

RESOLUTION NO. 2013-46

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
FINDING THE PROPOSED AMENDMENT TO THE GENERAL PLAN IS EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ADOPTING THE
PROPOSED AMENDMENT TO GENERAL PLAN POLICY LU-32 FOR THE
SOUTHEAST POLICY AREA**

WHEREAS, on November 19, 2003, the City Council adopted Resolution No. 2003-217 adopting the General Plan of the City of Elk Grove as required by State law; and

WHEREAS, the General Plan included policy LU-32, addressing the requirements for consideration of future development projects within the Southeast Policy Area, including guidance on land planning and a requirement that a master plan be prepared prior to approval of subsequent development projects; and

WHEREAS, the City Council has directed the preparation of a master plan for the Southeast Policy Area as a City project; and

WHEREAS, the City Council has requested that the City's process for development of a master plan not inhibit the consideration of a development project that has substantial benefit to the City; and

WHEREAS, amendment to the General Plan are considered "projects" under the California Environmental Quality Act (CEQA); and

WHEREAS, on February 21, 2013, at a duly noticed public hearing, the Planning Commission accepted public comment and considered modifications to policy LU-32 to address the City Council's request without impacting the City's master planning process, voting 5-0 to recommend changes to the policy; and

WHEREAS, on March 13, 2013, the City Council held a duly noticed public hearing and accepted public comment;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the proposed action exempt from CEQA:

Finding: The project is categorically exempt from the California Environmental Quality Act (CEQA) review pursuant Section 15061(b)(3) of Division 6 of Chapter 3 of Title 14 of the California Code of Regulations (State CEQA Guidelines).

Evidence: The proposed project is exempt from CEQA under Section 15061(b)(3) under the General Rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. While the project amends a policy of the General Plan, it does not specifically entitle a development project or otherwise modify the development potential of the Southeast Policy Area from that analyzed under the General Plan Environmental Impact Report (EIR). Rather, it requires future master

planning, which will be subject to CEQA, or places projects through a discretionary review that exempts them from master planning, which is also subject to CEQA. Therefore, this project qualifies for the identified exemption and no further environmental review is required.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove adopts the amendment to General Plan policy LU-32 as provided in Exhibit A based upon the following finding:


Finding: The proposed General Plan amendment is of substantial benefit to the City and the amendment is internally consistent with the General Plan.

Evidence: The proposed General Plan amendment will continue to require the master planning of the Southeast Policy Area prior to the approval of specific development projects; however, it does provide a discretionary exemption for certain qualifying projects. Those projects must be a minimum of 75 acres in size; provide for the orderly extension of utilities and infrastructure to serve the development; improve the job-housing balance of the City and/or provide a needed or desired service, amenity, feature, or other aspect as determined by the City; and shall not inhibit future master planning efforts. This exemption provides flexibility to the City in reviewing development applications within the Southeast Policy Area that better the community by meeting these stated objectives.

The removal of the development requirements (minimum land use requirements) contained in the existing policy provides additional flexibility to the City as it undertakes the master planning of the Southeast Policy Area as a City project. For instance, the Southeast Policy Area is not currently counted towards meeting the City's Regional Housing Needs Allocation as reported in the Housing Element. Therefore there are no internal consistency issues or impacts to the City.

This amendment is internally consistent with the balance of the General Plan as it only relates to the Southeast Policy Area and does not affect other policy areas of the General Plan (e.g., circulation, open space, conservation, safety, noise).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of March 2013.



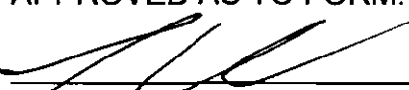
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

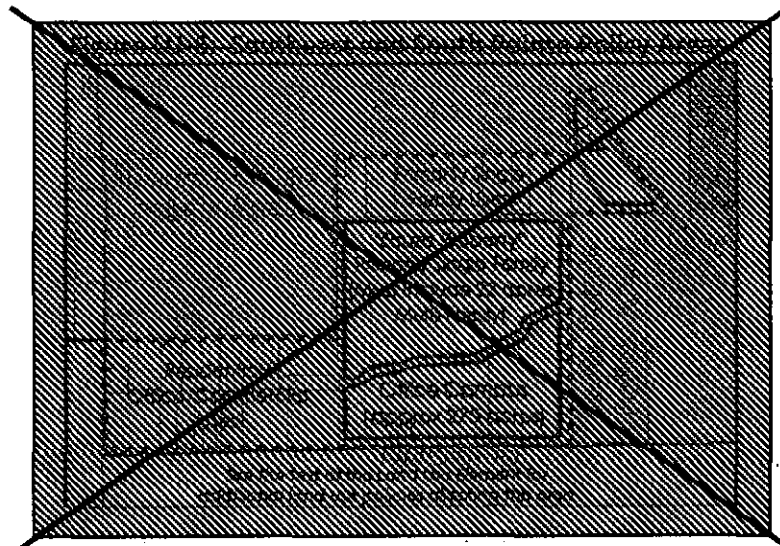
General Plan Policy LU-32 Amendment

New text shown in underline; deleted text shown in ~~strikeout~~.

LAND USE POLICY AREA: SOUTHEAST POLICY AREA

LU-32 The following general criteria shall apply to the Southeast Policy Area as shown on the Land Use Policy Map and in Figure LU-6:

- ~~Land uses in this area shall include a mix of residential densities, commercial, and office uses, as shown in Figure LU-6.~~
- ~~The Southeast Policy Area, exclusive of the Souza property (described below) shall include a minimum of 4% (four percent) of the total land area designated for high density residential development.~~
- ~~Within the "Souza" property (as shown on Figure LU-6), land uses shall consist of residential and, if determined appropriate, commercial and office uses. The Souza property shall include a minimum of 22 net acres of land designated for high density residential development.~~
- ~~The area south of the Souza Property shall be designated for Office uses, along with office-supporting retail uses if determined necessary by the City.~~
- ~~Development in the Southeast Area shall not occur until a comprehensive master plan has been prepared which includes (but is not limited to) the detailed designation of land uses, a master plan of infrastructure and financing, and the phasing of infrastructure for the entire Southeast Policy Area.~~
- ~~No portion of the Southeast Policy Area may be planned as a separate project prior to the completion of a comprehensive master plan, which may be in [the] form of a Specific Plan, a Special Planning Area, or similar comprehensive plan for the entire Southeast Policy Area.~~



- Development in the Southeast Policy Area shall not occur, and no land use entitlements shall be granted, until a master plan has been prepared and approved by the City.
- The master plan shall, at a minimum, include the following specific components:
 - Detailed designation of land uses;
 - A master plan for key backbone infrastructure (e.g., water, sewer, drainage, roads);
 - Architectural standards, development regulations, or other planning that describes the form and function of new development; and

- Other components as directed by the City Council as being necessary for the proper and comprehensive planning of the policy area.
- The City Council may, at its discretion, waive the requirement of preparation of a master plan of the Southeast Policy Area prior to the approval of a land use entitlement when, at the determination of the City Council after a recommendation by the Planning Commission, the project meets the following criteria:
 - The project is a minimum of 75 acres in size; and
 - The project is located in an area of the Southeast Policy Area that will allow for the orderly and strategic extension of utilities and infrastructure to serve the development; and
 - The project:
 - Will improve the jobs-housing balance of the City and/or stimulate job creation and retention; and/or
 - Is of city-wide significance, providing a needed or desired amenity, feature, or other aspect as determined by the City; and
 - Approval of the project will not inhibit future master planning efforts.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-46**

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 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 March 13, 2013 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Detrick, Cooper, Hume, Trigg*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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