

RESOLUTION NO. 2005-294

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING AN AMENDMENT TO CONDITION OF APPROVAL 80 FOR THE
TENTATIVE SUBDIVISION MAP FOR MONTEREY VILLAGE, EG-04-784**

WHEREAS, Monterey Village Tentative Subdivision Map Amendment, represented by Dunmore Homes (hereinafter referred to as Applicant), filed a request with the City of Elk Grove (hereinafter referred to as City) for a Tentative Subdivision Map Amendment (Assessor's Parcel Number 132-0020-108); and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project; and

WHEREAS, the City, pursuant to the Applicant's request imposed a condition of approval requiring owner occupancy for a period of four (4) years from the date of final occupancy.; and

WHEREAS, the Applicant has informed the City that the California Department of Real Estate (DRE) will not approve a four (4) year owner occupancy requirement, and

WHEREAS, the DRE has approved a twelve (12) month owner occupancy requirement and the Applicant has applied for an owner occupancy period of eighteen (18) months, the maximum period that the DRE will approve, and

WHEREAS, the project is exempt from environmental review pursuant to Section 15061(3) of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby:

1. The City Council of the City of Elk Grove incorporates the above recitals as findings of fact, and as supporting evidence for its action, in this matter;
2. Approves the Monterey Village Tentative Subdivision Map Amendment based on the findings and hereby amends of Condition of Approval 80 in it entirety as follows:

*All for-sale multi-family dwelling units within the Monterey Village project shall be restricted to owner occupancy for a period of 18 months ~~four years~~ from the date of the issuance of final occupancy. Such provisions shall be written into the **Purchase Agreement, Covenants, Conditions and Restrictions (C,C & R's)** and shall be included in the deeds for each unit. **These provisions shall be subject to approval by DRE. Should the DRE not approve the application by the Applicant***

for an eighteen (18) month owner occupancy requirement, the purchase agreement and the deed shall reflect a twelve (12) month owner occupancy requirement. The form of these restrictions shall be provided to, and approved by, the City Attorney, prior to them being recorded.

CEQA

Finding: The project will not have a significant adverse impact on the environment and the project is exempt from the provisions of the California Environmental Quality Act (CEQA).

Evidence: There is no potential for the discretionary action associated with this application to have an effect upon the environment and the project is therefore, not subject to CEQA pursuant to Section 15061(3).

Tentative Subdivision Map Amendment

Finding: The requested amendment to Condition of Approval 80 to require any dwelling unit within the Monterey Village project (EG-04-784) to be occupied by the owner for a period no less than four years is contrary to State law and unenforceable by the City.

Evidence: The California Department of Real Estate indicates that restrictions on owner-occupation of a dwelling unit is acceptable for a period of one year and not to exceed 18 months. Proposed revisions to the condition of approval are consistent with State law, requiring owner occupation for a period of no less than 18 months.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of September 2005.



DANIEL BRIGGS,
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. 2005-294**

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

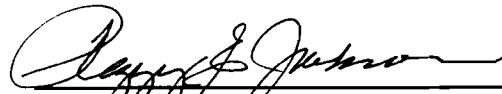
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 14th day of September, 2005 by the following vote:

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**

