approved LRSP and

General Plan EIRs. Analysis of the Project's land use plan and special studies did not indicate substantial changes to the adopted land plan, increase in development intensity, or additional impacts to existing environmental resources beyond those previously identified in the 2003 LRSP EIR. No new information of substantial importance has been identified and no changes to the EIR are necessary to support the Project.

Therefore, since no changes to the EIR are necessary to support the Project, the City is not required to prepare an Addendum or other supplemental document to the EIR pursuant to State CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration). The prior EIR is sufficient to support the proposed action and, therefore, pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), no further environmental analysis is required.

Laguna Ridge Specific Plan Amendment

Finding #1: Significant changes to the character of the community have occurred subsequent to the adoption of the Specific Plan which warrants amendments as requested;

Evidence #1: The Laguna Ridge Specific Plan (LRSP) and associated EIR were adopted in 2004. The published 2015 General Plan Housing Element states that there are 6,418 seniors within the City over 65 years of age (2010 U.S. Census) and that as of 2013 the City only had enough licensed care facilities to accommodate 1,036 seniors with senior apartments accommodating an additional 710 senior units and rooms. This demonstrates a need for additional senior housing within the City. Since the proposed LRSP amendment will allow 151 new senior housing units and a large residential care facility for the elderly, the Project is providing new housing and non-residential services as envisioned in the original LRSP that encourages a mix of uses within close proximity. While residential care and senior housing may have not been specifically envisioned for the Project site in the 2004 adopted LRSP, multi-family and supportive service uses have always been encouraged per in the LRSP area. Therefore, the proposed request will not alter the envisioned community character consistent with the vision for the LRSP area.

Finding #2: The requested amendment will benefit the Specific Plan Area and/or the City;

Evidence #2: The proposed amendment would increase the amount of high-density housing acreage within the City and would further the City's housing policies of providing care and housing for seniors. The development will complete a large section of the Allen Ranch subdivision, providing on-site improvements while placing residents and employees in close proximity to surrounding services.

Finding #3: The amendment is consistent with the General Plan;

Evidence #3: The current C/O/MF General Plan designation allows commercial, office, and high-density residential uses when in combination with mixed-use submittals. The proposed HDR General Plan designation would permit similar residential densities (15.0 to 30.0 units per acre) without requiring a commercial/mixed-use component. Section 3.3.2 of the land use affordability section of the LRSP states that high-density housing (either standalone or with mixed use) should be viewed as having equivalent to or less of an impact on infrastructure and surrounding uses than the commercial uses that the housing is replacing.

Finding #4: The amendment will not adversely affect adjacent properties and can be properly serviced;

Evidence #4: The proposed General Plan, LRSP, and zoning amendments result in a project that would be less intense than the current commercial and office designation. While both the existing and proposed designations allow high-density residential land use, the existing designations would allow mixed-use housing and non-residential uses that could extend up to six stories in height while the proposed zone restricts development to three stories. It is anticipated that development will result in approximately 58 peak-hour trips at full buildout of the site. These trips are within the range of trips anticipated for the street system under the LRSP and General Plan and did not require further analysis.

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

Evidence #5: The site does not contain physical constraints that require further amendments to the envisioned LRSP. Changes in the housing market and more accurate assessment of regional needs for care and housing for the elderly have resulted in the proposed amendments to the LRSP and the Project will not alter the envisioned community character of the vision for the LRSP area.

Rezone

Finding #1: The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Evidence #1: The proposed HDR designation allows for densities of 15.1 to 30.0 units per acre. The Project proposes 19.6 units per acre. The General Plan Housing Element states that there are 6,418 seniors within the City over 65 years of age (2010 U.S. Census) and that as of 2013 the City only had enough licensed care facilities to accommodate 1,036 seniors with senior apartments accommodating an additional 710 senior units and rooms. This demonstrates a need for additional senior housing within the City. Since the proposed LRSP amendments and rezone will allow the 151 unit senior multi-family complex and the 71-bed large residential care facility for elderly, the Project is providing for a current housing need not specifically addressed during the original LRSP planning. The Project site is within close proximity to the City's designated

Laguna Ridge Town Center (EG-07-066) which will contain a bulk of the LRSP's commercial and office uses. Since there are a variety of recreational, institutional, and commercial uses surrounding the site, the conversion of the site to HDR will not impact the City's ability to encourage economic growth through non-residential development.

While senior housing complex and large residential care facility for the elderly may not have been specifically envisioned, multi-family housing has always been allowed per the land use designation and, therefore, the Rezone to a Multi-Family Residential zone would not alter the envisioned community character consistent with the vision for the LRSP area.

