

RESOLUTION NO. 2014-34

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL FOR THE
WATERMAN 75 PROJECT (EG-06-1158)**

WHEREAS, on July 25, 2007, the City Council of the City of Elk Grove adopted Resolution 2007-171, approving a Tentative Parcel Map for the Waterman 75 project; and

WHEREAS, the Waterman 75 project is located on real property in the City of Elk Grove described as Assessor's Parcel Number 134-0182-001; and

WHEREAS, said approval was found to be consistent with the General Plan for the City of Elk Grove, which designated approximately 15 acres for High Density Residential development; and

WHEREAS, on February 12, 2014, the City Council of the City of Elk Grove adopted Resolution No. 2014-28, certifying an Environmental Impact Report (EIR) for the 2013-2021 Housing Element; and

WHEREAS, on February 12, 2014, the City Council of the City of Elk Grove approved Resolution No. 2014-32, adopting the 2013-2021 Housing Element and certain changes to the General Plan Land Use Map; and

WHEREAS, said General Plan Amendment modified the land use designation for a portion of the Waterman 75 property to Medium Density Residential; and

WHEREAS, State and local law required that Zoning be consistent with the General Plan; and

WHEREAS, the EIR for the 2013-2021 Housing Element adequately considered the change in land use designation for the Waterman 75 property under the 2013-2021 Housing Element.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby approves an amendment to the Conditions of Approval for the Waterman 75 Project for consistency with the 2013-2021 Housing Element as provided in Exhibit A and based upon the following findings:

Tentative Subdivision Map Condition Amendment

Finding: None of the findings (a) through (g) below in Section 66474 of the California Government Code that require a City to deny approval of a tentative map apply to the amendments to the Waterman 75 Project conditions of approval.

- 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 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: Findings (a) through (g) in Section 66474 of the California Government Code do not apply to the project.

- a. The proposed changes to the conditions of approval will maintain consistency between the General Plan, Specific Plan, and zoning, and the Project. The change at the General Plan/Specific Plan/Zoning level for proposed Parcel 8 necessitates modification to the conditions where the land use designations have changed.
- b. The proposed Parcel 8 remains consistent with the General Plan and Specific Plan as previously described in the approval of the Project. No circumstances or standards have changed which would cause the design or improvement of proposed Parcel to no longer be consistent with the General Plan and Specific Plan.
- c. The site is physically suited to development as noted by the initial approval of the Project.
- d. The site is physically suitable for the proposed density of development as noted by the initial approval of the Project.
- e. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as noted by the initial approval of the Project.
- f. The design of the subdivision or type of improvements is not likely to cause serious public health problems as noted by the initial approval of the Project.
- g. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision as noted by the initial approval of the Project. There are powerline easements along the western side of the site; however these do not conflict with the changes to proposed Parcel 8. This Parcel remains clear of these easements.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of February 2014.



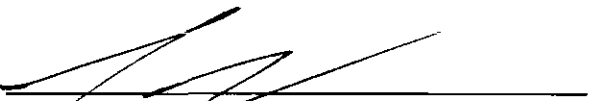
GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Exhibit A
Amended Conditions of Approval
EG-06-1158 – Waterman 75

Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.

Conditions 1 and 16 of City Council Resolution 2007-171 are hereby amended to read as follows:

	<u>Conditions of Approval / Mitigation Measure</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>
1	<p>The project approved by this action is for the following entitlements a</p> <p>General Plan Amendment to the Land Use Policy Map modifying the land use designations as described in the General Plan Amendment Exhibit for Waterman Park 75 dated 05/15/2007.</p> <p>Specific Plan Amendment to the East Elk Grove Specific Plan Land Use Diagram modifying the land use designations as described in the Specific Plan Amendment Exhibit for Waterman Park 75 dated 05/15/2007.</p> <p>Rezone to amend the City of Elk Grove Zoning Map to amend the zoning designations as described in the Rezone Exhibit for Waterman Park 75 dated 5/15/2007.</p> <p>Tentative Parcel Map to subdivide the parcel into eight parcels to permit development with land uses consistent with the General Plan and Specific Plan, including approved road realignment work, as depicted on the Tentative Parcel Map for Waterman Park 75 dated 5/17/2007</p> <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Development Services, Planning
16	<p>The High Density Residential (HDR) parcel <u>Parcel 8</u> will include 15 net acres of HDR and .42 acres of additional required parks/open space in addition to the HDR minimum open space requirement.</p>	On-Going	Planning

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-34**

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

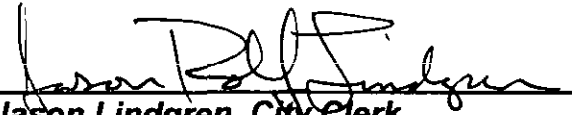
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 12, 2014 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*


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