

**RESOLUTION NO. 2012-23**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
FINDING THE WATERMAN PARK 75 CONDITION AMENDMENT PROJECT  
EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
AND APPROVING A TENTATIVE PARCEL MAP CONDITION AMENDMENT  
FOR THE WATERMAN PARK 75 PROJECT (EG-09-025)  
ASSESSOR'S PARCEL NUMBER: 134-0182-001**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on June 3, 2009 from CT Waterman Park, LLC requesting a Tentative Parcel Map Amendment to the Conditions of Approval at 10240 Grant Line Road for the Waterman Park 75 project (the "Project"); and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor's Parcel Number 134-0182-001; and

**WHEREAS**, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resources Code sections 21000-21178 but is exempt; and

**WHEREAS**, the Project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines §15061(b)(3) (General Rule Exemption) of Title 14 of the California Code of Regulations; and

**WHEREAS**, Section 15061(b)(3) (General Rule) of Title 14 of the California Code of Regulations, Chapter 3, Division 6 (State CEQA Guidelines) provides that a project that has no potential for causing a significant effect on the environment is exempt from further CEQA review; and

**WHEREAS**, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a Tentative Parcel Map Amendment for this Project will have a significant effect on the environment beyond what was previously analyzed and disclosed; and

**WHEREAS**, the Planning Department considered the Project request pursuant to the Elk Grove General Plan, Elk Grove Municipal Code Title 23 (Zoning), and all other applicable State and local regulations; and

**WHEREAS**, the Planning Commission considered the Applicant's request at a public hearing on January 7, 2010 and January 21, 2010 and recommended the City Council approve the 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 Applicant, 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 finds the Waterman Park 75 Condition Amendment project (EG-09-025) exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (General Rule Exemption) of Title 14 of the California Code of Regulations based upon the following finding:

### **California Environmental Quality Act (CEQA)**

Finding: The proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines §15061(b)(3) (General Rule Exemption) of Title 14 of the California Code of Regulations.

Evidence: Under the general rule exemption (CEQA Guidelines § 15061(b)(3)), a project that has no potential for causing a significant effect on the environment is exempt from further CEQA review. The proposed project amends the conditions of approval of project EG-06-1158 which was approved using the environmental analysis provided under project EG-05-928. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were adopted for the originally approved project EG-05-928. Staff has reviewed the proposed amendments to the conditions of approval and determined that they do not expand or intensify the previously approved uses. Furthermore, the proposed amendments will have no environmental effects beyond those which were previously analyzed under the originally approved project. Lastly, staff has reviewed the proposed use and did not find any evidence that there exists a reasonable probability that the project will have an adverse impact on the environment. Thus, the proposed amendments are exempt from further CEQA review.

**AND, BE IT FURTHER RESOLVED**, that the City Council of the City of Elk Grove approves the Tentative Parcel Map Amendment for the Waterman Park 75 Condition Amendment project (EG-09-025) subject to the Conditions of Approval provided in Exhibit A, incorporated herein by this reference, based upon the following findings:

### **General Plan**

Finding: The proposed Tentative Parcel Map Amendment project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The proposed project is consistent with the General Plan land use designations for this site which are Light Industry, Commercial, High Density Residential, and Public -Open Space-Recreation. The proposed amendments are also consistent with the original approved Tentative Parcel Map EG-06-1158 project. The General Plan creates the Zoning Code and the proposed amendments are consistent with the Zoning Code.

## **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 are 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 type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or 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: None of the above findings (a) through (g) apply to the proposed Tentative Parcel Map Amendment to the Conditions of Approval, and the project can be approved:

- a. The proposed map is consistent with the proposed land use designation and policies in the Elk Grove General Plan and the East Elk Grove Specific Plan (EEGSP), which proposed to designate this site as Light Industry, Commercial, HDR and Open Space.
- b. The design or improvements of the proposed amendments are consistent with the Elk Grove General Plan and the EEGSP.
- c. This site is suitable for the proposed type of development.
- d. The proposed amendments meet the development standards and requirements for each of the zoning districts.
- e. Consistent with the previously approved project, this project will not have a significant impact on the environment.
- f. The design of the project incorporates Best Management Practices and City Improvement Standards. The Applicant is required to obtain necessary permits to ensure appropriate development. The project is not likely to cause public health problems.
- g. The Applicant has worked with the City and other agencies to ensure no conflict with easements acquired by the public at large, for access through or use of, property within the proposed amendments to the conditions.


**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 8<sup>th</sup> day of February 2012.

  
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JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

# EXHIBIT A

Conditions of Approval / Mitigation Measures	Timing/ Implementation	Enforcement/ Monitoring	Verification (Date and Signature)
<b>A. On-Going</b>			
1. The development approved by this action is for the Tentative Parcel Map Amendment, amending conditions of approval #32, 33, 34, 36, and 68 of the original Waterman Park 75 project EG-06-1158 as approved in Resolution No. 2007-171, as described in the staff report dated January 7, 2010. Any deviations from the approved project shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2. This Tentative Parcel Map Amendment shall become effective after ten (10) days appeal period, provided that there are no appeals. In the event of an appeal, this permit shall be withheld pending the outcome of the appeal process.	On-Going	Planning	
3. This action does not relieve the Applicant of the obligation to comply with all statutes, regulations, and procedures.	On-Going	Planning	
4. 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	
5. The Conditions of Approval for EG-06-1158 as described in Resolution No. 2007-171 shall be amended as follows and all remaining conditions shall still apply:			
32.	Prior to Approval of	Development Services -	

