

RESOLUTION NO. 2006-257

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, MAKING FINDINGS OF FACT RELATING TO THE PROJECT IMPACTS AND THE FEASIBILITY OF PROJECT ALTERNATIVES AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING THE BOND ROAD WIDENING PROJECT (FROM BRADSHAW ROAD TO GRANT LINE ROAD)

WHEREAS, the City of Elk Grove Transportation Capital Improvement Program identifies several roadway projects, including the Bond Road Widening Project (from Bradshaw Road to Grant Line Road) that would improve roadway safety and efficiency; and

WHEREAS, sources of funding have been identified to construct the recommended improvements in the City of Elk Grove Transportation Capital Improvement Program; and

WHEREAS, the City determined that the Bond Road Widening Project (from Bradshaw Road to Grant Line Road) was subject to the California Environmental Quality Act (CEQA) and prepared an Environmental Impact Report (EIR) to evaluate the potential environmental effects of the project; and

WHEREAS, the Draft EIR identified potentially significant adverse effects in the areas of visual resources, biological resources, noise, air quality, hydrology and water quality, and hazardous materials; and

WHEREAS, revisions have been made to the project and 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 (except for visual resources impacts); and

WHEREAS, mitigation measures were developed to reduce visual impacts related to tree removal. While maintaining as many trees as are feasible would help to retain some of the rural character of the area; they would not fully mitigate the visual impacts resulting from the widening of a rural two-lane road to a four-lane arterial with sidewalks/pathways. The proposed project would significantly change the rural character of the area and visual resource impacts are considered significant and unavoidable. A statement of overriding considerations has been completed that addresses the significant and unavoidable impacts; and

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

WHEREAS, all project changes required to avoid significant effects on the environment have been incorporated into the project and/or are identified in the Mitigation Monitoring and Reporting Program (except for visual resources impacts); and

WHEREAS, a Notice of Preparation (with attached Initial Study) to receive comments on topics and issues which should be evaluated in the Draft EIR was released for public and agency review and comment and was circulated through the State Clearinghouse, pursuant to CEQA Guidelines 15082, for 30 days beginning July 6, 2005 and ending on August 5, 2006; and

WHEREAS, the City of Elk Grove distributed a Notice of Availability for the Bond Road Widening Project (from Bradshaw Road to Grant Line Road) Draft EIR on January 25, 2006, which started the 45-day public review period, ending on March 10, 2006. The Notice of Availability was posted at the Sacramento County Clerks Office, posted at City offices, distributed through the State Clearinghouse, published in the Elk Grove Citizen, and mailed to project stakeholders, property owners, and residents within a 2,000 foot radius of the project site. The Draft EIR was made available to the public during this review period; and

WHEREAS, the Draft EIR was also submitted to the State Clearinghouse on January 25, 2006 for state agency review; and

WHEREAS, the City of Elk Grove Public Works Department held a public testimony meeting on February 28, 2006 to receive public comments on the Draft EIR and those comments were considered in the Final EIR; and

WHEREAS, the City received thirteen (13) written comment letters and twelve (12) people provided oral comments on the Draft EIR and those comments were considered for the Final EIR; and

WHEREAS, the City has considered the comments received during the public review period and the comments do not alter the conclusions of the EIR; and

WHEREAS, the City Council of the City of Elk Grove reviewed all evidence presented both orally and in writing and intends to make certain findings and overriding considerations in compliance with CEQA, which are more fully set forth in Attachment 4 to the staff report.

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

1. Certification of the Final EIR

A. The City Council of the City of Elk Grove hereby certifies that the Final EIR has been completed in compliance with the requirements of the California Environmental Quality Act.

B. The City Council of the City of Elk Grove hereby certifies that the Final EIR was presented to City Council and that the City Council reviewed and considered the information contained in the Final EIR prior to taking action on the project.

C. The City Council of the City of Elk Grove hereby certifies that the Final EIR reflects the independent judgment and analysis of the City Council of the City of Elk Grove.

