

**ORDINANCE NO. 10-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE ELK GROVE-FLORIN AND BOND ROADS  
SPECIAL PLANNING AREA**

**WHEREAS**, California Government Code Section 65300 requires the City adopt a comprehensive, long-term general plan for the physical development of the City; and

**WHEREAS**, Government Code Section 65860 requires that the city's zoning regulations be consistent with the General Plan and that in the event that zoning regulations become inconsistent with the general plan by reason of amendment to the General Plan, the zoning shall be amended so that it is consistent with the General Plan as amended; and

**WHEREAS**, the City is preparing a comprehensive update to its General Plan; and

**WHEREAS**, amendment to the City's Municipal Code, including its zoning regulations and zoning map, are necessary to provide consistency with the pending General Plan Update (referred to herein as the General Plan-Zoning Consistency Program); and

**WHEREAS**, the Elk Grove-Florin and Bond Roads Special Planning Area was first adopted by Sacramento County in 1989 and became a City SPA upon incorporation; and

**WHEREAS**, the Elk Grove-Florin and Bond Roads Special Planning Area (EGFB-SPA) is part of the City's zoning regulations and incorporated by reference in EGMC Chapter 23.40 (Special Purpose Zoning Districts); and

**WHEREAS**, the City determined that the General Plan Update, including the General Plan-Zoning Consistency Program (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. and that an Environmental Impact Report (EIR) shall be prepared to evaluate the potential environmental effects of the Project; and

**WHEREAS**, a Notice of Preparation was released for public and agency review and comment on June 23, 2017, for the General Plan Update Draft EIR, with the public review period starting June 23, 2017, and ending on July 24, 2017, and a public scoping meeting to receive comments on topics and issues which should be evaluated in the Draft EIR was held by the City on July 11, 2017; and

**WHEREAS**, upon receipt of the Notice of Preparation, the State Clearinghouse issued State Clearinghouse Number SCH#2017062058 for the Project; and

**WHEREAS**, the draft General Plan was released for public review on July 27, 2018, and was made available at City Hall, at the Elk Grove and Franklin Public Libraries, and on the City's website; and

**WHEREAS**, in accordance with Government Code Section 65352, the City referred the proposed draft General Plan to numerous agencies and entities and

provided each with adequate time in which to comment on the draft General Plan; and

**WHEREAS**, the City distributed a Notice of Availability for the General Plan Update Draft EIR on July 27, 2018, which started a public review period, ending on September 26, 2018; and

**WHEREAS**, the Notice of Completion for the Draft EIR was also submitted to the State Clearinghouse for state agency review with Public Review Period starting July 27, 2018, and ending on September 26, 2018; and

**WHEREAS**, the City held a public meeting on September 13, 2018, to receive public comments on the Draft EIR and those comments were received and considered in the Final EIR; and

**WHEREAS**, the Draft EIR identified several significant and unavoidable environmental impacts of the General Plan. Approval of the General Plan therefore required the adoption of a Statement of Overriding Considerations by the City Council; and

**WHEREAS**, the Draft EIR identified several potentially significant impacts that will be reduced to insignificance with specific mitigation measures. Approval of the General Plan therefore required adoption of mitigation findings and a Mitigation Monitoring Program; and

**WHEREAS**, a Final EIR has been prepared, identifying an erratum of changes to the Draft EIR as a result of the public comments on the Project, the comments to the Draft EIR, and other revisions to the Project, as identified by the City; and

**WHEREAS**, the Draft and Final EIR, including the response to the public comments, reflects the City's independent judgment and analysis; and

**WHEREAS**, on January 17, 2019, the Planning Commission recommended to the City Council that the General Plan Update EIR should be certified and that Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program be adopted; and

**WHEREAS**, on February 27, 2019, the City Council considered the General Plan Update EIR and adopted a Resolution certifying the EIR and adopting Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on January 3, 2019 and February 7, 2019 as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting and voted 4-0 (Spease abstain) to recommend approval to the City Council; and

**WHEREAS**, the City Council held a duly-noticed public hearing on March 13, 2019 as required by law to consider all of the information presented by staff 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 Elk Grove-Florin and Bond Roads Special Planning Area for consistency with the General Plan.

