

RESOLUTION NO. 2020-167

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE PARKING
LICENSE AGREEMENT WITH ECO GREEN, LLC, FOR THE NON-EXCLUSIVE USE
OF UP TO FOUR PARKING SPACES LOCATED WITHIN THE OLD TOWN PLAZA
FUTURE PARKING LOT [PORTION OF APN: 134-0010-068]
(CEQA EXEMPT)**

WHEREAS, on July 25, 2018, City Council adopted a resolution authorizing the City Manager to execute a Purchase and Sale Agreement and Joint Escrow Instructions with Eco Green, LLC (the “Developer”), for the sale and future development of City-owned property located at 9676 Railroad Street [APNs: 134-0050-043, 134-0050-049 and 134-0050-052] (the “Property”); and

WHEREAS, the City and Developer are currently in escrow to complete the sale of the Property and anticipate escrow will close concurrent with City’s issuance of a tenant improvement permit to Developer for the Railroad Street Rehabilitation Project – PLNG 19-026 (the “Developer’s Project”); and

WHEREAS, as part of the City’s Railroad Street Improvements Project – WTR049, the City has commenced construction of a public parking lot south of the City’s Old Town Plaza property, identified as a portion of APN 134-0010-068, and adjacent to the Property, which City anticipates to be complete in early 2021 (“Future City Parking Lot”); and

WHEREAS, the City and Developer desire to enter into a Revocable Parking License Agreement that will grant Developer and Developer’s tenants and invitees, a Revocable Parking License (“License”) for the non-exclusive use of up to four unassigned vehicle parking spaces located within the Future City Parking Lot, in order to satisfy the Project’s off-site parking requirements; and

WHEREAS, the proposed License does not contain a fee and would become effective when the following conditions have been satisfied: (i) close of escrow for the Property; (ii) Notice of Completion for the City Project; and (iii) Certificate of Occupancy for the Developer’s Project, and will continue until such time that the existing Elk Grove Old Town Special Planning Area commercial building parking requirements, or any other City-mandated off-site parking requirements, are no longer in place, whereupon the License will automatically terminate; and

WHEREAS, the proposed license is exempt from California Environmental Quality Act (CEQA) review. The proposed license does not result in a direct or reasonably foreseeable indirect physical change in the environment. If, and when, the Developer proceeds with any development activity, the City would further review such development consistent with CEQA. At this time, the proposed license is not considered the approval of a project under CEQA and is, therefore, exempt from CEQA review (Pub. Res. Code § 21065 CEQA Guidelines § 15060(c), (2)(3) and 15378(a)).

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the proposed license is not subject to CEQA review pursuant to Pub. Res. Code § 21065 CEQA Guidelines §§15060(c), (2)(3) and 15378(a) and authorizes the City Manager to execute a Revocable Parking License Agreement with Eco Green, LLC, in substantially the form presented to City Council, for the non-exclusive use of up to four parking spaces located within the Old Town Plaza City Parking Lot.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of July 2020



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. 2020-167**

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 July 22, 2020 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**