



*City of Arts & Innovation*

# City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 17, 2015

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARDS: 3, 4 & 5

SUBJECT: P11-0050 – ENVIRONMENTAL IMPACT REPORT & P12-0220 – GENERAL PLAN AMENDMENT FOR THE CRYSTAL VIEW TERRACE/GREEN ORCHARD PLACE/OVERLOOK PARKWAY PROJECT

## **ISSUE:**

The issue for City Council consideration is the final Environmental Impact Report (EIR) associated with the Crystal View Terrace/Green Orchard Place/Overlook Parkway Project, which entails consideration of the removal of vehicular gates on Crystal View Terrace and Green Orchard Place, as required under Tract Map 29515 and Tract Map 29628, respectively, and as further required pursuant to the General Plan 2025. The EIR analyzes four potential scenarios, each of which represents an alternative set of actions, addressing vehicular circulation associated with Green Orchard Place, Crystal View Terrace, and connection to Overlook Parkway, means of providing access to State Route 91, as well as the review of this connection to a specific plan level of detail as required by the General Plan 2025.

## **RECOMMENDATIONS:**

That the City Council:

1. Close the Public Hearing;
2. Select one of the four scenarios identified in the Environmental Impact Report; and
3. Direct Staff to return to City Council with the required Resolutions, Findings of Fact, Statements of Overriding Considerations, and Mitigation Monitoring and Reporting Program for certification and adoption.

## **PLANNING COMMISSION RECOMMENDATIONS:**

On June 6, 2013, by a vote of 5 ayes, 1 no and 0 abstentions, the City Planning Commission recommended that the City Council:

- 1) find that the Draft EIR has been completed in accordance with the California Environmental Quality Act (CEQA);
- 2) recommend approval of the Crystal View Terrace/Green Orchard Place/Overlook Parkway Project Scenario 2 and find that Scenario 2 will have a significant effect on the environment;

- 3) find that no feasible alternatives to the Project have been identified that would avoid or substantially lessen the significant environmental effects as identified in the Draft EIR; and
- 4) adopt a Statement of Overriding Considerations (SOC) prior to certification of the EIR.

The City Planning Commission also recommended approval of Planning Case P12-0220 (General Plan Amendment) to:

- 1) modify the necessary text and policies and modify Implementation Tool 14 and CCM-4 – the Master Plan of Roadways of the General Plan 2025;
- 2) modify the relevant project conditions and mitigation measures for Tract Maps TM-29515 and TM-29628; and
- 3) add a recommendation that Overlook Parkway not be completed until further environmental review is completed.

The City Planning Commission made the aforementioned findings in the affirmative as contained in the attached minutes from the June 6, 2013 Planning Commission meeting (Attachment 2).

Although the Planning Commission recommended approval of Scenario 2, the Commission clearly indicated that, as part of their recommendation, Overlook Parkway would remain on the General Plan and eventually the bridge would be constructed. However, in conjunction with this recommendation, the Planning Commission noted that further Environmental Review should be conducted before Overlook Parkway is contemplated for completion in the future. The Planning Commission also expressed concern that the EIR did not include a comprehensive traffic analysis in regard to traffic queuing at the Madison Street railroad crossing as it related to Scenarios 3 and 4. Therefore, the Planning Commission recommended further environmental analysis to address traffic queuing at the Madison Avenue railroad crossing. To accommodate this concern and ensure the City Council has all needed information to approve a Scenario, the Public Works Department has prepared a Queuing Study (Attachment D of Attachment 3).

## **BACKGROUND:**

Since the City's first master plan, prepared by Chas H. Cheney and adopted June 1928, the City has been working to provide circulation solutions within the Project area. A detailed history of the Overlook Parkway design can be found in the June 6, 2013 Planning Commission staff report (Exhibit 4 – Timeline, within Attachment 1). Most notable, an "Overlook Parkway Crossing of the Alessandro Arroyo Development Fee", was approved by the City Council in 1991. This fee has been collected from developers of every residence constructed in the Alessandro Heights Area since that time for the purpose of constructing the Overlook Parkway Bridge over the Alessandro Arroyo. The maximum number of homes permitted in the immediate area was based upon the approved circulation system, including the connection of Overlook Parkway across the Alessandro Arroyo. For the most part, Overlook Parkway in its current condition serves the existing population of the study area.

In Tract Maps 29515 and 29628, mitigation measures and conditions were included that required vehicular gates to be installed in Crystal View Terrace and Green Orchard Place and remain closed until such time as Overlook Parkway was connected across the Alessandro

Arroyo. The General Plan 2025 also includes policies consistent with this requirement. In December 2010, the City Council directed staff to prepare an Environmental Impact Report in conjunction with the study of the potential removal of the gates at Crystal View Terrace and Green Orchard Place.