**Section 2: Findings**

**California Environmental Quality Act (CEQA)**

**Finding:** The Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act (CEQA) and it reflects the independent judgment and analysis of the City.

**Evidence:** Adoption of the General Plan Update requires an Environmental Impact Report (EIR).

The City prepared a Notice of Preparation (NOP) and circulated it to public agencies and interested parties (including the general public) on June 23, 2017, once a draft Vision and supporting principles and preferred land plan were identified by the City Council. The NOP provided an introduction to the Project. Comments on the scope of the EIR were requested by July 24, 2017, consistent with the requirements of the State CEQA Guidelines. Comments received on the NOP are included in the Draft EIR (Appendix B) and responses are provided in Chapter 1.

The Draft EIR has been prepared as a program EIR pursuant to CEQA Guidelines Section 15168. A Program EIR examines the environmental impacts of an overall area that may contain a series of subsequent projects. This type of EIR focuses on the changes in the environment that would result from implementation of the overall Project, including development of land uses and transportation systems identified in the Project, as well as other infrastructure required to serve the Project. The General Plan Update EIR will serve as the environmental review document for subsequent activities in the program. Consistent with CEQA Guidelines Section 15168(c), the City will review subsequent activities to determine whether the activity is within the scope of the Project covered by the Program EIR or whether an additional environmental document must be prepared.

The Draft EIR identified a range of potential impacts resulting from adoption of the General Plan. Some of these impacts are analyzed in comparison to existing plans and programs, including the existing General Plan. The impact areas come from the State's CEQA guidelines (the CEQA Checklist). Staff has also included pending changes to the CEQA Checklist, including the forthcoming revisions for Vehicle Miles Traveled. This Draft EIR bridges the existing and forthcoming CEQA Checklist in order to provide coverage for future projects.

The EIR has identified the following environmental issue areas as having potentially significant environmental impacts from implementation of the Project:

- Aesthetics, Light, and Glare
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils, Mineral Resources, and Paleontology
- Greenhouse Gas Emissions and Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services and Recreation
- Public Utilities
- Transportation

Conclusions to the potential impacts are classified as either less than significant, less than significant after incorporation of mitigation measures, or significant and unavoidable. Significant and unavoidable impacts do not limit the City's ability to approve a project. Rather, given CEQA's role in providing disclosure of potential impacts, the City may approve a project with significant impacts that cannot be mitigated to a less than significant level. CEQA Guidelines Section 15093 states that "CEQA requires the [City] to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.' When the [City] approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the [City] shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record." A statement of overriding considerations is necessary to approve the General Plan Update.

On July 27, 2018, concurrent with the public availability of the draft General Plan, the City released the Draft EIR. The Draft EIR was made available for public review and comment on the City's website, at City Hall, and at the Elk Grove and Franklin libraries for a period of 60 days. Public comments on the Draft EIR were due to the City on September 26, 2018. A total of 17 comment letters were received. Responses to these comments have been prepared by staff and are included in the Final EIR.

The Final EIR also includes an erratum of changes to the Draft EIR as a result of the public comments on the Project, the comments to the Draft EIR, and other revisions to the Project as identified by the City (the Planning Commission, staff). The Final EIR indicates that the modifications to the Project are minor in nature and do not cause any change in significant impacts that were analyzed in the Draft EIR

## **Special Planning Area Amendment**

**Finding #1:** The proposed special planning area is consistent with the goals, policies, and objectives of the General Plan.

**Evidence #1:** The proposed revisions to the EGFB-SPA maintain consistency with the General Plan land use map and update the text and map to illustrate the four sub-areas within the EGFB-SPA, including commercial, multifamily residential, single family residential, and the Laguna Creek corridor.

