

**RESOLUTION NO. 2017-043**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT AND  
DEDICATION OF RIGHT-OF-WAY FOR PROPERTY LOCATED AT 7710 BILBY ROAD  
[APN 132-0300-009] ASSOCIATED WITH THE NEW GROWTH AREA  
INFRASTRUCTURE PROJECT (CEQA EXEMPT)**

**WHEREAS**, in support of the master development plan for Southeast Policy Area (“SEPA”), and buildout of Laguna Ridge Specific Plan (“LRSP”), the City proposes to construct the New Growth Area (“NGA”) Project; and

**WHEREAS**, the NGA Project includes construction of the Laguna Ridge South Lift Station, which will provide sewer service to the portion of LRSP south of Poppy Ridge Road, as well as the majority of SEPA; and

**WHEREAS**, the NGA Project includes construction of the inside lanes and median for the extension of Big Horn Boulevard and Bilby Road, including water and sewer trunk lines and joint trench for electrical, gas, and telecommunications, leaving the frontage lanes and landscape corridors as developer responsibility; and

**WHEREAS**, The SEPA Strategic Plan consists of a Community Plan , Special Planning Area zoning, associated infrastructure master plans, and Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (Public Resources Code §21000, et seq); and

**WHEREAS**, on June 8, 2016, City Council approved resolutions authorizing the issuance and sale of special tax bonds on behalf of Community Facilities District (“CFD”) No. 2005-1 (“Series 2016”) for the Laguna Ridges Specific Plan Area, to fund backbone infrastructure; and

**WHEREAS**, the benefit of these improvements is that they provide access and circulation to areas of LRSP as well as providing a secondary point of access to some of the employment areas of SEPA, along with necessary sewer facilities for the buildout of LRSP as well as the majority of SEPA; and

**WHEREAS**, on February 8, 2017 City Council directed staff to proceed with negotiations for 7710 Bilby Road, Sacramento County Assessor Parcel Number 132-0300-009 (“Property”), for the advance dedication of right-of-way required for the New Growth Area Infrastructure Project, including the demolition and removal of the single family residence and appurtenant improvements (“Improvements”); and

**WHEREAS**, City staff has negotiated for the advance dedication of right-of-way, including the demolition and removal of Improvements by Hackberry II, LLC (“Developer”), in the amount of \$160,000; and

**WHEREAS**, the demolition and removal of Improvements prior to construction of the NGA Project will result in a savings of construction costs to the City, by eliminating the need to utilize a costly jack and bore method to secure the Improvements, as it relates to construction of the deep sewer trench; and

**WHEREAS**, City staff has completed a staff level cost estimate, which indicates the estimated cost savings to the NGA Project exceeds the payment amount under the proposed agreement; and

**WHEREAS**, the Property acquisition is consistent with the City's General Plan and in compliance with Elk Grove Municipal Code Section 3.42.300(B) and California Government Code Section 65402(a) as determined by the Planning Commission by Resolution No. 2016-18; and

**WHEREAS**, the payment for the Property will be funded through the City's Roadway Fee Fund; and

**WHEREAS**, the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereinafter referred to as CEQA) requires analysis of agency approvals of discretionary "projects". A "project", under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove hereby finds the acquisition of the subject properties exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan and Zoning) based upon the following finding:

Finding: No further environmental review is required pursuant to Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183.

Evidence: Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan and Zoning), provide that for projects that are consistent with a community plan, general plan and zoning, where an Environmental Impact Report has been certified "shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.". The proposed action involves the advanced dedication of right-of-way and demolition of Improvements within the Southeast Policy Area, for which an Environmental Impact Report was prepared ("SEPA EIR"), which includes the adoption of the Southeast Policy Area Community Plan and Zoning ("SEPA SPA"). The acquisition will further the SEPA Strategic Plan by providing the necessary right-of-way for a portion of the roadway infrastructure identified in the Plan.

Additionally, State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) requires that when an EIR has been certified for an adopted project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR 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 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 exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:
  - a. The project will have one or more significant effects on discussed in the previous EIR;
  - 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 measures or alternative.

Staff has reviewed the Project and analyzed it based upon the above provisions in Section 15162 of the State CEQA Guidelines. The Project is being undertaken pursuant to and in conformity with the approved Southeast Policy Area Community Plan and Special Planning Area. There are no substantial changes in the Project from that analyzed in the 2014 EIR and no new significant environmental effects, or substantial increase in the severity of previously identified significant effects. No new information of substantial importance has been identified. Further, since no changes to the EIR are necessary to support the Project, the City is not required to prepare an Addendum to the EIR as required by State CEQA Guidelines Section 15164. Therefore, the prior EIR is sufficient to support the proposed action and no further environmental review is required.

**AND, BE IT FURTHER RESOLVED,** that the City Council of the City of Elk Grove authorizes the City Manager to execute an Agreement and Dedication of Right-of-Way with Hackberry II, LLC for the advance dedication of a portion of the property located at 7710 Bilby Road, Sacramento County Assessor Parcel Number 132-0300-009.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 8<sup>th</sup> day of March 2017.




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STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



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

APPROVED AS TO FORM:



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JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-043**

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

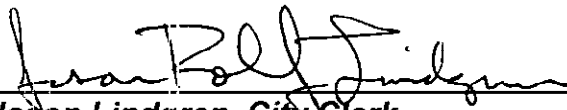
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 8, 2017 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**    *Ly, Detrick, Hume, Nguyen, Suen*

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

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

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

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