

RESOLUTION NO. 2008-183

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING POLICY LU-3 AND LU-3-ACTION 1 IN THE LAND USE ELEMENT OF THE GENERAL PLAN PROJECT NO. EG-08-002; AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO COMMERCIAL FOR THE CMD COURT PROJECT NO. EG-07-050; AND AMENDING THE GENERAL PLAN LAND USE DESIGNATION FROM PUBLIC/QUASI-PUBLIC TO COMMERCIAL FOR THE REYNOLDS AND BROWN PLAZA III PROJECT NO. EG-06-1051

WHEREAS, the City of Elk Grove has initiated a General Plan Amendment to improve clarity, currency, and consistency with implementation of the Zoning Code; and

WHEREAS, the proposed policy amendment revises the table of zoning districts in the land use categories of the General Plan in order to align current zoning districts and general plan policies, thereby having a city wide effect; and

WHEREAS, the proposed General Plan Amendment to Policy LU-3 and LU-3-Action 1 is necessary for maintenance of the General Plan and Zoning Code to reflect land use policy as desired by the City Council; and

WHEREAS, the proposed policy amendment is internally consistent with the Elk Grove General Plan as a whole, and is consistent with Article 5 of the Planning and Zoning Law of the California Government Code; and

WHEREAS, the City previously certified an Environmental Impact Report (EIR) for the City's General Plan and the proposed policy amendment would make no significant changes in land use currently allowed in the General Plan, would not result in any significant impacts not analyzed in the General Plan EIR, and therefore, is exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15183 of the State CEQA Guidelines; and

WHEREAS, Reynolds & Brown, Inc. (the "Applicant") filed an application with the City of Elk Grove ("City") for a General Plan Amendment for the CMD Court Project EG-07-050; and

WHEREAS, the proposed CMD Court project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APNs: 134-0600-014, -016, -029, -031, -032, -034, -040, and -049 (the "Property"); and

WHEREAS, the City determined that the CMD Court Project was subject to CEQA and prepared an Initial Study evaluating the potential environmental effects of the project; and

WHEREAS, a Mitigated Negative Declaration was prepared and circulated for the CMD Court project, and the Applicant has agreed to implement the proposed

mitigation measures to reduce the potentially significant adverse effects related to biological resources to a less than significant level; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

WHEREAS, the proposed General Plan Amendment is not detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the City; and

WHEREAS, Reynolds and Brown (the "Applicant") filed an application with the City of Elk Grove ("City") for a General Plan Amendment for the Reynolds and Brown Plaza III Project EG-06-1051; and

WHEREAS, the proposed Reynolds and Brown Plaza III project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN 125-0030-029; and

WHEREAS, the City has determined that the Reynolds and Brown Plaza III Project was subject to the California Environmental Quality Act (CEQA) and prepared an Environmental Impact Report ("EIR") to evaluate the potential environmental effects of the project; and

WHEREAS, the City Council has certified the EIR, finding that it has been prepared in accordance with the California Environmental Quality Act; and

WHEREAS, the City Council has approved a Mitigation Monitoring and Reporting Program which has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

WHEREAS, the proposed amendment reflects the City's independent judgment and analysis; and

WHEREAS, the City Council is the appropriate authority to hear and take action on the proposed General Plan Amendment after a recommendation by the Planning Commission; and

WHEREAS, the Planning Commission considered the proposed General Plan Amendment for the CMD Court Project at a duly noticed, public hearing on June 5, 2008, and provided a recommendation that the City Council deny the proposed amendment; and

WHEREAS, the Planning Commission considered the proposed General Plan Amendment to Policy LU-3 and LU-3-Action 1 at a duly noticed, public hearing on July

3, 2008, and provided a recommendation that the City Council approve the proposed amendment; and

WHEREAS, the City Council considered the Planning Commission recommendation and all of the testimony presented to it, including staff reports and environmental documents; and

WHEREAS, the proposed amendment for the CMD Court project was presented to the City Council, which reviewed and considered the project information, along with the staff report and information provided to the City Council during a duly noticed, public meeting on July 9, 2008, at which the City Council directed the project be returned for approval on July 23, 2008; and

WHEREAS, the proposed policy amendment and land use amendment for the Reynolds and Brown Plaza III Project has been presented to the City Council, which has reviewed and considered this information, along with the staff report and information provided to the City Council during a duly noticed, public meeting on July 23, 2008.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the amendment to the Elk Grove General Plan as recommended by the Planning Commission, including the following:

- 1) Amending Policy LU-3 and LU-3-Action 1 of the General Plan as shown in Attachment A; and

THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby approves the General Plan Amendment for the CMD Court Project as illustrated in Attachment B, based on the following findings:

California Environmental Quality Act

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The mitigated negative declaration reflects the independent judgment and analysis of the City.