Section 3: Action

The City Council hereby approves the Project as identified in Exhibit A and approves the Laguna Ridge Specific Plan Amendment and Rezone as shown in 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

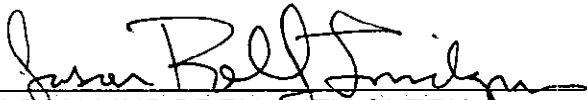
This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 18-2018
INTRODUCED: September 12, 2018
ADOPTED: September 26, 2018
EFFECTIVE: October 26, 2018



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Signed October 4, 2018

Exhibit A
THE PARK AT ELK GROVE (EG-17-038)
Project Description

PROJECT DESCRIPTION

The Project consists of a request to construct new senior housing, a residential care facility for the elderly with memory care services, and on-site improvements on an undeveloped, 11.4-acre site located at the southwest corner of Laguna Springs Drive and Civic Center Drive within the Laguna Ridge Specific Plan Area.

The Project includes:

- **General Plan Amendment** to replace 11.4 acres of the C/O/MF (Commercial/Office/ Multi-Family) General Plan designation with HDR (High Density Residential) designation.
- **Specific Plan Amendment** to replace 11.4 acres of the BP (Business and Professional Office) Laguna Ridge Specific Plan (LRSP) designation with RD-20 (Multi-Family Residential). The proposal includes a text amendment to permit the following uses by-right within the LRSP RD-20 zone:
 - 1) Residential care facility for the elderly (large and small); and
 - 2) Dwelling, two-family (e.g., duplex), when in conjunction with another multi-family use.
- **Rezone** to replace 11.4 acres of the BP (Business and Professional Office) LRSP designation with RD-20 (High Density Residential).
- **Major Design Review with Design Exception for Driveway Depth** for the construction of 151 senior housing units including a three-story, 135-unit senior housing facility and eight associated single-story duplexes (16 units); a single-story 41,672 square-foot, 71-room large residential care facility for the elderly; and new site improvements including paved parking areas, lighting, and landscaping.
- **Voluntary Merger of Contiguous Parcels** to consolidate four parcels into one parcel.
- **Boundary Line Adjustment (Lot Line Adjustment)** to reconfigure boundary lines to create a new parcel to accommodate the new buildings.
- **Tree Removal Permit** due to on-site improvements for the removal of nine Valley Oak trees secured during the development of the Allen Ranch subdivision (EG-03-493).

3.5.8 RD-20 MULTI-FAMILY RESIDENTIAL DENSITY (20.0 DU/AC MINIMUM)

3.5.8.1 Purpose and Intent

The Multi-Family RD-20 designation is intended to provide for apartments and other high density attached or detached housing.

3.5.8.2 Density

The total number of units for a particular parcel or parcels that are designated on the Land Use Plan as RD-20 shall be calculated utilizing a minimum density of 20.0 dwelling units per acre (du/ac) as specified by Section 3.3 Calculation of Density and Units. A density range of 15.0 to 25.0 du/ac is allowed, but a minimum average density of 20.0 du/ac. must be maintained RD-20 on multi-family sites. Any reduction in density must be reviewed by the City of Elk Grove to ensure affordable housing policies are met. An increase in the number of dwelling units is allowed by right up to a density of 25.0 du/ac.

3.5.8.3 Allowable Land Uses

The following land uses and activities are allowed within the RD-20 designation subject to the standards and provisions of this chapter, the policies and guidelines found within this Specific Plan.

Permitted:

- Multi-Family Apartments
- Condominiums
- Townhome/rowhouse or cluster development
- Home occupations
- Residential Care Facilities for the Elderly, Large
- Residential Care Facilities for the Elderly, Small
- Dwelling, two-family (e.g., duplex), when in conjunction with another multi-family use

Conditionally Permitted:

- Medical office, support office or retail where ancillary to a seniors project and less than 10% of the total building square footage.

