

RESOLUTION NO. 2017-003

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR
ACQUISITION OF FEE INTEREST IN REAL PROPERTY AND RENTAL AGREEMENT
FOR PROPERTY LOCATED AT 8681 POPPY RIDGE ROAD [APN 132-0290-037]
(CEQA EXEMPT)**

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, the SEPA Strategic Plan consists of a Community Plan, Special Planning Area zoning, associated infrastructure master plans, and an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (Public Resources Code §21000, et seq.); and

WHEREAS, the final alignment of Lotz Parkway was determined after the initial adoption of SEPA in 2014 and pursuant to Resolution No. 2015-041, the SEPA plan was amended ("Southeast Policy Area Amendment No. 1") to realign Lotz Parkway further west of what was shown in both the LRSP and original SEPA plan;

WHEREAS, on May 25, 2016 City Council directed staff to proceed with negotiations of 8681 Poppy Ridge Road, Sacramento County Assessor Parcel Number 132-0290-037 ("Property"), for the acquisition of property rights required for Lotz Parkway Extension Project ("Project"); and

WHEREAS, City staff has negotiated the acquisition of the Property with Oliver B. Vu and Anh N. Nghiem ("Owner") for \$632,500; and

WHEREAS, Adam Phanh and Mouang Saepanh ("Tenant") currently rent the property from Owner; and

WHEREAS, the City's acquisition of the Property requires the relocation of the Tenant; and

WHEREAS, simultaneous with the close of escrow on the Property and as required by the Uniform Relocation Assistance Act, the Tenant will be provided a minimum 90-day notice to vacate, and will have the option to enter into a rental agreement with the City for the 90-day period; and

WHEREAS, upon issuance of a 90-day termination notice to Tenant, City will provide the Tenant relocation assistance, which is not expected to exceed \$30,000; and

WHEREAS, the acquisition is consistent with the City's General Plan and in compliance with Elk Grove Municipal Code Section 3.42.300(B) and California Government Code Section 65402(a) as determined by the Planning Commission by Resolution No. 2016-18; and

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

WHEREAS, the California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereinafter referred to as 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.”

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby finds the acquisition of the subject properties exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan and Zoning) based upon the following finding:

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

Evidence: Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan and Zoning), provide that for projects that are consistent with a community plan, general plan and 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 the subject properties within the Southeast Policy Area, for which an Environmental Impact Report was prepared (“SEPA EIR”), which includes the adoption of the Southeast Policy Area Community Plan and Zoning (“SEPA SPA”). The acquisition will further the SEPA Strategic Plan by providing the necessary right-of-way for a portion of the drainage infrastructure identified in the Plan.

Additionally, State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) requires that when an EIR has been certified for an adopted project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:

- a. The project will have one or more significant on discussed in the previous EIR;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

Staff has reviewed the Project and analyzed it based upon the above provisions in Section 15162 of the State CEQA Guidelines. The Project is being undertaken pursuant to and in conformity with the approved 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 State CEQA Guidelines Section 15164. Therefore, the prior EIR is sufficient to support the proposed action and no further environmental review is required.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove authorizes the City Manager to execute an Agreement for the Acquisition of Fee Interest in Real Property with Oliver B. Vu and Anh N. Nghiem for the acquisition of 8681 Poppy Ridge Road, Sacramento County Assessor Parcel Number 132-0290-037; together with a Rental Agreement with Adam Phanh and Mouang Saepphanh; and execute relocation assistance claims and payments for Adam Phanh and Mouang Saepphanh in substantially the form presented.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 11th day of January 2017.



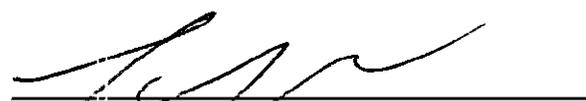
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2017-003**

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

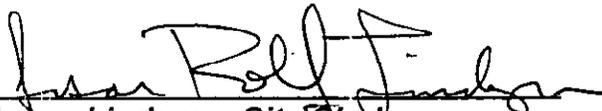
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 11, 2017 by the following vote:

AYES : **COUNCILMEMBERS:** *Ly, Detrick, Hume, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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