2. Findings on Impacts

The City Council finds:

A. The EIR identifies fourteen (14) potentially significant impacts that can be mitigated to a less-than-significant level. The City Council makes the findings with respect to significant impacts as set forth in Attachment 4 to the staff report.

B. The EIR identifies two (2) potentially significant impacts that cannot be mitigated to a less-than-significant level and are thus considered significant and unavoidable. The City Council makes the findings with respect to these significant and unavoidable impacts as set forth in Attachment 4 to the staff report.

3. Findings on Alternatives

Three (3) project alternatives (“Alternative 1 - No Project,” “Alternative 2 - No Sidewalk on the North Side of Bond Road,” and “Alternative 3 - Full Section Standard Design”) were evaluated by the City of Elk Grove during project development and in the EIR.

Alternative 1 is required by CEQA, but it does not meet any of the project objectives. Alternative 1 is inconsistent with the Elk Grove General Plan; Figure CI-2: Master Plan of Roadways in the General Plan shows Bond Road as a four-lane arterial between Bradshaw Road and Grant Line road. In addition, the long-term traffic impacts would be greater with Alternative 1 compared to the proposed project.

Alternative 2 would be considered the environmentally superior alternative since it would impact less agricultural land on the north side of Bond Road than the proposed project. However, Alternative 2 does not eliminate the significant and unavoidable visual resources impacts, and would not provide continuity with the Van Ruiten development of the curb, gutter and sidewalk on the south side of Bond Road.

Alternative 3 would result in greater impacts regarding tree and landscape maintenance since a significant number of trees would need to be mitigated for either through replanting or planting new trees on or off the site, which would increase maintenance to ensure that those trees survive. Alternative 3 would have significantly greater impacts to trees because most of them would need to be removed, the biological resources those trees provide would be impacted, and the visual character of the area would be worse with this alternative than the proposed project. Alternative 3 is less desirable than the project because it would have worse impacts on visual resources (due to the removal of more trees), agricultural resources, biological resources, and cumulative impacts.

The City Council hereby finds that the proposed Bond Road Widening Project (from Bradshaw Road to Grant Line Road) can be feasibly implemented and serves the best interests of the City of Elk Grove.

4. Statement of Overriding Considerations

Because there are no feasible mitigation measures that would substantially lessen or avoid all significant adverse environmental effects caused by the proposed project or any of the alternatives considered in the EIR, the City Council adopts a Statement Of Overriding Considerations concerning the project's unavoidable significant impact to explain why the Bond Road Widening Project (from Bradshaw Road to Grant Line Road) benefits override and outweigh its unavoidable impacts on the environment as set forth in Attachment 4 to the staff report.

5. Other Findings

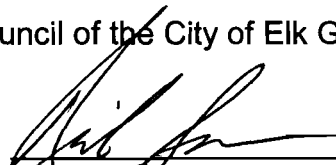
The City Council finds that issues raised during the public comment period and written comment letters submitted during the public review period of the Draft EIR do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

6. Adoption of the Mitigation Monitoring and Reporting Program

The City Council hereby adopts the Mitigation Monitoring and Reporting Program, as set forth in the project staff report.

The City Council hereby finds that the proposed mitigation measures described in the Final EIR and provided in the Mitigation Monitoring and Reporting Program are feasible and therefore will become binding upon the City and its construction contractors.

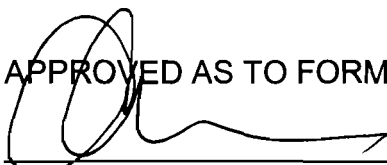
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of October 2006.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY


**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-257**

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

I, Peggy E. Jackson, 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 October 11, 2006 by the following vote:

AYES : COUNCILMEMBERS: Soares, Scherman, Briggs, Cooper
NOES : COUNCILMEMBERS: None
ABSTAIN : COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Leary





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**