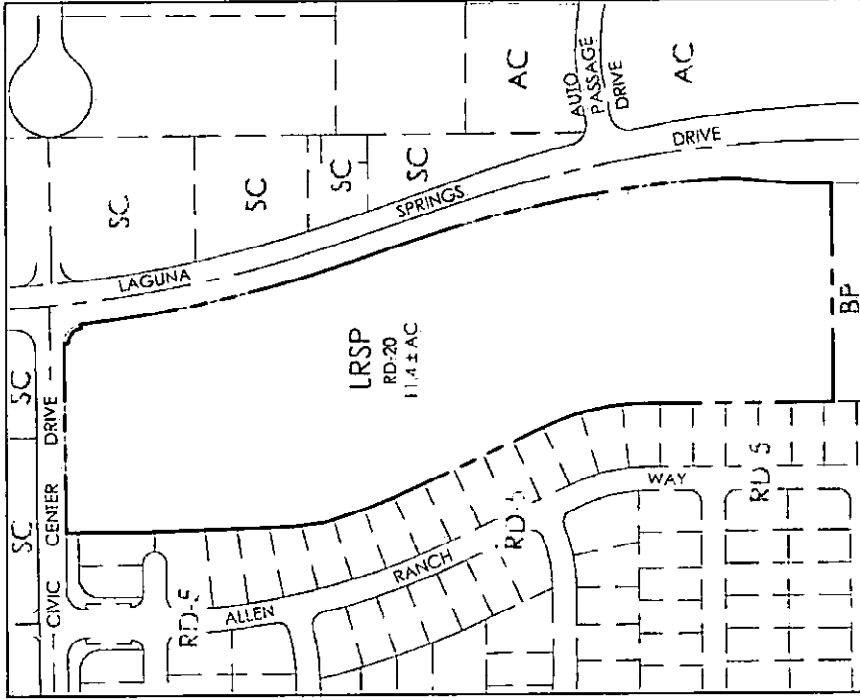
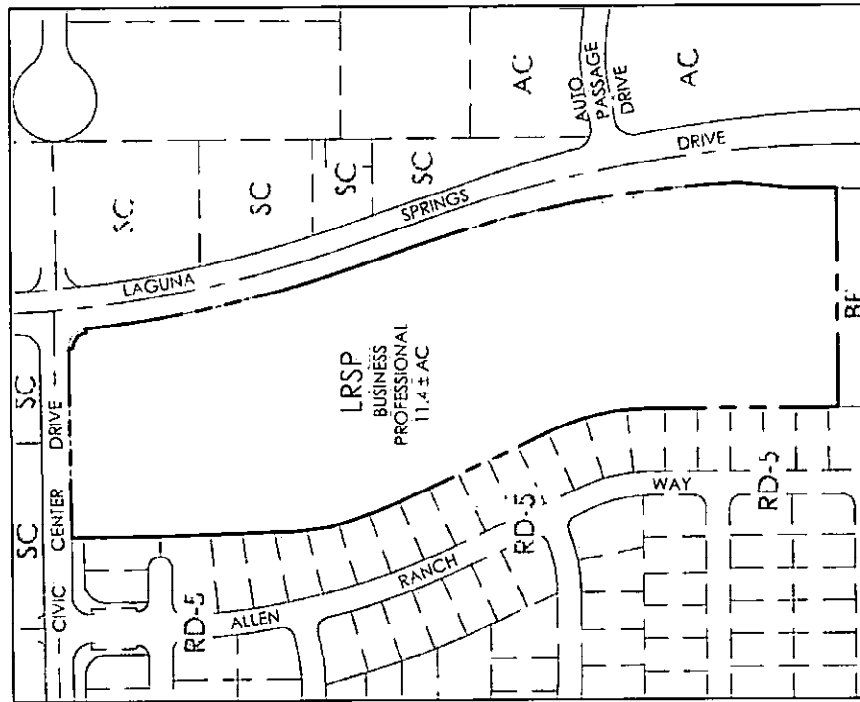
3.5.8.4 RD-20 Development Standards

The minimum net lot area, lot width, public street frontage, setbacks and other development standards for each lot within the RD-20 designation, shall be subject to the city's Design Review process.

HEIGHT: (3)

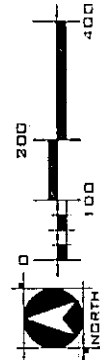
- Primary structure: 40 feet and 3 stories
- Ancillary structure: 25 feet
- Detached garage: 25 feet

