

RESOLUTION NO. 2010-203

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING
THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING
REPORTING PROGRAM ADOPTED FOR THE FRANKLIN CROSSING
AMENDMENTS PROJECT EG-09-062**

WHEREAS, the City Council of the City of Elk Grove adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program (MMRP) on July 14, 2010 for the Franklin Crossing Amendments project (EG-09-062) under Resolution No. 2010-154; and

WHEREAS, Taylor Morrison of California, LLC (hereinafter referred to as the "Applicant") has requested that Mitigation Measure (MM) 12.1(c) be amended to remove the project's requirement to construct a 3-foot high roadside barrier on the Kammerer Road overpass of the Union Pacific Railroad; and

WHEREAS, as currently written, MM 12.1(c) provides mitigation for an anticipated noise level due to traffic noise originating at the future Kammerer Road/Western Pacific Railroad overpass, that was identified by the noise assessment prepared by Bollard Acoustical Consultants, Inc. for the project's Initial Study / Mitigated Negative Declaration (IS/MND); and

WHEREAS, the IS/MND further identifies that a specific analysis of traffic noise exposure and mitigation for the proposed Kammerer Road overpass of the Union Pacific Railroad would be required once engineering for this section of the roadway is complete; and

WHEREAS, the proposed amendment to MM 12.1(c) is equivalent in mitigating or avoiding potential significant effects and it itself will not cause any potentially significant effect on the environment; and

WHEREAS, the proposed amendment to MM 12.1(c) will not change the findings and mitigation measures established in the IS/MND adopted for the Franklin Crossing Amendments project (EG-09-062); all other mitigation measures, adopted for this project, will remain effective and must be satisfied as outlined in the adopted MMRP; and

WHEREAS, a public hearing was held on the project on September 22, 2010, in which the deletion and substitution of the MM 12.1(c) was addressed.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove amends Mitigation Measure 12.1(c), adopted as part of the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Franklin Crossing Amendments project (EG-09-062), as follows (additions are shown in **bold**, deletions are shown with a ~~strikeout~~):

MM 12.1(C): Construct a 6-8 foot high property-line noise barrier along the west side of the project site and a 3-foot high roadside barrier on the Kammerer Road overpass of the UPRR. ~~These~~ **This** noise barriers shall be a combination of earthen berms, soundwalls, and plant materials intended for sound attenuations. ~~These~~ **This** barriers should intersect the **proposed noise barrier on the subdivision's southern boundary Kammerer Road overpass of the WPRR**, with no gaps at the intersection points. The construction and installation of the barriers shall be completed prior to the issuance of building permits **for the subdivision's corresponding development phase, to the satisfaction of the Planning Department.**

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 22nd day of September, 2010.



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, INTERIM CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY


**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2010-203**

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

I, Jason Lindgren, Interim 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 September 22, 2010 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


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