

RESOLUTION NO. 2007-51

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE
DESIGNATION FROM LIGHT INDUSTRY TO COMMERCIAL
FOR THE CALIFORNIA FAMILY FITNESS GPA AND REZONE
PROJECT NO. EG-06-1014 / APN 119-0120-075**

WHEREAS, California Family Fitness (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a General Plan Amendment and Rezone, and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; 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 119-0120-075; and

WHEREAS, the City determined that the California Family Fitness GPA and Rezone Project was subject to the California Environmental Quality Act and prepared an Initial Study evaluating the potential environmental effects of the project; and

WHEREAS, a Mitigated Negative Declaration was prepared and circulated, and the Applicant has agreed to implement the proposed mitigation measures to reduce the potentially significant adverse effects related to biological resources and traffic 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 Planning Commission considered the Applicant's request at a public hearing on February 1, 2007 and recommended City Council approval of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves the project, subject to the Conditions Of Approval as illustrated in Exhibit A, Mitigation Measures as illustrated in Exhibit B and General Plan Amendment Exhibit C, based on the following findings:

CEQA

Finding: On the basis of the whole record, there is no substantial evidence that the project as 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 potentially significant adverse effects in the areas of traffic impacts and the impact to Giant Garter Snake. Mitigation measures that avoid or mitigate the potentially significant effects to a point where clearly no significant effects would occur were 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 November 24, 2006 and December 22, 2006. No comments were received by the City within the 30 day public review period. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance during project implementation. A condition of approval has been imposed on the project that requires conformance with the MMRP.

General Plan

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

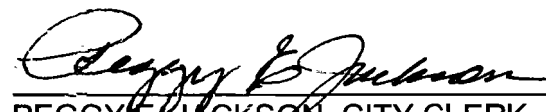
Evidence: The proposed General Plan Amendment changing the land use designation from Light Industry to Commercial will allow the currently vacant and underutilized site to be rezoned to General Commercial and developed commercially. The commercial uses anticipated to be developed on the site are underrepresented in the local community and are desired by the residents. There is also an economical benefit to be derived from the developing the site commercially, as there have been no proposals for industrial development of the site. The General Plan Amendment is consistent with the Economic Development Element and Land Use Elements of the General Plan.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 28th day of February, 2007.



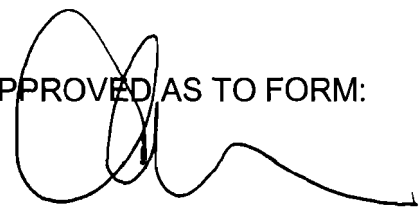
JIM COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A: Conditions of Approval

On-Going			
1.	The entitlements approved by this action are a General Plan Amendment and Rezone as depicted on the General Plan Amendment and Rezone Exhibits. The General Plan Amendment changes the Land Use Designation from Light Industry to Commercial. The Rezone changes the zoning from Light Industrial to General Commercial.	On-Going	Planning
2.	The Applicant or Successors in Interest (hereby referred to as the Applicant) shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.	On-Going	Planning
3.	This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.	On-Going	Planning
4.	The following uses, approved with the California Family Fitness CUP (EG-06-1048), are required to have 595 parking spaces and 30 bike parking spaces. <ul style="list-style-type: none"> • Fitness Center- 63,550 sf • Gymnastics-23,865 sf • Dance- 5,000 sf • Karate- 5,000 sf • Nutrition Center 845- sf • Juice Bar- 845 sf • Cheer- 3,400 sf • Trade School- 14,051 sf • Chiropractor- 4,100 sf Additional uses will require additional vehicle and bike parking as required by the Zoning Code.	On-Going	All
5.	Any new development for future phases of the project will require the approval of the appropriate entitlements.	On-Going	Planning