<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (Date and Signature)</u>
<p>right of way for the intersection of Waterman Road and Mosher Road at a 90 degree angle, based upon an expanded intersection, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. <b>The Applicant shall design and improve the southerly half section of the intersection based upon an expanded intersection, the northerly half section shall be designed and improved to include a minimum of 8 feet of pavement, a 3-foot shoulder and a roadside ditch. Transitions shall be to the satisfaction of Public Works.</b></p>	<p>Improvement Plans/Final Map; Implemented during Construction</p>	<p>Public Works</p>	
<p>33. From the northerly property boundary to where the project centerline of Waterman Road deviates from the proposed centerline in the Grant Line Road widening project (approximately the boundary of Parcel 17) Parcel 9) <b>the Waterman Road/Waterman Court Intersection</b>, the Applicant shall dedicate, design and improve the easterly half section of Waterman Road measured Waterman Road, east half section 36' from the approved centerline. Improvements shall be based on an 84' equivalent arterial with <b>separated</b> sidewalks <del>separated from the back of curb</del> within the 25' landscape corridor, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. <b>The Applicant may be eligible for reimbursement for the design and construction of infrastructure included in fee programs and/or financing districts as set forth in the respective programs and/or districts. In order to ensure eligibility for reimbursement, the Applicant shall follow the policies and procedures in the most recent version of "REIMBURSEMENT POLICIES AND PROCEDURES FOR PRIVATELY CONSTRUCTED PUBLIC FACILITIES", which is available from the Public Works Department.</b></p>	<p>Prior to Approval of Improvement Plans/Final Map; Implemented during Construction</p>	<p>Development Services - Public Works</p>	

	<b>Conditions of Approval / Mitigation Measures</b>	<b>Timing/Implementation</b>	<b>Enforcement/Monitoring</b>	<b>Verification (Date and Signature)</b>
34.	<p>From the location where the project centerline of Waterman Road deviates from the proposed centerline in the Grant Line Road widening project (approximately the boundary of Parcel 1/Parcel 9) to the beginning of the Waterman Road/Grant Line Road expanded intersection <b>Waterman Road/Waterman Court intersection to the beginning of the Waterman Road/Grant Line Road expanded intersection</b>, the Applicant shall dedicate, design and improve the entire section of Waterman Road <b>measured 72'</b> from back of curb to back of curb. Improvements <b>will shall</b> be based on an 84' equivalent arterial with <b>separated</b> sidewalks separated from the back of curb within a 25' landscape corridor, in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. <b>The Applicant may be eligible for reimbursement for the design and construction of infrastructure included in fee programs and/or financing districts as set forth in the respective programs and/or districts. In order to ensure eligibility for reimbursement, the Applicant shall follow the policies and procedures in the latest version of "REIMBURSEMENT POLICIES AND PROCEDURES FOR PRIVATELY CONSTRUCTED PUBLIC FACILITIES", which is available from the Public Works Department.</b></p>	Prior to Approval of Improvement Plans/Final Map; Implemented during Construction	Development Services - Public Works	
36.	<p>The Applicant shall dedicate, design and improve <del>Mosher Road, if not already in place, the southerly half section of Mosher Road</del> based on a modified 60' collector in accordance with the City of Elk Grove Improvement Standards and to the satisfaction of Public Works. Sidewalks shall be separated from the back of curb by at least 6 feet. <b>The Applicant shall design and improve the northerly half of Mosher Road from the expanded intersection of Waterman Road to the existing,</b></p>	Prior to Approval of Improvement Plans/Final Map	Development Services - Public Works	

	<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>
	<p>fully-improved section located east of the intersection. The northerly section shall include a minimum of 8 feet of pavement, a 3-foot shoulder and a roadside ditch. Transitions to the fully-improved section shall be to the satisfaction of Public Works.</p>			
68A.	<p>The Applicant shall dedicate the lot to the west of the intersection of Waterman Road and Waterman Court as a public utility easement for overhead and underground facilities and appurtenances. The Applicant shall record a boundary line adjustment (BLA) transferring Lot A to one or more of the property owners to the west.</p>	Prior to Final Map	SMUD-Public Works	
68B.	<p>The Applicant shall design and improve the curb returns at the northwest corner of Waterman Road/Waterman Court (Future), adjacent to Lot A to the satisfaction of Public Works.</p>	Prior to Final Map Approval	Public Works	
68C.	<p>The Applicant shall dedicate the westerly half section of Waterman Road along the frontage of Lot A measured 36' from approved centerline to the satisfaction of Public Works.</p>	Prior to Recordation of the BLA for Lot A	Public Works	
68D.	<p>The Applicant shall dedicate all necessary private access easements to the applicable owners requiring access to Waterman Court in the future.</p>	Prior to Recordation of the BLA for Lot A	Public Works	
68E.	<p>The Applicant shall apply for and obtain City approval of an abandonment of the Waterman Road right-of-way within Lot A. Additionally, the unused portion of the future abandoned Waterman Road, not proposed as access for the parcels to the west, shall be demolished to the satisfaction of Public Works.</p>	Prior to Acceptance of Waterman Road	Public Works	
68F.	<p>The Applicant shall construct a new access for Parcels 134-0181-015 and 134-0181-017 to the satisfaction of Public Works.</p>	Prior to Acceptance of Waterman Road	Public Works	
68G.	<p>The Applicant shall be responsible for all the City's costs associated with renaming any streets associated with the</p>	Final Map	Public Works	



<u>Conditions of Approval / Mitigation Measures</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (Date and Signature)</u>
Project, including but not limited to, costs of required noticing by the City Clerk's office and staff costs associated with obtaining City Council approval.			

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-23**

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

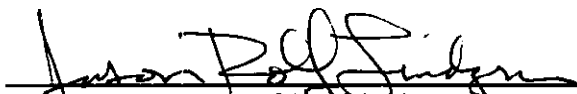
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 8, 2012 by the following vote:*

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

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

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

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

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