### **EIR:**

The EIR looked at four possible scenarios, each of which represents an alternative set of actions, intended to help resolve potential vehicular circulation issues associated with the vehicular gates on Crystal View Terrace and Green Orchard Place; address the connection of Overlook Parkway easterly to Alessandro Boulevard and potentially provide for a future connection to the SR-91. Further, the scenarios, in addition to the requisite CEQA requirements, analyzed several additional conditions, including those related to public safety, such as, but not limited to, emergency response to areas near the existing vehicle access gates on Green Orchard Place and Crystal View Terrace, as well as near Overlook Parkway, both in its existing and master planned condition, the reoccurring maintenance needs related to the opening and closing of the gates and increased traffic volumes within residential neighborhoods associated with all scenarios. The scenarios and the analysis contained within the EIR are intended to provide a more comprehensive look at traffic patterns and distribution in the eastern portion of the City. The EIR fully analyzes four circulation scenarios that are described below and in detail in Section 2.6 of the EIR.

**Scenario 1 - Gates closed to through traffic, no connection of Overlook Parkway:** Under Scenario 1, both the Crystal View Terrace and Green Orchard Place gates would remain in place and be closed until Overlook Parkway is connected to the east across the Alessandro Arroyo, to Alessandro Boulevard, and a connection westerly of Washington Street is completed.

**Scenario 2 - Gates removed, no connection of Overlook Parkway:** Under Scenario 2, the gates at both Crystal View Terrace and Green Orchard Place would be removed, and there would be no connection of Overlook Parkway across the Alessandro Arroyo at this time. Overlook Parkway would remain on the Master Plan of Roadways (Figure CCM-4) in the General Plan 2025 for future buildout, but certain policies in the General Plan 2025 concerning the gates would need to be modified. In addition, relevant project conditions and mitigation measures for Tract Maps TM-29515 and TM-29628 would also need to be amended.

**Scenario 3 - Gates removed, Overlook Parkway connected:** Under Scenario 3, the gates at Crystal View Terrace and Green Orchard Place would be removed and Overlook Parkway would be connected over the Alessandro Arroyo. This scenario would require a General Plan Amendment to remove policies addressing the potential connection route between Washington Street and SR-91 prior to completing Overlook Parkway across the arroyo.

**Scenario 4 - Gates removed, Overlook Parkway connected, and Overlook Parkway extended westerly:** Under Scenario 4, both the Crystal View Terrace and Green Orchard Place gates would be removed and Overlook Parkway would be connected over the Alessandro Arroyo and east to Alessandro Boulevard. In addition, a new road (Proposed C Street) would be constructed west of Washington Street to provide a connection to SR-91. The Proposed C Street would extend approximately one mile from Washington Street north and west ending at the intersection of Madison Street and Victoria Avenue and adjacent roadways would be realigned.

Exhibit 14 of the attached June 6, 2013 Planning Commission staff report (Attachment 1) provides a more detailed description of each scenario and identifies the potential environmental impacts associated with each scenario.

The traffic analysis prepared for the EIR did not look at permanently removing Overlook Parkway from the Master Plan of Roadways in the General Plan 2025. The permanent removal of Overlook Parkway would require a larger and more comprehensive traffic analysis for the City as Overlook Parkway is an arterial connection found on the Master Plan of Roadways. If the City Council recommends a scenario that would remove the connection of Overlook Parkway from the General Plan 2025 then a new comprehensive Traffic Impact Analysis (TIA) for the City would be required.

Staff has reviewed all submitted comments and has provided complete responses to all comments in the Final EIR (Attachment 4). The written responses to public agency comments were provided by the City to those commenting public agencies at least ten days prior to this meeting, as required per the California Environmental Quality Act (CEQA). Any clarifications requested by those who commented on the project do not result in significant new information or additional environmental impacts, but rather merely clarifies or enhances the information. Further, the Draft EIR has thoroughly analyzed impacts to all land uses. Therefore, recirculation of the Draft EIR is not required.

Once a Scenario is selected by the City Council, Findings of Fact and a Statement of Overriding Considerations (SOC) will be prepared in conjunction with the certification of the Final EIR. Under the SOC, the City Council will be asked to balance, as applicable, the economic, legal, social, or other benefits of the proposed Scenario against its unavoidable environmental risks when determining whether to approve the Scenario and, if the specific economic, legal, social, or other benefits of the proposed project outweigh the unavoidable adverse environmental impacts, the effects may be considered “acceptable”, supported by substantial evidence in the record.

### **FISCAL IMPACT:**

There is no fiscal impact associated with selecting a preferred scenario for implementation. The fiscal impact associated with the selected scenario will be considered in conjunction with the future certification of the project Environmental Impact Report, specifically as part of the Statement of Overriding Considerations.

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Certified as to  
Availability of funds: Brent A. Mason, Finance Director/Treasurer  
Approved by: Al Zelinka, FAICP, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

### **Attachments:**

1. City Planning Commission Staff Report - June 6, 2013
2. City Planning Commission Minutes - June 6, 2013
3. Final EIR with Responses to Comments and Errata