SPECIFIC PLAN AMENDMENT EXHIBIT
THE PARK AT ELK GROVE
 CITY OF ELK GROVE, CALIFORNIA
 AUGUST 21, 2017



LAND USE SUMMARY

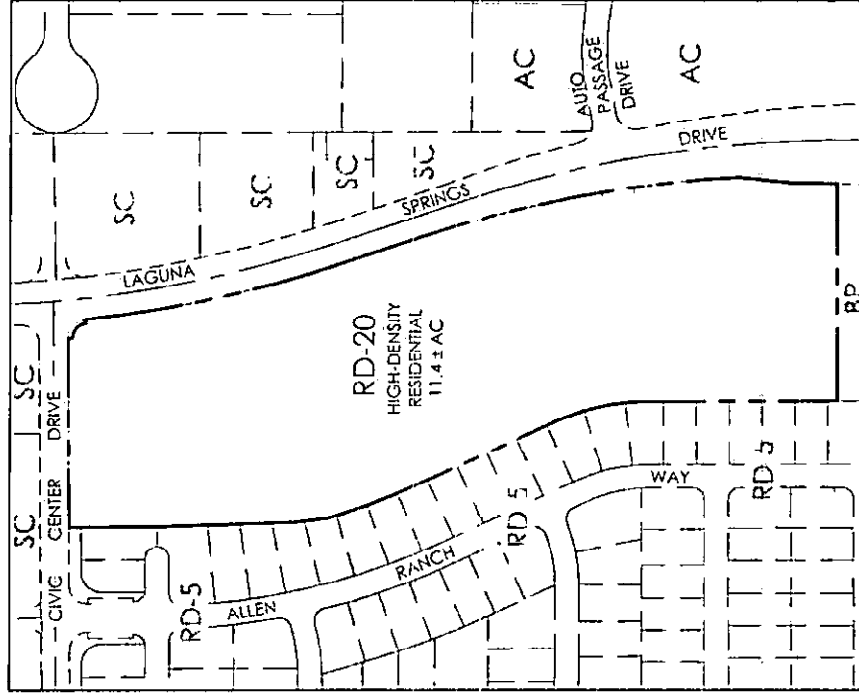
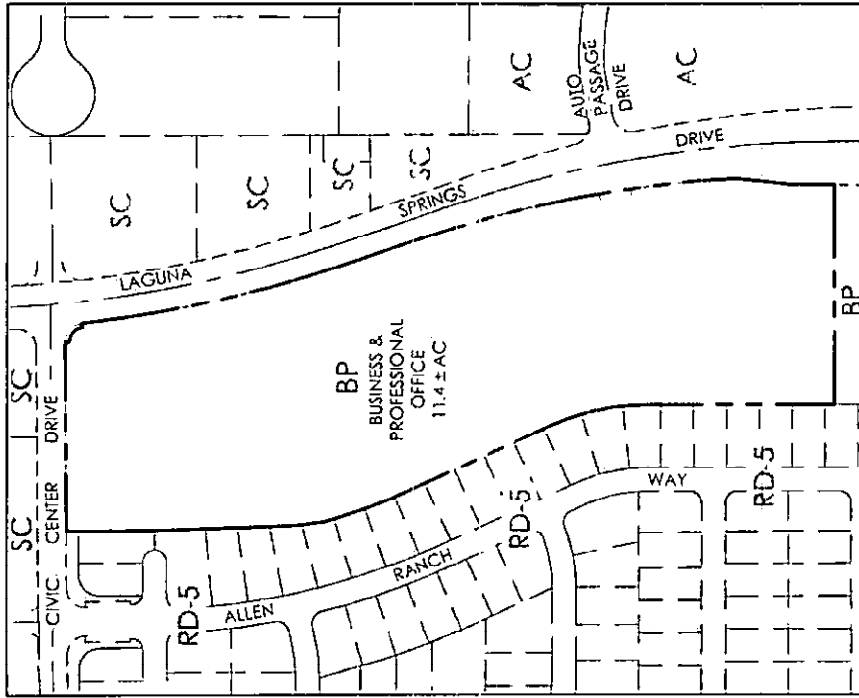
LAND USE	EXISTING	PROPOSED	DIFF.
LAGUNA RIDGE SPECIFIC PLAN - BUSINESS PROFESSIONAL	11.4	0.0	-11.4
LAGUNA RIDGE SPECIFIC PLAN - RD-20	0.0	11.4	11.4
TOTAL	11.4	11.4	0.0



WOOD RODGERS
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
 3301 C St. Blvd. 100 B
 Sacramento, CA 95816
 Tel 916.341.7760
 Fax 916.341.7767

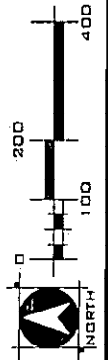
SPA EXHIBIT - THE PARK AT ELK GROVE

REZONE EXHIBIT
THE PARK AT ELK GROVE
 CITY OF ELK GROVE, CALIFORNIA
 AUGUST 21, 2017



REZONE SUMMARY

ZONING	EXISTING	PROPOSED	DIFF.
BUSINESS & PROFESSIONAL OFFICE	11.4	0.0	-11.4
RD-20 HIGH-DENSITY RESIDENTIAL	0.0	11.4	11.4
TOTAL	11.4	11.4	0.0



WOOD RODGERS
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
 3301 C St. Suite 100-B
 Sacramento, CA 95816
 Tel 916.341.7760
 Fax 916.341.7767

REZONE EXHIBIT - THE PARK AT ELK GROVE

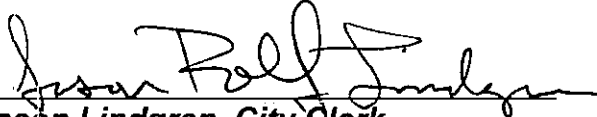
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 18-2018**

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 September 12, 2018 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 26, 2018 by the following vote:

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

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



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