Exhibit A: Conditions of Approval

Prior to Building Permit

6.	Prior to the issuance of any permits, the Applicant shall comply with, record, and pay a deposit for the Mitigation Monitoring and Reporting Program (MMRP) associated with the project. Until the MMRP has been recorded and the estimated MMRP deposit of \$2000 has been paid, no Final Map, grading, building, sewer connection, water connection, or occupancy permit from the City will be approved.	Prior to any site disturbance or permit issuance	Planning
7.	Applicant will submit landscape improvement plans indicating the correct types of existing trees, replacement trees to meet City's Zoning Code parking lot shading requirements and parking lot shade calculations. The entire parking lot is to be 50% shaded.	Prior to Building Permit	Planning/ Landscape Architect
8.	Applicant will add additional architectural features to the existing building elevations to the satisfaction of Planning Staff.	Prior to Building Permit	Planning
9.	The applicant will submit a lighting and photometric plan to the Planning Department. The plan must be reviewed and approved by the Police Department.	Prior to Building Permit	Planning/Police
10.	The applicant shall upgrade the signal loop detectors and the internal illuminated street name signs to the retrofit LED kit for all four approaches at the intersection of Laguna Blvd and High Tech Court in accordance with City of Elk Grove Standards and to the satisfaction of Public Work.	Prior to first building permit for any new structure or conversion of existing building to commercial.	Public Works
11.	The applicant shall provide a letter or resolution from the Laguna West Community Owners Association, dated within 60 days of the submittal of the plans, providing evidence that the property is annexed into the Laguna West Community Owners Association to ensure the water quality of the Laguna West Lake System is maintained or provide a recorded copy of an executed maintenance agreement with the Association.	Prior to issuance of 1 st Building Permit	Public Works
12.	The applicant shall dedicate Access rights (direct vehicular ingress and egress to Laguna Boulevard) to the City of Elk Grove, if not already in place.	Prior to Issuance of Building Permit	Public Works

Exhibit A: Conditions of Approval

13.	The applicant shall dedicate all private aisles as an easement to allow access for services such as utility and emergency vehicles, if not already in place.	Prior to Issuance of Building Permit	Public Works	
14.	The applicant or its successor in interest shall pay drainage Capital Improvement Plan fees in effect at the time of building permit application. The applicant may pay a reduced fee due to the construction of Capital Improvement Plan drainage structures in lieu of full payment of fees when so stated in a separate credit or reimbursement agreement.	Prior to Issuance of Building Permit	Public Works	
Prior to Occupancy				
15.	Applicant shall inform City Landscape Architect that the shade trees have been installed as per City approved plans. City Landscape Architect shall inspect site to confirm the shade trees have been planted.	Prior to Occupancy	Landscape Architect	
16.	Any improvements, public or private, damaged in construction shall be replaced, by the applicant, in-kind or with new improvement.	Prior to Occupancy	Public Works	

Exhibit A: Conditions of Approval

General Information and Compliance Items:

The following items are noted for the Applicant's information. These items are required by other local agencies, the City, state or federal agencies, and are not conditions of approval of the project.