**Finding #2:** That the proposed special planning area meets the requirements set forth in this title.

**Evidence #2:** The revised EGFB-SPA contains all of the components required in EGMC Section 23.16.100.D, including a list of permitted uses, development standards, other design requirements, and reasons for the establishment of the special planning area.

**Finding #3:** That the proposed special planning area is needed because the project is not possible under the existing zoning requirements.

**Evidence #3:** The EGFB-SPA was established to address unique issues with the site relative to drainage around Laguna Creek, which bisects the EGFB-SPA, and continues adjacent to the railroad tracks along the eastern boundary of the EGFB-SPA. These conditions have not changed. The proposed amendments continue to reflect these conditions and clarify the various sub-areas to the EGFB-SPA.

### **Section 3: Action – Special Planning Area Amendment**

The Elk Grove-Florin and Bond Roads Special Planning Area is hereby amended as shown 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 affect; 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 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:** 10-2019  
**INTRODUCED:** March 13, 2019  
**ADOPTED:** March 27, 2019  
**EFFECTIVE:** April 26, 2019




\_\_\_\_\_  
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: April 1, 2019

## Elk Grove-Florin and Bond Roads Special Planning Area

*Text changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).*

## ELK GROVE-FLORIN AND BOND ROADS SPECIAL PLANNING AREA

1. ~~501-180-~~ INTENT. ~~It is the~~ The intent of the ~~Board of Supervisors~~ City of Elk Grove in adopting this Special Planning Area Ordinance is to allow development of residential and commercial uses compatible with the existing flood area and to mitigate the impacts of noise generated from the adjacent railroad.
2. ~~501-181.~~ EXHIBITS. ~~Section 501-181.1, as amended and attached to this Ordinance, is incorporated herein and made a part of this Ordinance for all purposes~~ Figure 1 illustrates the location and configuration of the Elk Grove-Florin and Bond Special Planning Area, including identifying the location of the four Use Areas described in Section 3 below.
3. ~~501-182.~~ PERMITTED USES. Uses on any portion of the property described in ~~Section 501-181.4~~ Figure 1 shall be as regulated ~~within the Zoning Code of Sacramento County as follows:~~

~~(a) Area A:~~

~~(1) Single family dwellings, duplexes, or halfplexes~~

~~(b) Area B:~~

~~(1) All uses listed in Table I of the Sacramento County Zoning Code as permitted in the RD-5 zoning district and as regulated by Section 201-04 of the Zoning Code.~~

~~(2) Business and professional uses~~

~~(3) Medical offices~~

~~(4) Post office~~

~~(5) Library~~

~~(6) Municipal court~~

~~(7) Sheriff's substation~~

~~(8) Hospital urgent care facility~~

~~Automobile service stations and convenience markets subject to Conditional Use Permit approval by the Board of Supervisors after a recommendation from the Project Planning Commission.~~

~~(c) Area C:~~

~~(1) Multiple family residential with a maximum of 20 dwelling units per acre.~~

~~(2) Other uses deemed to be similar and like to the above uses by the Project Planning Commission as a result of the grant of a use permit.~~

(a) Area A: Within Area A, single-family dwellings, duplexes, or halfplexes are permitted by right. Other residential uses as set forth in EGMC Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) for the RD-6 zone shall also be allowed as provided in that table.

(b) Area B: Within Area B, Multifamily residential uses with a maximum of 30 dwelling units per acre and home occupations (subject to EGMC 23.82, home occupations) shall be permitted by right.

(c) Area C: Within Area C, commercial uses shall be allowed as provided in the General Commercial (GC) zone as set forth in EGMC Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts).

(d) Area D: Within Area D, uses as allowed in the Park and Recreation (PR) zone as set forth in EGMC Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts).

