

RESOLUTION NO. 2009-136

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CERTIFYING AN ADDENDUM TO THE FINAL ENVIRONMENTAL
IMPACT REPORT FOR THE ELK GROVE GENERAL PLAN
STATE CLEARINGHOUSE NUMBER 2002062082**

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), on November 19, 2003 the City Council adopted Resolution No. 2003-216 certifying the Final Environmental Impact Report ("EIR") for the Elk Grove General Plan, making findings of fact and adopting a statement of overriding considerations; and

WHEREAS, neither the proposed Road Fee Program nor the proposed Capital Facilities Fee Program update requires the preparation of a subsequent or supplemental EIR, and an Addendum to the previously certified EIR is appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby adopts and approves the attached Addendum to the previously certified EIR for the Elk Grove General plan as follows:

- 1) The Addendum has been presented to the City Council, and the City Council has reviewed and considered this information, along with the staff report and information provided to the City Council during the public meeting on this matter; and
- 2) The Addendum has been prepared in compliance with CEQA; and
- 3) The Addendum reflects the City's independent judgment and analysis; and
- 4) The City Council hereby approves and adopts the findings, conclusions, and recommendations of the Addendum as its own, and hereby incorporates by reference the discussion and analysis in the addendum in support of the actions taken by the City Council by this Resolution.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 8th day of July 2009.



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

ADDENDUM TO THE PREVIOUSLY CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY'S GENERAL PLAN (SCH#2002062082)

Introduction

This Addendum analyzes updating the Capital Facilities Impact Fee Program (CFF) and Road Impact Fee Program (RF) in relation to the City's existing General Plan.

Background

The City adopted its General Plan on November 19, 2003, pursuant to Government Code Section 65300. The General Plan acts as the official policy statement of the City and guides public and private development within the City in a manner that maximizes the social and economic benefits for all citizens. In addition, the General Plan also provides policy direction that guides land use development within the City, as well as provides protection for existing natural resources.

Environmental review for development anticipated in the General Plan was included in the Elk Grove General Plan EIR (State Clearinghouse Number 2002062082.) The EIR analyzed potential environmental effects based on the adopted General Plan land use designations. On November 19, 2003, the City Council approved Resolution 2003-216 certifying the Elk Grove General Plan Final EIR and adopting the associated Findings of Fact regarding environmental effects.

Purpose

Capital Facilities Impact Fee Program (CFF)

As part of the City's adopted General Plan, the City has the goal to provide high quality public facilities. As new development occurs within the City, new capital facilities will be required to meet the demands caused by this development. The purpose of the CFF program is to ensure new development funds it fair share of facilities needed to maintain the quality of life in the City of Elk Grove. In May 2002, the City Council established the CFF program and then updated the program in March 2004. The original CFF program is consistent with the development assumptions contained in the adopted 2003 General Plan and was analyzed under the California Environmental Quality Act (CEQA) by the Elk Grove General Plan EIR.

The proposed update of the CFF Program will transfer the funding obligations for the Railroad Overcrossings and Intelligent Transportation Systems identified in the CFF program to the Road Impact Fee Program (RF).

Road Impact Fee Program (RF)

The City of Elk Grove General Plan policy CI-13 requires that all roadways and intersections operate at a minimum Level-of-Service (LOS) "D" at all times. Furthermore, General Plan policy CI-15 requires development projects to pay an establish traffic impact fee to construct roadway/intersection improvements to implement the City's Circulation Master Plan. The purpose of the RF Program is to fund those road improvements necessary to assure that new development is in compliance with established General Plan policies. The original RF program is consistent with the

development assumptions contained in the adopted 2003 General Plan and was analyzed under the California Environmental Quality Act (CEQA) by the Elk Grove General Plan EIR.

The proposed RF program update is necessary to update the funding needs for the roadways, intersections and road landscaping and to include the addition of the Railroad Overcrossings and Intelligent Transportation System improvements that were formerly components of the CFF program.

Nexus Studies

To facilitate the updating of both programs, the City contracted with Economic and Planning Systems (EPS) to prepare a Nexus study for each program. The purpose of the Nexus studies is to update the reasonable relationship between new development and the need for improvements as a result of the development. The Nexus studies were prepared to be consistent with the development assumptions contained in the City's adopted 2003 General Plan.

Decision to Prepare Addendum to General Plan Final EIR

When a Final EIR already has been certified for a project, CEQA Guidelines sections 15162 and 15164 set forth the criteria for determining whether a subsequent EIR, supplemental EIR or addendum may be prepared in support of further agency action on the project. Under these Guidelines, a subsequent or supplemental EIR shall be prepared if any of the following three criteria are met:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Both the RF program and CFF program updates are intended to ensure that adequate funding is available for roadways, intersections, and other public facilities that are adversely affected by new development. These updates do not meet the criteria for preparing a subsequent or supplemental EIR.

First, updating both programs is not a change in the General Plan EIR project description that may cause a new significant impact or that may substantially increase the severity of a previously identified significant impact. The program updates do not expand the projects that are identified in the 2003 General Plan at the roadway widths identified in the General Plan's Circulation Master Plan. The proposed program updates include recalculated fees necessary to construct projects identified in the 2003 General Plan. Second, a program update is not a change in the physical circumstances surrounding the project that may cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other physical changes in circumstances that meet this criterion. And third, there is no new information of substantial importance that was not known at the time the General Plan Final EIR was certified.

CEQA Guidelines section 15164 states that "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." An Addendum is appropriate here because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2009-136

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

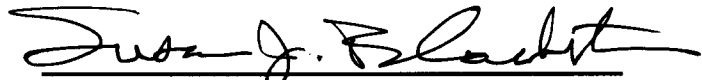
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 8, 2009 by the following vote:

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

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



**Susan J. Blackston, City Clerk
City of Elk Grove, California**