Evidence: Pursuant to CEQA guidelines, City staff prepared an Initial Study evaluating the potential environmental effects of the project. The Initial Study identified a potentially significant adverse effect in the areas of biological resources. A mitigation measure that avoids or mitigates the potentially significant effects to a point where clearly no significant effects would occur was identified in the Initial Study and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30 day review and comment period between March 26, 2008 and April 24, 2008. The City received written comment letters within the 30 day public review period and responded to those comments in the project staff report. The City has considered the comments received during the public review period, and they

do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.

General Plan Amendment

Finding: There is a substantial benefit to be derived from the proposed General Plan Amendment to amend the City of Elk Grove General Plan Land Use Designation for the project parcels designated as Heavy Industry to Commercial.

Evidence: The project site has 11.41 acres designated as Heavy Industry. The conversion of the acreage to allow commercial will promote a variety of uses to occupy the site. The proposed project is consistent with the policies of the General Plan's Economic Element, which encourage full and efficient use of vacant and underutilized parcels. The majority of the site has remained undeveloped. The future commercial development will provide the City with additional sales tax revenue. The proposed project is also consistent with the Land Use Element goal of a high quality of life for all residents. The project will offer greater shopping opportunities to the residential subdivisions to the north and complement the Promenade Square project located across State Route 99.

AND THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby approves the General Plan Amendment for the Reynolds and Brown Plaza III Project as illustrated in Attachment C, based on the following findings:

California Environmental Quality Act

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: Pursuant to CEQA and the CEQA guidelines, City staff prepared a Draft Environmental Impact Report (EIR) for the project. The EIR analyzed potentially significant impacts and showed impacts in the areas of Visual Resources, Air Quality, Biological Resources, Hazards and Hazardous Materials, Noise, Public Services and Utilities, and Transportation. A Notice of Availability for the Draft EIR was published on February 27, 2008. The Draft EIR was distributed to the State Clearinghouse (SCH No. 2007042125) and to other public agencies and interested parties. A 45-day public review period for the Draft EIR was from February 27, 2008 through April 11, 2008.

Comments from public agencies were received during or subsequent to the public review period. Those comments were addressed in the Final EIR.

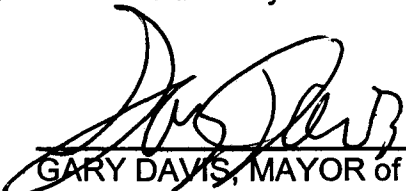
In conjunction with the Final EIR, the City has prepared a Mitigation Monitoring and Reporting Program ("MMRP"), as required by CEQA. The MMRP includes: (a) all significant or potentially significant impacts, level of significance without mitigation, proposed mitigation measures and the resulting level of significance. Included with each mitigation measure is a specification for timing/implementation and enforcement/monitoring responsibility.

General Plan Amendment

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


Evidence: The proposed General Plan Amendment benefits the City by providing additional sales tax and hotel occupancy tax revenue from commercial development and by adding retail employment. It implements the General Plan Economic Development Policies, specifically ED-3, which "encourages the full and efficient utilization of vacant and underutilized parcels in appropriately designated areas to support the development and expansion of targeted industrial and commercial facilities".

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 23rd day of July 2008.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

ATTACHMENT A

Proposed Text of General Plan Amendment

1. Amend Policy LU-3 as follows:

LU-3 The following table illustrates the Zoning Districts, which implement the land use categories shown on the Land Use Policy Map of this General Plan

Land Use Category	Zoning Districts
Commercial	AC, LC, GC, SC, TC, <u>C-O</u>
Office	BP, MP
Office/Multi-Family	Current Zone: BP Proposed new Zone: <u>BP/MF</u> BP, MP, (MF) overlay
Commercial/Office	Proposed new Zone: <u>C/O</u> <u>AC, LC, GC, SC, TC, C-O, BP,</u> <u>MP</u>
Commercial/Office/Multi-Family	Current Zones: AC, LC, GC, SC, TC Proposed new Zones: <u>LC/MF,</u> <u>GC/MF, SC/MF, C/O/MF</u> C-O, BP, MP, (MF) overlay
Light Industry	MP, M1
Heavy Industry	M2
Public and Quasi-Public	Public/Quasi-Public land uses may be allowed in residential, office, or industrial zoning districts, and in the O zoning district. Any zoning district
Public Schools	Institutional uses may be allowed in residential, office, or industrial land use districts. Any agricultural, residential, or office zoning district; LC and C-O zoning districts
Public Parks	O; Open space uses may also be allowed in residential zoning districts. Any agricultural or residential zoning districts; O zoning district; LC, GC and C-O zoning districts
<u>Public and Private</u> Open Space/Recreation	O; Open space uses may also be allowed in residential zoning