4. 501-183. DEVELOPMENT PLAN REVIEW. No development shall take place on any property to which this Ordinance applies, as shown in Section 501-181.1, until final development plans have been approved by the Project Planning Commission as provided herein. The Planning Commission shall approve the development plan if the location and design of the proposed use mitigates potential adverse effects, consistent with development standards established in Section 501-184 below. The Planning Commission shall not approve development plans under provisions of this section, unless it first finds that the proposed development will not create conditions that are adverse to the health or safety of the residential use on the property described above. Development within this SPA shall be subject to those permit requirements provided in EGMC Chapter 23.16 (permit requirements).

5. 501-184. DEVELOPMENT STANDARDS.

(a) The location and configuration of buildings and other improvements shall comply with the development standards set forth in Title III of the Sacramento County Zoning Code, provided, however, that deviations from such standards may be permitted by the Project Planning Commission in approving development plans whenever necessary to preserve native trees or reduce interior noise levels within the dwelling units. The location and configuration of buildings and other improvements shall comply with the development standards set forth in Chapter 23.29 of the Elk Grove Municipal Code, provided, however, that deviations from such standards may be permitted as provided in EGMC Chapter 23.16 (permit requirements). Specifically:

- (1) Development in Area A shall conform to the standards of the RD-6 zone.
- (2) Development in Area B shall conform to the standards of the RD-25 zone.
- (3) Development in Area C shall conform to the standards of the GC zone.
- (4) Development in Area D shall conform to the standards of the PR zone.

(b) Grading. The design, layout, and configuration of the improvement shall minimize the extent and amount of grading. The following techniques shall be considered and utilized where feasible to accomplish the reduction in the extent and amount of grading:

- (1) The use of split level building design and foundation systems to accomplish elevation transitions as close to existing grade as possible.



(2) Grading for streets shall be reduced as much as possible, consistent with the minimum requirements for utility service, drainage requirement, and street design and improvement requirements.

~~(3) No grading, except as provided in Section 16.44.090 of the Sacramento County Code, shall be done on the property described in Section 501-181.1 until a grading permit is obtained from the Department of Public Works.~~

~~(4)~~(3) No grading for purposes of development shall be permitted within the floodway of Laguna Creek. Maintenance work, as allowed under State and/or federal permits shall be permitted.

~~The Department of Public Works shall not approve any grading plans or issue grading permit, unless said plans are consistent with the site plans approved by the Project Planning Commission and with the policies as set forth in this section.~~

(c) Trees. The design, layout and configuration of the improvements shall be accomplished so as to minimize the removal of trees. No native trees having a diameter of nine inches or more, measured four and one-half feet above the ground, shall be damaged or removed unless:

(1) The trees are located within the right-of-way of an approved building envelope.

(2) The trees are specifically approved for removal by the Planning Commission as part of the site plan approval.

(3) Such removal is necessary for elimination of diseased growth, for fire prevention and control, erosion and flood control, or as may be required for pedestrian, bicycle, or equestrian paths and trails.

(4) Mitigation for removal of trees shall comply with the requirements of EGMC Chapter 19.12 (Tree Preservation and Protection).

(d) Laguna Creek.

(1) The floodplain of the creek shall remain in its natural state, unless a hydrologic study approved by the ~~County Division of Water Resources~~ permits City provides otherwise. Authorized exceptions to this rule standard are:

(aa) Removal and clearing of debris, growth, brush, or trees necessary for the maintenance of the free passage of storm buildings and other improvements.

(bb) Construction of any improvements expressly approved by the ~~Board of Supervisors~~ City Council, or where such improvements are found to be necessary for the prevention of erosion, the protection of public or private property, or for the preservation of the public health, safety, or welfare.

