

RESOLUTION NO. 2003-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING A GENERAL PLAN AMENDMENT FOR LAGUNA GATEWAY, PHASE 2 PROJECT EG-02-298

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

WHEREAS, the City Council of the City of Elk Grove is permitted to amend the General Plan four (4) times during a calendar year; and

WHEREAS, the Planning Commission of the City of Elk Grove did conduct a public hearing and made a recommendation to the City Council concerning a General Plan amendment; and

WHEREAS, the City Council duly advertised and considered the Planning Commission recommendation and all of the testimony presented to it, including staff reports, environmental documents and public testimony, at a public hearing; and

WHEREAS, Laguna Gateway, Phase 2, represented by Paul Smith (hereinafter referred to as Applicant) filed an application with the City of Elk Grove (hereinafter referred to as City) for a General Plan Amendment designating 15.1 acres from Office/Multi-Family to Commercial, (Assessor's Parcel Number 116-0320-038) (Exhibit A). A Supplemental Environmental Impact Report was prepared and circulated according to the requirements of the California Environmental Quality Act (CEQA). The Planning Commission considered the Applicant's request at a public hearing on February 13, 2003 and recommended City Council approval of the project; and

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Elk Grove does hereby amend the General Plan by the attached Exhibit A.

BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove bases its decision on the following findings:

1. Finding: The project will result in significant impact upon the environment and a Supplemental EIR was prepared to disclose these impacts to the public and decision makers. The SEIR and MMRP has substantially lessened all significant effects on the environment where feasible as shown in the findings for certification of the SEIR and any remaining significant effects on the environment are acceptable as described in the Statement of Overriding Considerations.
2. Finding: Pursuant to §65358(a) of Title 7, Division 1 of the California Government Code, an amendment to a General Plan must be in the public interest.

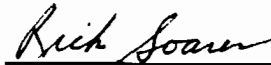
Evidence: The City reviewed the proposed amendment to the General Plan and received public testimony at a duly noticed public hearing regarding the matter. The project allows the development of an existing vacant site in an urbanized area that, with the exception of adequate roadways, has infrastructure capacity available. Development of the project site would not result in a significant extension of infrastructure facilities.

2. Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:
 - a. There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
 - b. The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
 - c. There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed use or action is ultimately inconsistent with the plan.
 - d. The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence:

- a. Notwithstanding the amendment to the land use map, the project is otherwise consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time. As detailed in the Analysis section above, the Economic Development Element is the primary General Plan Element which pertains to this site, and it does contain policies which recognize the need for "on-site mixed uses," which would be provided by this project.
- b. The Economic Development Element is the primary General Plan Element which pertains to this site, and it does contain policies which recognize the need for "on-site mixed uses," which would be provided by this project.
- c. While the intensity of the use is proposed to change from office to commercial, the site will continue to be used for nonresidential purposes on an existing infill site within the urbanized portion of the City. The project does not include a vesting development agreement, and would not be exempt from any future policies or goals of the adopted Elk Grove General Plan.
- d. The requested entitlements are consistent with state law and local ordinances.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 19th day of February 2003.

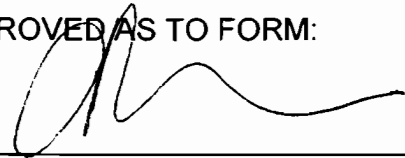


RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON, CITY CLERK

ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Briggs, Cooper
Scherman, Leary
NOES: None
ABSTAIN: None
ABSENT: None

Exhibit A
General Plan Amendment