	<p style="text-align: center;">districts</p> <p style="text-align: center;"><u>O zoning district; any agricultural and residential zoning district; C-O zoning district</u></p>
Institutional	<p style="text-align: center;">Institutional uses may be allowed in residential, office, or industrial land use districts.</p> <p style="text-align: center;"><u>AG-20 and AG-80 zoning districts; any residential zoning district; MP, BP and M-1 zoning districts</u></p>
Rural Residential	AR-10, AR-5, AR-2
Estate Residential	AR-1, RD-1, RD-2, RD-3, RD-4
Low Density Residential	RD-4, RD-5, RD-6, RD-7
Medium Density Residential	RD-10, RD-15,
High Density Residential	RD-20, RD-25, RD-30
Rural Agriculture	AR-10, AG-20
General Agriculture	AG-20, AG-80
Urban Study Area	AG zoning districts
Private Streets	PS (new zoning district) <u>Any zoning district</u>
<u>Transit Oriented Development (TOD)</u>	<u>Reference underlying land use designation for consistent Zoning Districts</u>

Footnotes:

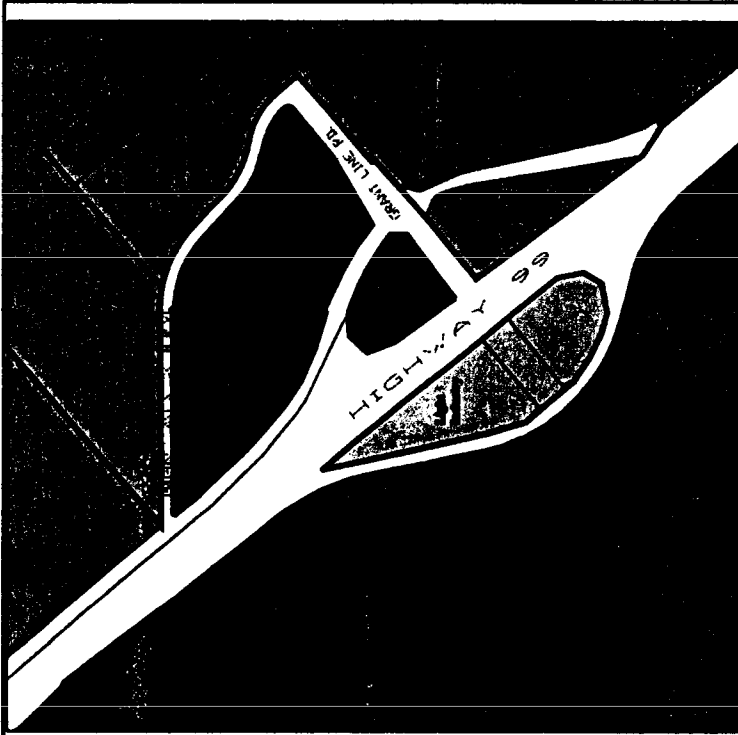
- 1. The "O" (Recreation) zone is a consistent zoning district in all land use categories.**

The Zoning Map and all other land use approvals, including Specific Plans and Special Planning Areas, shall be consistent with the Land Use Policy Map of this General Plan.

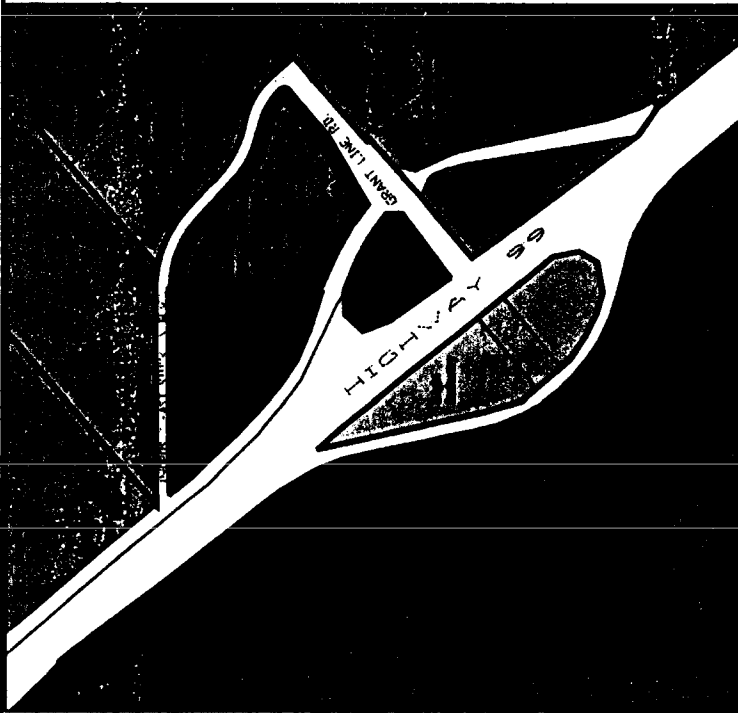
- Amend LU-3-Action 1 as follows:

LU-3-Action 1 Amend the Elk Grove Zoning Code to add ~~mixed-use zones~~ **the Multi-Family Overlay District** to implement the mixed use land use designations, and apply this zoning to lands so designated on the Land Use Policy Map.

