

RESOLUTION NO. 2018-088

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING THE ACQUISITION OF THE PROPERTY LOCATED AT 8011 KAMMERER ROAD [APN: 132-0300-015] EXEMPT FROM FURTHER REVIEW UNDER THE CALIFORNIA QUALITY ACT (CEQA); AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE AND CLOSE THE PURCHASE OF PROPERTY LOCATED AT 8011 KAMMERER ROAD [APN: 132-0300-015] ASSOCIATED WITH THE SOUTHEAST POLICY AREA SHED "C" DRAINAGE CHANNEL AND DETENTION BASIN PROJECT

WHEREAS, on July 9, 2014, with the adoption of the Southeast Policy Area Strategic Plan ("SEPA"), City Council directed staff to prepare a plan for delivery of infrastructure to the employment areas of SEPA; and

WHEREAS, as development occurs within SEPA, the Shed "C" Drainage Channel will require system improvements to handle the runoff resulting from development; and

WHEREAS, the property located at 8011 Kammerer Road, Sacramento County Assessor Parcel Number 132-0300-015 ("Property") is required for the Shed "C" Drainage Channel and Detention Basin Project ("Project"); and

WHEREAS, the Property is owned by Aweas Akbar Al-Quadri and Massod Aziz ("Owner") and is currently listed for sale. City staff has negotiated the purchase of the Property, which includes 12.62+/- acres and two vacant, manufactured homes and appurtenant improvements, in the amount of \$920,000; owner shall credit City \$27,600 for 3% buyer's agent commission at close of escrow, for a net purchase price of \$892,400 ("Purchase Price"); and

WHEREAS, the proposed purchase is consistent with the City's General Plan pursuant to California Government Code Section 65402(a), and in compliance with Elk Grove Municipal Code Section 3.42.300(B), as determined by the Planning Commission by Resolution No. 2017-10; and

WHEREAS, the purchase of the Property will be funded through the City's Drainage Fund; and

WHEREAS, the California Environmental Quality Act (§21000, et. seq. of the California Public Resources Code, hereafter 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," and

WHEREAS, CEQA Guidelines Section 15183 (Public Resources Code §21083.3), (Consistency with a General Plan, Community Plan or Zoning for which an EIR was prepared), provides that projects that are consistent with a Community Plan, General Plan or Zoning for which an EIR 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;" and

WHEREAS, the proposed action involves the acquisition of Property located within SEPA, for which an Environmental Impact Report (EIR), which considered the physical impacts associated with development in SEPA, was certified for the Southeast Policy Area ("SEPA") (State Clearinghouse No. 2013042054).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds the acquisition of the Property exempt from further review under CEQA pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183 (Projects Consistent with a Community Plan, General Plan or Zoning) based upon the following finding:

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

Evidence: Public Resources Code §21083.3 and CEQA Guidelines §15183 (Projects Consistent with a Community Plan, General Plan or Zoning); provide that for projects that are consistent with a community plan, general plan or 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 acquisition of real property within the Southeast Policy Area ("SEPA"), for which an EIR analyzing the physical impacts associated with development in SEPA, was prepared and certified as part of approval of SEPA (State Clearinghouse No. 2013042054). The acquisition will further the SEPA Strategic Plan by providing the necessary real property for a portion of the drainage infrastructure identified in the Plan.

Staff has reviewed the Project and analyzed it based upon the above provisions in §15183 of the CEQA Guidelines. The Project is being undertaken pursuant to and in conformity with the approved the 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 CEQA Guidelines Section § 15164. Therefore, as the prior EIR is sufficient to support the proposed action, the Project is exempt from further review under CEQA.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove authorizes the City Manager to execute any and all documents necessary to complete and close the purchase of property located at 8011 Kammerer Road, Sacramento County Assessor Parcel Number 132-0300-015, from Aweas Akbar Al-Quadri and Massod Aziz, in the amount of \$892,400, together with closing costs, not to exceed \$4,000, all in a total amount not to exceed \$896,400.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 9th day of May 2018.



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2018-088

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

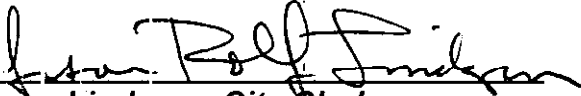
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 9, 2018 by the following vote:

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