

**RESOLUTION NO. 2008-53**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DENYING  
A GENERAL PLAN AMENDMENT, REZONE, TENTATIVE PARCEL MAP AND  
DESIGN REVIEW FOR THE  
LAWSON PLAZA PROJECT  
#EG-07-107 – APN: 127-0020-003**

**WHEREAS**, the Planning Division of the City of Elk Grove received an application on August 13, 2007 from Ed Phillips requesting a General Plan Amendment, Rezone, Tentative Parcel Map, and Design Review; and

**WHEREAS**, the proposed project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as 127-0020-003; and

**WHEREAS**, California Environmental Quality Act (CEQA) Guidelines §15270, “*Projects Which are Disapproved*”, applies to this project; and

**WHEREAS**, the Planning Commission considered the Applicant’s request at a public hearing on October 18, 2007 and recommended denial of the proposed project; 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 City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the project proponent, and public testimony presented in writing and at the meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby denies the project based on the following findings.

***CEQA***

Finding: The subject project is exempt from the California Environmental Quality Act (CEQA).

Evidence: Pursuant to CEQA Guidelines Section 15270, projects which are disapproved are exempt from CEQA.

***General Plan Amendment***

Finding: There is insubstantial benefit to be derived from the proposed amendment.

Evidence: There are several sites in East Elk Grove that are already designated for high density residential development in the General Plan. These sites appear more appropriate for a multifamily senior housing project. The proposed amendment is inconsistent with the surrounding rural residential land uses and the policies of the General Plan. The project site is surrounded on three sides by the Rural Residential land use designation. Therefore, there is not substantial benefit to be derived from the amendment.

### ***Rezone***

Finding: The proposed rezoning is inconsistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed zoning is not consistent with the existing General Plan designation of Rural Residential. Although the proposed rezone would be consistent with the proposed General Plan designation of the site as Commercial/Office/Multi-family, the proposed General Plan Amendment is inconsistent with the surrounding rural residential land uses. Therefore, the proposed rezone is inconsistent with the policies of the General Plan. As such, the rezone is not desired or appropriate at this time. Further, since the project is being denied, CEQA review has not been conducted for this project. Therefore, the rezone cannot be approved at this time.

### ***Tentative Subdivision Map***

Finding: Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Evidence: Findings a, b, c, and e apply to the proposed Tentative Parcel Map, so the project cannot be approved:

- a. The proposed Tentative Subdivision Map is not consistent with General Plan Safety Policies SA-15 and 15, Park, Trails and Open Space Policy PTO-18, and Conservation and Air Quality Policy CAQ-20.
- b. The design of the proposed map is not consistent with the Elk Grove General Plan Safety Policies SA-15 and 15, Park, Trails and Open Space Policy PTO-18, and Conservation and Air Quality Policy CAQ-20.
- c. A portion of the site is not suitable for development because it lies within the 100-year floodplain.
- e. The design of the subdivision is likely to cause substantial environmental damage by developing within the White House Creek floodplain.

### ***Design Review (Non-Residential)***

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

Evidence: The site plan, building elevations, and landscape plan have been reviewed in accordance with the Citywide Design Guidelines for non-residential land uses, and it is concluded that the project's architecture and site planning do not meet all applicable design requirements. The proposed project is not compatible with surrounding land uses. Additionally, the Design Review is contingent on the approval of the proposed General Plan Amendment and Rezone, which are not consistent the General Plan policy of preserving the character of the Rural Residential area of the City.

Finding: The proposed architecture, site design, and landscape are not suitable for the purposes of the building and the site and will not enhance the character of the neighborhood and community.

Evidence: The proposed site plan, building elevations, and landscape plans do not provide all design elements required by the Citywide Design Guidelines and Supplemental Design Guidelines. The proposed project is not compatible with surrounding land uses. Additionally, the Design Review is contingent on the approval of the proposed General Plan Amendment and Rezone, which are not consistent the General Plan policy of preserving the character of the Rural Residential area of the City.

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 does not establish a clear design concept and is incompatible with the character of buildings on adjoining and nearby properties.

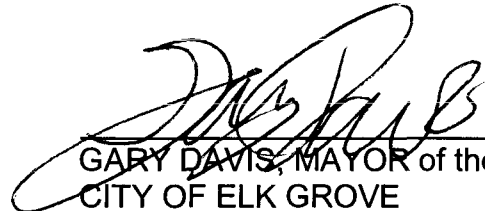
Evidence: The proposed retail center/senior housing facility will not provide all required design elements that would establish an attractive development and will

not be compatible with adjoining and nearby rural residential properties. Additionally, the Design Review is contingent on the approval of the proposed General Plan Amendment and Rezone, which are not consistent the General Plan policy of preserving the character of the Rural Residential area of the City.

Finding: The proposed project will create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Evidence: The proposed site layout of the retail center/senior housing facility has been reviewed in accordance with the Citywide Design Guidelines, including site planning for non-residential development. The proposed project is not compatible with surrounding rural residential land uses. Therefore, conflicts and other nuisance issues could arise between urban and rural uses. Additionally, the Design Review is contingent on the approval of the proposed General Plan Amendment and Rezone, which are not consistent the General Plan policy of preserving the character of the Rural Residential area of the City.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 27<sup>th</sup> day of February, 2008.

  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-53**

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

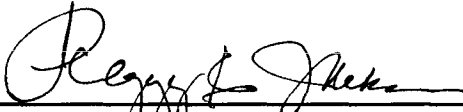
*I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 27, 2008 by the following vote:*

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

**NOES:**       **COUNCILMEMBERS:**       *None*

**ABSTAIN :**   **COUNCILMEMBERS:**       *None*

**ABSENT:**    **COUNCILMEMBERS:**       *None*

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