(2) ~~Due to the proximity to the floodplain of Laguna Creek, all structures shall be built at flood pad elevations, to the satisfaction of the County Water Resources Division of the Department of Public Works. All development shall conform to the standards of EGMC 16.50 (flood damage prevention) and EGMC 23.42.050 (flood combining district) as applicable.~~

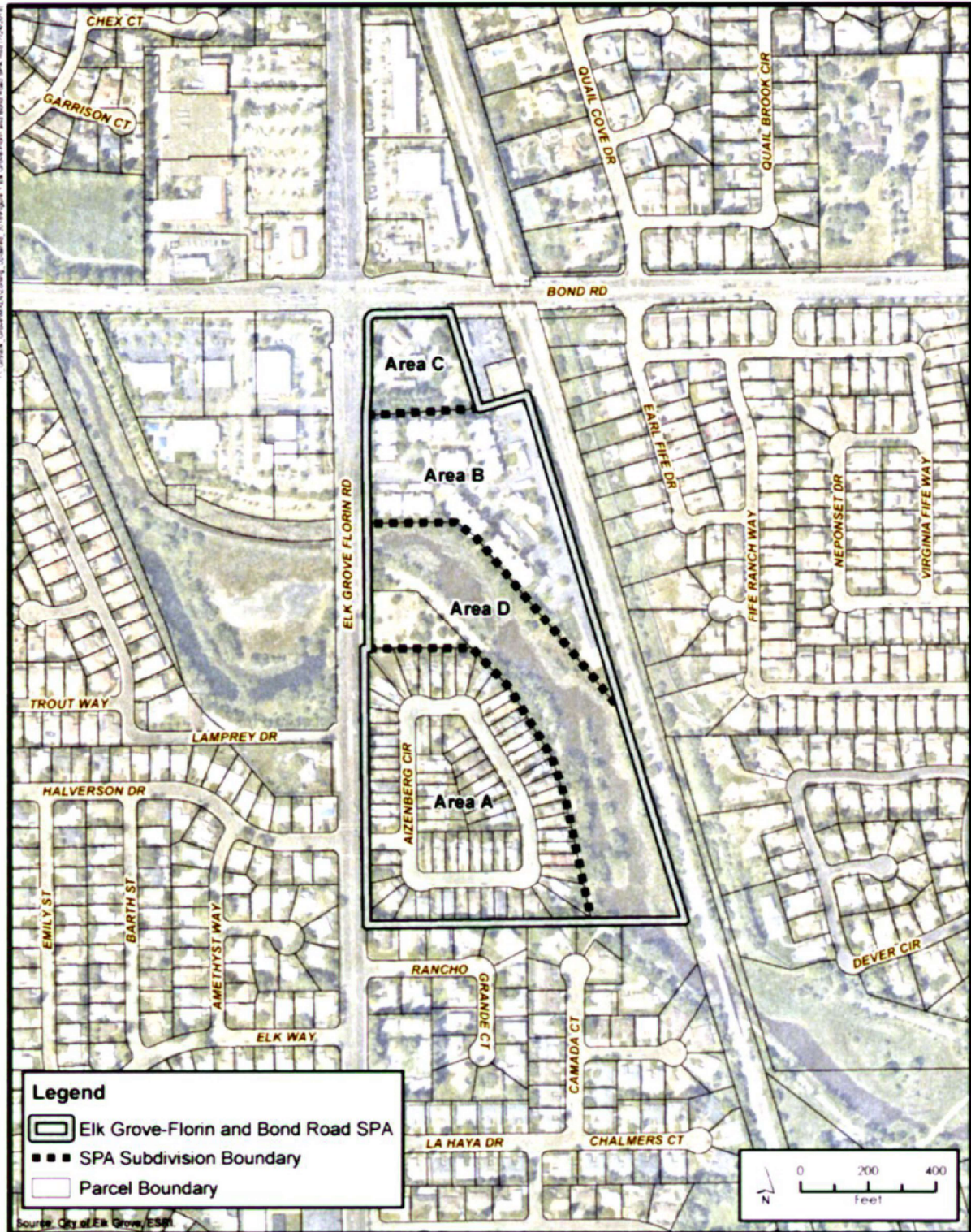
- (3) Any modifications to the floodway/floodplain of Laguna Creek are to be approved by the ~~Water Resources Division~~ City Engineer.
- (e) Coordination of Projects. The ~~Project~~ Planning Commission, in receiving and approving development plans, shall consider the relationship of circulation pattern of the proposed project with neighboring projects to ensure compatibility and coordination of projects with each other and with the community plan.
- (f) Setbacks. ~~Except as otherwise provided in section (a) above, setbacks~~ Setbacks shall be established at time of development plan review, except that along Bond Road and Elk Grove-Florin Road a 25 foot landscaped planter shall be required.
- (g) Road Improvements. Prior to the issuance of any building permits, the owner(s) shall deed to the ~~county~~ City the necessary right-of-way for Bond and Elk Grove-Florin Roads, and any other public road approved for the site, based upon widths acceptable to the ~~County Department of Public Works~~ City. Installation of improvements shall be in accordance with ~~that department's~~ City requirements.
- (h) ~~Multiple-Family~~ Multifamily Development. In addition to compliance with any other development standards set forth in this section, any ~~multiple-family~~ multifamily development proposed in Area ~~C B~~ shall comply with the following standards: ~~Incorporate into the design of the buildings a noise level reduction of 30db; patios and balconies adjacent to Elk Grove Florin Road shall be constructed with noise barriers four feet and three and one half feet in height, respectively; barrier materials shall be airtight and massive, with no significant gaps in construction; suitable barrier materials include stucco, wood paneling on both sides of a wood stud frame, and three quarter inch plywood; other materials may be suitable, if reviewed by a qualified acoustical consultant and approved by the Planning Department; there is to be only one 45 foot wide access drive from Elk Grove Florin Road; any secondary driveway is to be for emergency vehicle access only.~~
- (1) Incorporate into the design of the buildings a noise level reduction consistent with the General Plan.
- (2) Patios and balconies adjacent to Elk Grove Florin Road shall be constructed with noise barriers four feet (4') and three- and one-half feet (3' 6") in height, respectively.
- (3) There is to be only one 45-foot wide access drive from Elk Grove Florin Road. Any secondary driveway is to be for emergency vehicle access only.

