

## **RESOLUTION NO. 2008-628**

Adopted by the Sacramento City Council

September 16, 2008

### **CONSIDERING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM FOR THE SCHOOL OF ENGINEERING AND SCIENCES AND POCKET-GREENHAVEN LIBRARY JOINT-USE PROJECT (L19900100 and L19900101)**

#### **BACKGROUND**

- A. On September 9, 2008, the City Council held a public meeting at which it considered the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. As Lead Agency, the Sacramento City Unified School District Board of Education certified the Environmental Impact Report for SCHOOL OF ENGINEERING AND SCIENCES AND POCKET-GREENHAVEN LIBRARY JOINT-USE PROJECT (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") on June 19, 2008 by Resolution Number 2524.
- Section 2. Pursuant to CEQA section 21069, the City is a Responsible Agency for the Project in that the City has responsibility for carrying out and approving the Project. A Responsible Agency complies with CEQA by considering the EIR prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved.
- Section 3. The City Council certifies that the EIR was presented to it, that the City Council considered the environmental effects of the project as shown in the EIR prior to acting on the proposed Project.
- Section 4. Pursuant to CEQA Guidelines sections 15091 and 15096 and in support of its approval of the Project, the City Council adopts the attached Findings of Fact in support of approval of the Project as set forth in the attached Exhibit A of this Resolution.
- Section 5. Pursuant to CEQA section 21081.6 and CEQA Guidelines sections 15091 and 15096, and in support of its approval of the Project, the City Council adopts the Mitigation Monitoring Program to mitigate the environmental effects of those parts of the project that the City Council decides to approve and finance. The City Council adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions,

agreements, or other measures, as set forth in the Mitigation Monitoring Program as set forth in Exhibit B of this Resolution.

Section 6. The City Council directs that, upon approval of the Project, the City's Environmental Planning Services shall file a notice of determination with the County Clerk of Sacramento County.

Section 7. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

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Exhibit A - CEQA Findings of Fact for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project.

Exhibit B – Mitigation Monitoring and Reporting Program for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project.

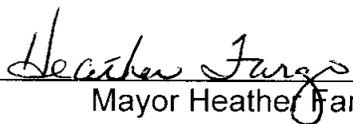
Adopted by the City of Sacramento City Council on September 16, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

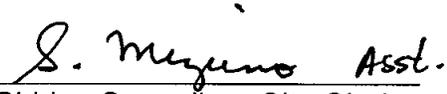
Noes: None.

Abstain: None.

Absent: None.

  
\_\_\_\_\_  
Mayor Heather Fargo

Attest:

  
for Shirley Concolino, City Clerk

## **Exhibit A**

### **CEQA Findings of Fact for the SCHOOL OF ENGINEERING AND SCIENCES AND POCKET-GREENHAVEN LIBRARY JOINT-USE PROJECT**

#### **Description of the Project**

City staff worked with the Sacramento City Unified School District (District) and the Sacramento Public Library Authority (Library Authority) to develop a partnership and joint use project, through a memorandum of understanding (MOU), at, and adjacent to, the Sojourner Truth Park on Gloria Drive.

The purpose of the MOU between the City and District is to specify the parties' proposed obligations with respect to the design, environmental review, construction, project management, and payment for all construction and improvements associated with the School, Library, athletic fields, and parking lots.

This proposed joint use project will include a 15,000 square foot library branch (Library) to be operated by the Library Authority, a 500 student middle/high School of Engineering and Sciences (School) to be operated by the District, an expanded park and playfield area, and off-street parking to accommodate the varied users. The total playfield area will be seven acres not including hard surface basketball courts and parking areas.

The City will finance all, or a portion of, the library construction, shared parking lots, shared playfield/park, and related improvements. The City will carry out design and construction of the Project.

#### **Findings Required Under CEQA**

##### **1. Procedural Findings**

The City Council of the City of Sacramento finds as follows:

- a. On February 25, 2008, the District mailed to the City a Notice of Circulation for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project (Project).
- b. The City of Sacramento provided comments to the District on April 8, 2008 and April 15, 2008. The comments were limited to those project activities that will be carried out or approved by the City.
- c. Following closure of the public comment period, the District prepared written responses to the City's comments on the Draft EIR. These responses were included in the Final EIR.

- d. As Lead Agency, the Sacramento City Unified School District Board of Education certified the Environmental Impact Report for the School of Engineering and Sciences and Pocket-Greenhaven Library Joint-Use Project (herein EIR) which consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") on June 19, 2008 by Resolution Number 2524.

## **2. Record of Proceedings**

The following information is incorporated by reference and made part of the record supporting these findings:

- a. The Draft and Final EIR and all documents relied upon or incorporated by reference;
- b. The City of Sacramento General Plan, City of Sacramento, January, 1988 and all updates.
- c. Environmental Impact Report City of Sacramento General Plan Update, City of Sacramento, March, 1987 and all updates.
- d. Findings of Fact and Statement of Overriding Considerations for the Adoption of the Sacramento General Plan Update, City of Sacramento, 1988 and all updates.
- e. Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004.
- f. The Mitigation Monitoring Program for the Project.
- g. All records of decision, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project.