- a. The project applicant shall pay all applicable City of Elk Grove administered development impact fees in effect at the time of building permit issuance. There will be additional development impact fees due on this project. The additional development impact fees due will be the difference between the industrial rate fees in effect at the time of building permit issuance (industrial rate was paid by the previous building user), and the health club rate in effect at the time of building permit issuance (for the Fitness Center portion of the building), and the commercial rate in effect at the time of building permit issuance (for the commercial portion of the building). Additional fees are due because of the additional development impacts created from an intensified use (not because of the zone change, but because of the new use of the building). The applicant is encouraged to contact the City Building Department as soon as possible for an estimate of the additional development impact fees due for this proposed project. The applicant is advised to review the Planned Fee Updates portion of the webpage at www.elkgrovecity.org/services/fee-information/fee-information.htm for information on development related fees that City is planning to update and is encouraged to sign up for email updates from this webpage. (Finance)
- b. Water supply will be provided by the Sacramento County Water Agency. (SCWA)
- c. Provide public water service to each building. (SCWA)
- d. Destroy all abandoned wells on the proposed project site in accordance with the requirements of the Sacramento County Environmental Health Division. Clearly show all abandoned wells on the improvement plans for the project. Prior to abandoning any existing wells, the applicant shall use water from agricultural wells for grading and construction. (SCWA)
- e. Provide a non-potable water distribution system to the satisfaction of the Sacramento County Water Agency. When available the applicant shall use non-potable water during grading and construction. (SCWA)
- f. Efficient cooling systems, re-circulating pumps for fountains and ponds, and water recycling systems for vehicle washing are required. (SCWA)
- g. Prior to the issuance of any building permits for the project, the Applicant shall pay Zone 40 development fees applicable at the time of building permit issuance in accordance with Sacramento County Water Agency Ordinance No. 18. (SCWA)
- h. The project shall conform to the specific provisions of the City of Elk Grove Conservation Ordinance (formerly Chapter 14.10 of the Sacramento County Code) to the satisfaction of the City's Landscape/Oak Tree Coordinator. (SCWA)
- i. Sewer service shall continue to be provided by CSD-1 infrastructure to the existing sewer service lateral(s). Required modifications, if any, shall be to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to any on and off-site sewer construction. (CSD-1)
- j. If there are any discrepancies between the approved site plan and the conditions of approval, the conditions of approval shall supersede the approved site plan. (Public Works)
- k. The applicant shall pay all appropriate development fees charged by the City and other Special Districts providing services to the site. (Public Works)
- l. Any on site traffic calming devices and locations must be approved by Public Works prior to installation, including but not limited to speed bumps. (Public Works)
- m. Any improvements, public or private, damaged in construction shall be replaced, by the applicant, in-kind or with new improvement. (Public Works)

Exhibit A: Conditions of Approval

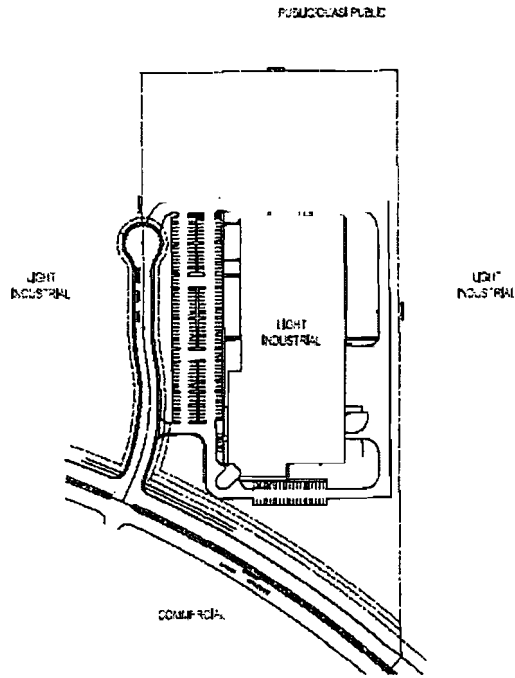
- n. Street (trench) cuts into existing streets require a separate encroachment permit and the payment of street cut fees, by the applicant. Where multiple street cuts into the same street occur, a single, final surface (pavement) trench repair over all the trench cuts is required. Pavement grinding is required for the full length and width of the trenches. (Public Works)
- o. The applicant shall design and construct all improvements in accordance with the City of Elk Grove Improvement Standards, as further conditioned herein, and to the satisfaction of Public Works. (Public Works)
- p. All driveways and intersections shall conform to the visibility easement requirement in the City of Elk Grove Improvement Standard. (Public Works)
- q. The internal circulation and access shall be subject to the review and approval of Public Works. (Public Works)
- r. Improvement plan must be approved by Public Works prior to 1st Building Permit. (Public Works)
- s. Where feasible, biofilter swales and vegetated strips are preferred and shall be utilized in providing biofiltration of pollutants in project runoff prior to entering receiving water body. The project engineer shall consult with the City when designing storm water conveyance facilities, and shall submit designs of these facilities to City for review and approval prior to approval of the grading plans and improvement plans. (Public Works)
- t. Per the Laguna West Association CC&Rs recorded against the property, the applicant is required to submit plans for review and approval by the Laguna West Design Review Committee.

