

RESOLUTION NO. 2004-144

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING RESCISSION OF A ZONING AGREEMENT, CONDITIONAL USE
PERMIT AND DESIGN REVIEW, FOR THE BANK OF STOCKTON PROJECT NO.
EG-04-566, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL**

WHEREAS, Bank of Stockton Rescission of Zoning Agreement, Conditional Use Permit and Design Review, represented by John Dentoni and Eric Merlo (hereinafter referred to as Property Owner and Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for Assessor's Parcel Numbers 116-0330-043 and 116-0330-044; and

WHEREAS, the project it is categorically exempt from CEQA review pursuant to CEQA Section 15332; 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 Planning Commission considered the applicant's request at a public hearing on May 13, 2004 and recommended City Council approval of the project.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELK GROVE
HEREBY RESOLVES AS FOLLOWS:**

1. Approve the Bank of Stockton Rescission of a Zoning Agreement, Conditional Use Permit and Design Review project #EG-04-566 based on the following findings and the attached design exhibits and conditions of approval included as Exhibits A and B respectively.

Findings

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and is categorically exempt in accordance with the California Environmental Quality Act (CEQA).

Evidence: CEQA Guidelines Class 15332 exemption applies to In-Fill Development Projects (CEQA §15332). The project involves the construction of an 8,000 square foot bank building within an area designated for office uses. The proposed project is consistent with the General Plan, Land Use Policy Map and Zoning Code requirements. The project is located within 1 mile of a known Swainson's Hawk nest. However, the site is not zoned for agricultural use, is within an urbanized area, and is less than 5 acres. Therefore, based on the DFG "Staff Report Regarding Mitigation Impacts for Swainson's Hawk in the Central Valley of California", the site does not qualify as suitable Swainson's Hawk foraging habitat.

All required services and access to the proposed parcels in compliance with the City's standards are available. No adverse environmental effects were identified during staff review of the development application and project site visits. No special circumstances exist that create a reasonable possibility that the activity may have a significant adverse impact on the environment. Therefore, this project qualifies for Categorical Exemption in accordance with CEQA Guidelines Section 15332.

General Plan.

Findings: The project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The General Plan identifies the site for Office/Multi-family uses. The project is consistent with the goals and policies of the General Plan for office development with the City of Elk Grove. The project has been conditioned to dedicate right-of-way for potential transit facilities.

Rescission of Zoning Agreement

Finding: The proposed zone agreement rescission is in the public interest and will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general Welfare of the City. (§110-30 of the City of Elk Grove Zoning Code)

Evidence: The City has reviewed the proposed zone agreement rescission. The applicant's proposal is consistent with the land use designation in the General Plan Land Use Policy Map and the requirements within the zoning code. The development has been reviewed against the non-residential design guidelines and found to be consistent. The zoning agreement provides standards and setbacks that are inconsistent with the zoning code and EGCSO landscape standards. The design review guidelines and zoning code standards ensure that adjacent residential development will not be harmed by the office development.

Conditional use Permit

Finding: The establishment, maintenance or operation of the use applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Evidence: The zoning code requires a use permit for drive up tellers when deviations from the zoning code are requested. Staff has reviewed the proposed project and finds that the configuration of the drive up teller lanes meets the intent of

the code. The applicants proposal of 6 lanes of 80 feet in depth is equal to 2.5 drive up lanes of 180 feet in depth. The applicant has created two standard drive up teller lanes and spread that over 6 lanes. The applicant has provided more stacking distance and more drive up lanes than a typical bank does with 1 or 2 drive lanes. The drive up lanes are further than 300 feet to the nearest residence and an office building is located between the two uses.

Development Plan Review

Finding: The proposed project is consistent with the Citywide Design Guidelines.

Evidence: The Bank of Stockton project is consistent with the Citywide Design Guidelines. The site plan, building elevations, and landscape plan have been reviewed against the Citywide Design Guidelines for non-residential land uses, and it is concluded that the project's architecture and site planning meet all applicable design requirements. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Evidence: The proposed bank building site plan, building elevations, and landscape plans provide all design elements required by the Citywide Design Guidelines, including consistent detailing of the architectural style, providing sufficient pedestrian connectivity, application of a consistent color palette throughout the project, and creation of outdoor public spaces. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding: The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

Evidence: The proposed Bank of Stockton building will provide all required design elements that would establish an attractive bank building and will be compatible with adjoining and nearby properties. The project is subject to conditions of approval that will ensure consistency with all standard requirements.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 16th day of June 2004.




SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-144**

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 the 16th day of June 2004 by the following vote:

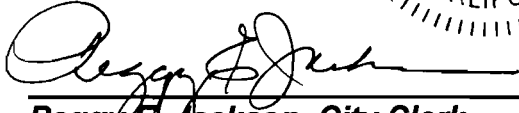
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





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