## **3. Findings**

CEQA requires that the Responsible Agency adopt mitigation to avoid the environmental effects of those parts of the project that it decides to carry out, finance, and approve.

In these Findings, the City first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures.

The City finds that changes or alterations are required for the project, as certified by the District, that would avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

The California Supreme Court has stated that "[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions.

The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II* (1990) 52 Cal.3d 553 at 576.)

In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects of the Project identified in the EIR pursuant to section 21080 of CEQA and section 15091 of the CEQA Guidelines:

**A. Significant or Potentially Significant Impacts Mitigated to a Less Than Significant Level.**

The following significant and potentially significant environmental impacts of the Project, including cumulative impacts, are being mitigated to a less than significant level and are set out below. Pursuant to section 21081(a)(1) of CEQA and section 15091(a)(1) of the CEQA Guidelines, as to each such impact, the City Council, based on the evidence in the record before it, finds that changes or alterations incorporated into the Project by means of conditions or otherwise, mitigate, avoid or substantially lessen to a level of insignificance these significant or potentially significant environmental impacts of the Project. The basis for the finding for each identified impact is set forth below.

**Visual Resources**

**Impact 3.1.1 The Project would include outdoor lighting, primarily for safety and security purposes.**

Constructing the Project would create night lighting at the Project site, which presently has no night lighting. This would increase night lighting in the Project vicinity. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.1.1 identified in the DEIR would orient outdoor lighting to not create glare or cast night lighting onto residences located along Swale River Drive, Gloria Drive and across the Havenside Canal.

**Finding:** Mitigation Measure 3.1.1 will avoid Project-related adverse affects of night lighting on nearby residences (DEIR page 3.1-4). The impact is reduced to a less-than-significant level.

**Impact 3.1.2 The Project would include signage which may not be compatible with the neighborhood.**

The Project will include school facilities, a public library and park all requiring signage for public information purposes. As the site is located in a residential neighborhood, a variety of sizes, colors and visibility of signs to serve the Project may not be compatible with the surrounding neighborhood. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.1.2 identified in the DEIR will require the Project Sponsors to prepare a signage plan to ensure signage is in scale with the neighborhood, is visually attractive and compatible with the residential neighborhood.

**Finding:** Mitigation Measure 3.1.2 will avoid the installation of incompatible signage (DEIR pages 3.1-4 through 3.1-5). The impact is reduced to a less-than-significant level.

**Traffic and Circulation**

**Impact 3.3.1 During Project construction, temporary and intermittent transportation effects would result from truck movements as well as construction worker vehicles traveling to and from the Project site.**

Project construction activities will result in a temporary reduction to the capacities of Project area streets because of the slower movements and larger turning radii of construction trucks in comparison with passenger vehicles. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.3.1 identified in the DEIR requires preparation of a construction management plan to address the temporary effects of construction traffic on Project area streets and notification of adjacent property owners.

**Finding:** Mitigation Measure 3.3.1 will substantially lessen the temporary effects of construction traffic (DEIR pages 3.3-22 through 3.3-23). The impact is reduced to a less-than-significant level.

**Air Quality**

**Impact 3.4.1 Potential to expose sensitive receptors to substantial additional pollutant concentrations.**

Fugitive dust from Project construction activities is expected although it is not anticipated to increase the Sacramento County PM<sub>10</sub> ambient air concentration by five percent or more (level of significance).

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to further reduce construction-related emissions.**

Implementation of Mitigation Measure 3.4.1 identified in the FEIR will further reduce construction-related emissions through requirements for the type of fuel in construction equipment, use of construction equipment, and measures to reduce the amount of dust generated during construction.

**Finding:** Mitigation Measure 3.4.1 will substantially lessen temporary construction related air emissions (FEIR pages 3.4-10 through 3.4-18). The impact is reduced to a less-than-significant level.

## **Noise**

### **Impact 3.5.1 Exposure of residences to construction noise.**

Project construction activities will temporarily increase the noise level at the Project site. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.5.1 identified in the DEIR will reduce construction related noise generated at the Project site.

**Finding:** Implementation of Mitigation Measure 3.5.1 will substantially lessen temporary construction noise impacts and reduce potential inconveniences to nearby residents (DEIR pages 3.5-5 through 3.5-7). The impact is reduced to a less-than-significant level.

## **Hydrology and Water Quality**

### **Impact 3.6.1 The Project would result in increased runoff at the Project site due to Project development.**

With build out of the Project, there will be an increase in impervious surface at the site resulting in an estimated peak flow increase of 3.5 cfs compared to existing conditions. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.6.1 identified in the DEIR will establish appropriate design criteria and, if necessary, construct improvements so that the Project does not contribute to downstream flooding.

**Finding:** Implementation of Mitigation Measure 3.6.1 will avoid Project contribution to downstream flooding (DEIR pages 3.6-13 through 3.6-16). The impact is reduced to a less-than-significant level.