ATTACHMENT B



PROPOSED GENERAL PLAN



EXISTING GENERAL PLAN

LEGEND

	Commercial
	Light Industry
	Heavy Industry

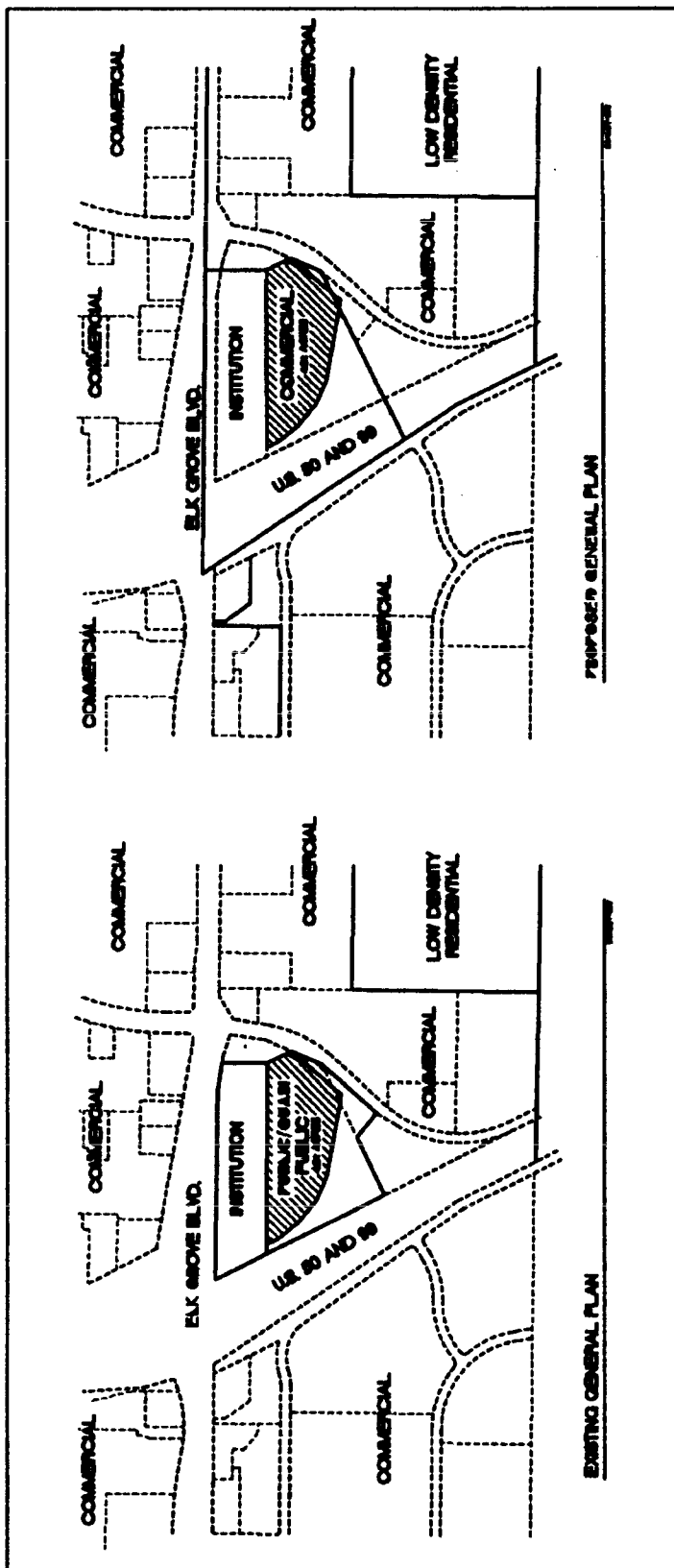
APN NET ACRES

134-000-000	2.4
134-000-001	0.8
134-000-002	0.5
134-000-003	0.5
134-000-004	0.5
TOTAL	7.2

GENERAL PLAN
City of Elk Grove
 APN 134-0600-029,031,032,040,041



ATTACHMENT C



**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-183**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)


I, Susan J. Blackston, 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 July 23, 2008 by the following vote:

AYES : COUNCILMEMBERS: *Davis, Hume, Scherman, Cooper, Leary*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


**Susan J. Blackston, City Clerk
City of Elk Grove, California**