

RESOLUTION NO. 2010-67

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING THE INITIAL STUDY / MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING THE
ELK GROVE INTERMODAL RAIL STATION MASTER PLAN**

WHEREAS, the City of Elk Grove has adopted a General Plan, which includes a Land Use Element identifying policies related to the use of land and the design of new development throughout the City; and

WHEREAS, on December 14, 2005, the Elk Grove City Council approved an amendment to the General Plan Land Use Element to designate the location for a Transit Oriented Development; and

WHEREAS, the City has designated the Transit Oriented Development location identified in the General Plan Land Use Element as the proposed Elk Grove Intermodal Rail Stop Master Plan project; and

WHEREAS, the City determined that the Elk Grove Intermodal Rail Station Master Plan project was subject to the California Environmental Quality Act and prepared an Initial Study / Mitigated Negative Declaration (Draft MND) evaluating the potential environmental effects of the project in June 2008; and

WHEREAS, the City circulated a Draft MND for the Elk Grove Intermodal Rail Station from June 25, 2008 to July 25, 2008 and held a public meeting on July 10, 2008 to receive public comments on the project and environmental analysis; and

WHEREAS, revisions made to the project description and additional technical analyses performed since the end of the 2008 circulation period required recirculation of a new Draft MND; and

WHEREAS, the Draft MND was recirculated from January 27, 2010 through February 27, 2010 and three comments were received during the public review period; and

WHEREAS, a public meeting was held on February 23, 2010 to hear comments on the Draft Recirculated MND and on the project; and

WHEREAS, the Draft Recirculated MND identified potentially significant adverse effects in the areas of air quality, biological resources, hazardous materials, and, noise; and

WHEREAS, the City has agreed to implement proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and

WHEREAS, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with City of Elk Grove regulations and is designed to ensure compliance during project implementation; and

WHEREAS, the City determined that the mitigation proposed in the MMRP would reduce the impacts to a less than significant level and a Mitigated Negative Declaration should be prepared; and

WHEREAS, the City Council has considered the written and oral comments on the proposed Project and the Mitigated Negative Declaration; and

WHEREAS, the City of Elk Grove, Development Services Planning Department, located at 8401 Laguna Palms Way, Elk Grove, California 95758, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove as follows:

- A. The City Council of the City of Elk Grove hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Elk Grove Intermodal Rail Station Master Plan based on the following findings:
 1. On the basis of the whole record, there is no substantial evidence that the Project as designed, conditioned and mitigated, will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The City Council has reviewed the Mitigated Negative Declaration. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.
 2. Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, all of the proposed mitigation measures described in the Mitigated Negative Declaration are feasible, and therefore will become binding upon the City and affected landowners and their assigns or successors in interest when the Project is approved.
 3. To the extent that these findings conclude that various proposed mitigation measures outlined in the MND are feasible and have not been modified, superseded or withdrawn, the City Council hereby binds itself, all landowners within the Project area, and their assigns and successors in interest to implement those measures. These findings are not merely informational but constitute a binding set of obligations that will come into effect when the City Council implements the project described above.

Evidence: Pursuant to CEQA and the CEQA guidelines, City staff prepared and circulated an Initial Study evaluating the potential environmental effects of the project. Potentially significant adverse effects related to short-term, construction-generated air emissions, long-term sources of toxic air contaminants and odor emissions, loss of giant garter snake habitat, Swainson's hawk foraging habitat, loss of habitat for nesting birds, potential impact to jurisdictional waters, hazards and hazardous materials on the project site, and noise. Mitigation measures have been imposed on the project that reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with the City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on January 27, 2010. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30-day review and comment period was opened on January 27, 2010 and closed on February 27, 2010. The Mitigated Negative Declaration was made available to the public during this review period. The City received two written comment letters within the 30-day public review period and / or prior to public hearing on this matter. These comments do not alter the conclusions of the Initial Study / Mitigated Negative Declaration.

- B. Having reviewed and considered the Mitigated Negative Declaration for the project and other relevant materials and information in the record, the City Council hereby approves the Elk Grove Intermodal Rail Station Master Plan project.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of April 2010.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-67

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 April 14, 2010 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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