EXHIBIT B – MITIGATION MEASURES

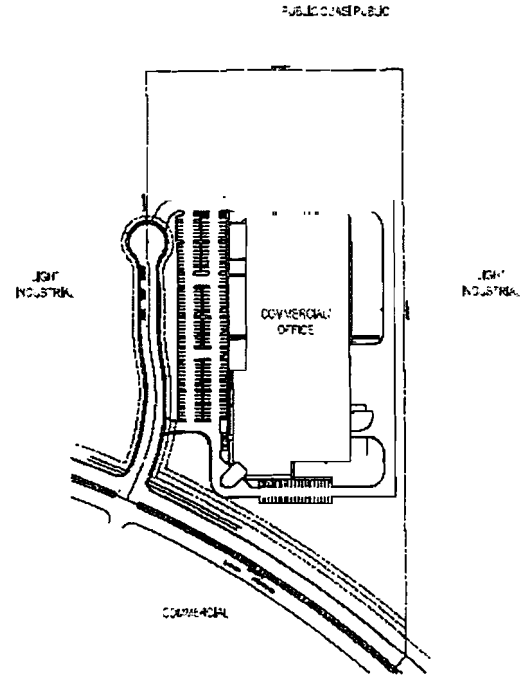
<p align="center">MITIGATION MEASURES</p>	<p align="center">TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):</p>	<p align="center">MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)</p>
<p>GRADING PERMIT AND IMPROVEMENT PLAN</p>		
<p>1. Mitigation Measure 1 (Biological Resources – Giant Garter Snake)</p> <p>In order to reduce potentially adverse impacts to Giant Garter snakes to a less than significant level, no development of the vacant northern portion of the project site shall be allowed until a species specific biological study is conducted and appropriate consultation with state and federal agencies is performed. If the results of the study conclude that the area does not represent habitat for the giant garter snake, written concurrence from the California Department of Fish and Game and the U.S. Fish and Wildlife Service must be submitted to the City with the study. If the results of the study conclude that the area is giant garter snake habitat that will be impacted by development, the study must propose mitigation measures acceptable to the California Department of Fish and Game and the U.S. Fish and Wildlife Service. This study shall be submitted with any project or permit application for development on the currently vacant northern portion of the site.</p>	<p>Concurrent with approval of subsequent development on the northern portion of the project site.</p>	<p>Development Services – Planning</p> <p>Study and consultation verified:</p> <p align="center">Sign</p> <p align="center">Date</p>

MITIGATION MEASURES	TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT):	MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN)
BUILDING PERMIT		
<p>2. Mitigation Measure 2 (Traffic-Intersection of Harbour Point Drive and Laguna Boulevard)</p> <p>The applicant shall add overlap phasing to the northbound right turn lane from Laguna Blvd. onto Harbour Point.</p>	<p>Prior to first building permit for any new structure or conversion of existing building to commercial</p>	<p>City of Elk Grove Development Services, Public Works</p> <p>Sign</p> <p>Date</p>
<p>3. Mitigation Measure 3 (Traffic-Intersection of Franklin Boulevard and Laguna Boulevard)</p> <p>The applicant shall add overlap phasing to the eastbound right turn lane from Laguna Blvd. onto Franklin Blvd.</p>	<p>Prior to first building permit for any new structure or conversion of existing building to commercial</p>	<p>City of Elk Grove Development Services, Public Works</p> <p>Sign</p> <p>Date</p>

Exhibit C – General Plan Amendment Exhibit



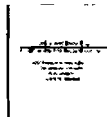
CURRENT GENERAL PLAN DESIGNATION



PROPOSED GENERAL PLAN DESIGNATION

California Family Fitness - Elk Grove Sports Complex
 3443 Laguna Blvd
 Elk Grove, CA

GENERAL PLAN AMENDMENT EXHIBIT



A1.2

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-51**

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

I, Peggy E. Jackson, 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 February 28, 2007 by the following vote:

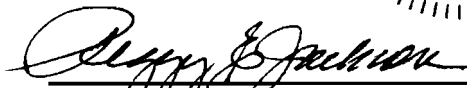
AYES : COUNCILMEMBERS: Cooper, Leary, Davis, Scherman, Hume

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**