### **Impact 3.6.2 Proposed construction activities and post-construction operations of Project facilities would result in the degradation of surface water quality in downstream receiving waters.**

Project grading and excavation activities will temporarily disturb surface soils potentially causing erosion and entrainment of sediment in the runoff and there is the potential for chemical releases during construction activities. Sedimentation and chemical releases could be transported to nearby surface waterways or groundwater potentially reducing the quality of receiving waters. Increased use of the Project site with post-construction operation will

increase the potential for discharge of pollutants associated with vehicle use and runoff from landscaped and turf areas may contain residual pesticides and nutrients contributing to long term degradation of water runoff from the Project site. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.6.2 identified in the DEIR will establish Best Management Practices to manage construction and post-construction water quality impacts.

**Finding:** Implementation of Mitigation Measure 3.6.2 will substantially lessen potential water quality impacts (DEIR pages 3.6-16 through 3.6-18). The impact is reduced to a less-than-significant level.

**Impact 3.6.3 The Project would contribute to cumulative impacts to surface water hydrology and water quality.**

The Project has the potential to contribute to cumulative water quality impacts. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.6.3 identified in the DEIR will establish Best Management Practices to manage cumulative water quality impacts.

**Finding:** Implementation of Mitigation Measure 3.6.3 will substantially lessen the Project's contribution to cumulative water quality impacts (DEIR pages 3.6-18). The impact is reduced to a less-than-significant level.

### **Geology and Soils**

**Impact 3.7.1 The Project would be subject to potentially significant hazards associated with seismic ground shaking.**

The Project site is subject to strong ground shaking which can result in potential damage to Project buildings. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.7.1 identified in the DEIR requires that design recommendations included in the project geotechnical report be incorporated into the Project buildings.

**Finding:** Implementation of Mitigation Measure 3.7.1 will substantially lessen the potential for damage of Project buildings during a seismic event (DEIR page 3.7-4). The impact is reduced to a less-than-significant level.

**Impact 3.7.2 The Project sites' soil is not suitable without some form of ground**

**improvement for support of conventional spread or continuous footing foundations.**

The Project site contains soils that will not support conventional spread or continuous footing foundations. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.7.2 identified in the DEIR requires that design recommendations included in the project geotechnical report be incorporated into the Project buildings.

**Finding:** Implementation of Mitigation Measure 3.7.2 will substantially lessen the potential for damage of Project buildings due to unsuitable soils at the site (DEIR page 3.7-4). The impact is reduced to a less-than-significant level.

### **Public Services**

**Impact 3.9.1 The existing sewer system may not have capacity to serve the proposed Project.**

The Project will generate wastewater which will result in more wastewater entering the existing sewer system serving the Project area. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.9.1 identified in the FEIR requires the completion of a sewer capacity study to determine if the existing sewer system has adequate capacity or will require improvements to serve the Project.

**Finding:** Implementation of Mitigation Measure 3.9.1 will avoid adverse effects to the City of Sacramento sewer system (FEIR pages 3-4 through 3-5). The impact is reduced to a less-than-significant level.

**Impact 3.9.2 The existing storm sewer system may not have capacity to serve the Project.**

The Project would generate an increase in storm water from the site which will result in more storm water entering the existing storm sewer system serving the Project area. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.9.2 identified in the FEIR requires the completion of a drainage study to determine if the existing storm drain system has adequate capacity or will require improvements to serve the Project.

**Finding:** Implementation of Mitigation Measure 3.9.2 will avoid adverse effects to the City of Sacramento storm sewer system (FEIR page 3-5). The impact is reduced to a less-than-significant level.

**Impact 3.9.3 The Project would contribute to an increase in solid waste processed by the City of Sacramento.**

The Project will increase the amount of solid waste generated at the Project site. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 3.9.3 identified in the FEIR requires preparation of a recycle program to recycle a minimum of 30 percent of Project generated solid waste including construction waste.

**Finding:** Implementation of Mitigation Measure 3.9.3 will substantially lessen the amount of solid waste transported to the landfill (FEIR page 3-6). The impact is reduced to a less-than-significant level.

## **Cultural Resources**

**Issue 5 in Initial Study: Potential discovery of archaeological resources.** Construction activities may cause adverse effects to unknown archaeological resources. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 5.1 identified in the Initial Study requires that a qualified archaeologist be contacted if archaeological materials are discovered during Project construction activities to assess the situation and, if necessary, undergo further review and recommendations.

**Finding:** Implementation of Mitigation Measure 5.1 will avoid adverse effects to unknown archaeological resources discovered on the Project site (Initial Study page 13). The impact is reduced to a less-than-significant level.

**Issue 5 in Initial Study: Potential discovery of human remains.**

Construction activities may cause adverse effects to unknown burial sites containing human remains. **Without mitigation, this is a significant impact.**

**Mitigation Measure (From MMP): The following mitigation measure has been adopted to address this impact:**

Mitigation Measure 5.2 identified in the Initial Study requires that the Sacramento County Coroner be contacted if human remains are discovered during Project construction activities to assess the situation, determine if the remains are Native American and, if so, notify the

Native American Heritage Commission.

**Finding:** Implementation of Mitigation Measure 5.2 will avoid adverse effects to unknown human remains discovered on the Project site (Initial Study page 13).  
The impact is reduced to a less-than-significant level.