

RESOLUTION NO. 2017-282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING AN AMENDMENT TO MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ELK GROVE SPORTS CENTER PROJECT NO. EG-06-1014A 3443 LAGUNA BOULEVARD, APN 119-0120-075 (CEQA EXEMPT)

WHEREAS, the City of Elk Grove Development Services Department received an application on August 15, 2017, requesting removal of Mitigation Measure No. 2, which requires intersection improvements at Harbour Point Drive and Laguna Boulevard; and

WHEREAS, the proposed Project is located at 3443 Laguna Boulevard (Assessor Parcel Number 119-0120-075); and

WHEREAS, staff has concluded that Mitigation Measure No. 2 is no longer necessary based on recent data collected showing significantly lower traffic volumes in the area when compared to volumes collected in 2006; and

WHEREAS, the City Council held a duly-noticed public hearing on December 13, 2017, as required by law to consider all of the information presented by staff, information presented by the project proponent, 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, hereby finds the proposed Elk Grove Sportscenter Mitigation Monitoring and Reporting Program Mitigation Measure Amendment Project, EG-06-1014A, exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21166 and Section 15162 of the State CEQA Guidelines based upon the following finding:

California Environmental Quality Act (CEQA)

Finding: The project is exempt from CEQA review.

Evidence: Pursuant to Public Resources Code Section 21166 and State CEQA Guidelines and Section 15162, no additional environmental review shall be prepared for - further discretionary approval of a project unless the public agency determines, on the bases of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous Environmental Impact Report (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.

On February 28, 2007, the City adopted a Mitigated Negative Declaration (MND) for the Project, imposing appropriate mitigation measures at that time. The proposed removal of the Mitigation Measure #2 now does not alter the assumptions or analysis for the Project from that documented in the MND. The mitigation measure is being removed at the Applicant's request, and as a result of staff's determination that it is no longer necessary. All other applicable mitigation measures continue to obligate the Project to satisfy prior to issuance of future building permits. No changes have occurred with respect to the circumstances under which the Project was undertaken, and no new information of substantial importance has become known. Therefore, pursuant to State CEQA Guidelines Section 15162, subsequent environmental review is not required and no further environmental analysis is required.

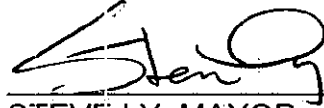
AND, BE IT RESOLVED that the City Council of the City of Elk Grove hereby approves removal of Mitigation Measure #2 from the MMRP (Resolution No. 2007-51 Exhibit B) adopted as part of the Mitigated Negative Declaration for the Elk Grove Sportscenter Project, EG-06-1014A (Exhibit A) based on the following findings:

Mitigation Monitoring and Reporting Program Amendment

Finding: The proposed amendment is consistent with the City's General Plan and is not detrimental to the public health and welfare.

Evidence: Based on recent traffic data collected, the proposed amendment will not affect the operations and width of the Laguna Boulevard segment and intersection pursuant to General Plan policies. All other applicable mitigation measures continue to obligate to the Project, which must be satisfied prior to the issuance of any future approvals, as set forth in the MMRP. Therefore, the proposed amendment is consistent with the City's General Plan and will not be detrimental to the public health and welfare.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of December 2017



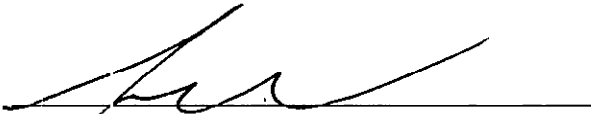
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT -A – MITIGATION MEASURES
Amendment to Resolution No. 2007-51 Exhibit B

| MITIGATION MEASURES | TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT): | MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN) |
|--|--|--|
| GRADING PERMIT AND IMPROVEMENT PLAN | | |
| <p>1. Mitigation Measure 1 (Biological Resources – Giant Garter Snake)</p> <p>In order to reduce potentially adverse impacts to Giant Garter snakes to a less than significant level, no development of the vacant northern portion of the project site shall be allowed until a species specific biological study is conducted and appropriate consultation with state and federal agencies is performed. If the results of the study conclude that the area does not represent habitat for the giant garter snake, written concurrence from the California Department of Fish and Game and the U.S. Fish and Wildlife Service must be submitted to the City with the study. If the results of the study conclude that the area is giant garter-snake habitat that will be impacted by development, the study must propose mitigation measures acceptable to the California Department of Fish and Game and the U.S. Fish and Wildlife Service. This study shall be submitted with any project or permit application for development on the currently vacant northern portion of the site.</p> | <p>Concurrent with approval of subsequent development on the northern portion of the project site.</p> | <p>Development Services – Planning</p> <p>Study and consultation verified:</p> <hr/> <p align="center">Sign</p> <hr/> <p align="center">Date</p> |

| MITIGATION MEASURES | TIMING, IMPLEMENTATION AND NOTIFICATION (ACTION BY THE PROJECT APPLICANT): | MONITORING / VERIFICATION (ACTION BY THE CITY): (DATE & SIGN) |
|--|--|---|
| BUILDING PERMIT | | |
| <p>Mitigation Measure 2 (Traffic Intersection of Harbour Point Drive and Laguna Boulevard)</p> <p>The applicant shall add overlap phasing to the northbound right turn lane from Laguna Blvd. onto Harbour Point.</p> | <p>Prior to first building permit for any new structure or conversion of existing building to commercial</p> | <p>City of Elk Grove Development Services, Public Works</p> <p>_____ Sign</p> <p>_____ Date</p> |
| <p>Mitigation Measure 3 (Traffic Intersection of Franklin Boulevard and Laguna Boulevard)</p> <p>The applicant shall add overlap phasing to the eastbound right turn lane from Laguna Blvd. onto Franklin Blvd.</p> | <p>Prior to first building permit for any new structure or conversion of existing building to commercial</p> | <p>City of Elk Grove Development Services, Public Works</p> <p>_____ Sign</p> <p>_____ Date</p> |

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-282**

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

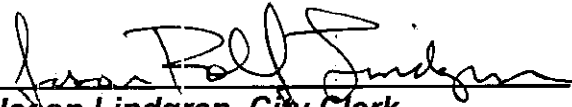
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 13, 2017 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



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