~~501-185. VIOLATIONS. Violations of the provisions of this Ordinance, or exhibits made part of this Ordinance, shall be deemed a violation of Sacramento County Zoning Code, Ordinance No. 83-10 as amended.~~

~~501-186. VARIANCES. The variance provisions of Title I, Chapter 10, Article 2 of the Zoning Code shall apply to this Ordinance.~~

~~501-187. FINDINGS. In adopting this Special Planning Area Ordinance, the Sacramento County Board of Supervisors makes the following findings:~~

- ~~— (a) The area described in Section 501-181.1 contains a portion of Laguna Creek with its natural amenities and groundwater recharge potential.~~
- ~~— (b) These environmental features cannot be adequately protected through the adoption of any other land use zone and its related development standards.~~
- ~~— (c) Noise generated from the adjacent railroad could affect the health and safety of the residents of the development.~~
- ~~— (d) The size of this Special Planning Area is sufficient to allow construction of several residential projects of varying densities and styles and, thus, will not constitute the granting of a special privilege, nor deprivation, of property rights.~~
- ~~— (e) The uses permitted by this Ordinance provide for a reasonable use of the land and will not cause undue hardship on property owners within the area described in Section 501-181.1.~~



City of Elk Grove  
Development Services

**Figure 1**  
Elk Grove-Florin and Bond Road  
Special Planning Area

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 10-2019**

**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 13, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 27, 2019 by the following vote:***

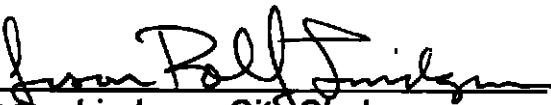
**AYES :**                   **COUNCILMEMBERS:**     ***Ly, Hume, Nguyen***

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

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

**ABSENT:**                **COUNCILMEMBERS:**     ***Detrick, Suen***

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

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