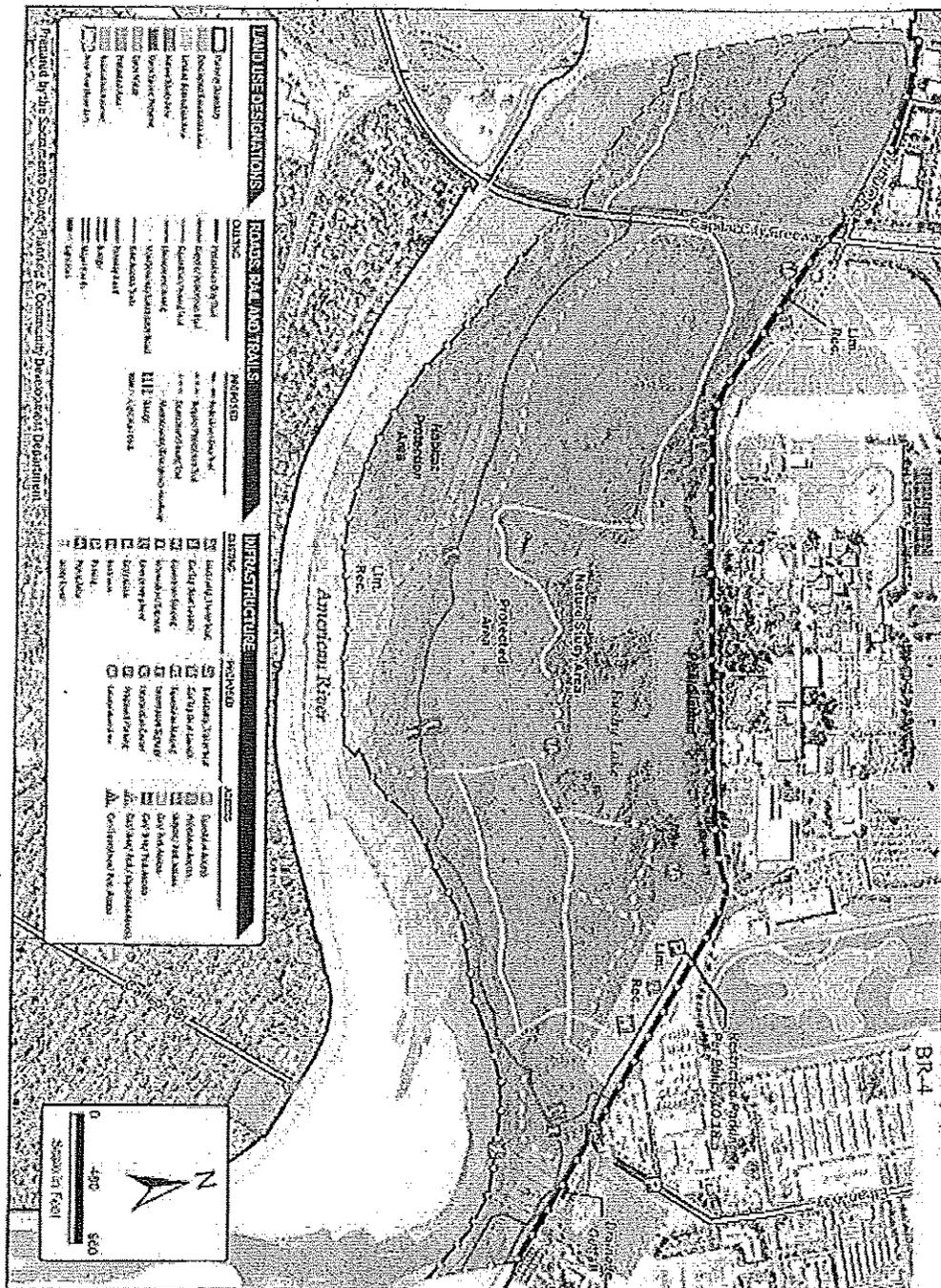


Woodlake Area Plan Map
 Revised per FEIR
 Typographical and Mapping Issues
 Page 2-S17PD-21

Attachment "B"
 Exhibit 2

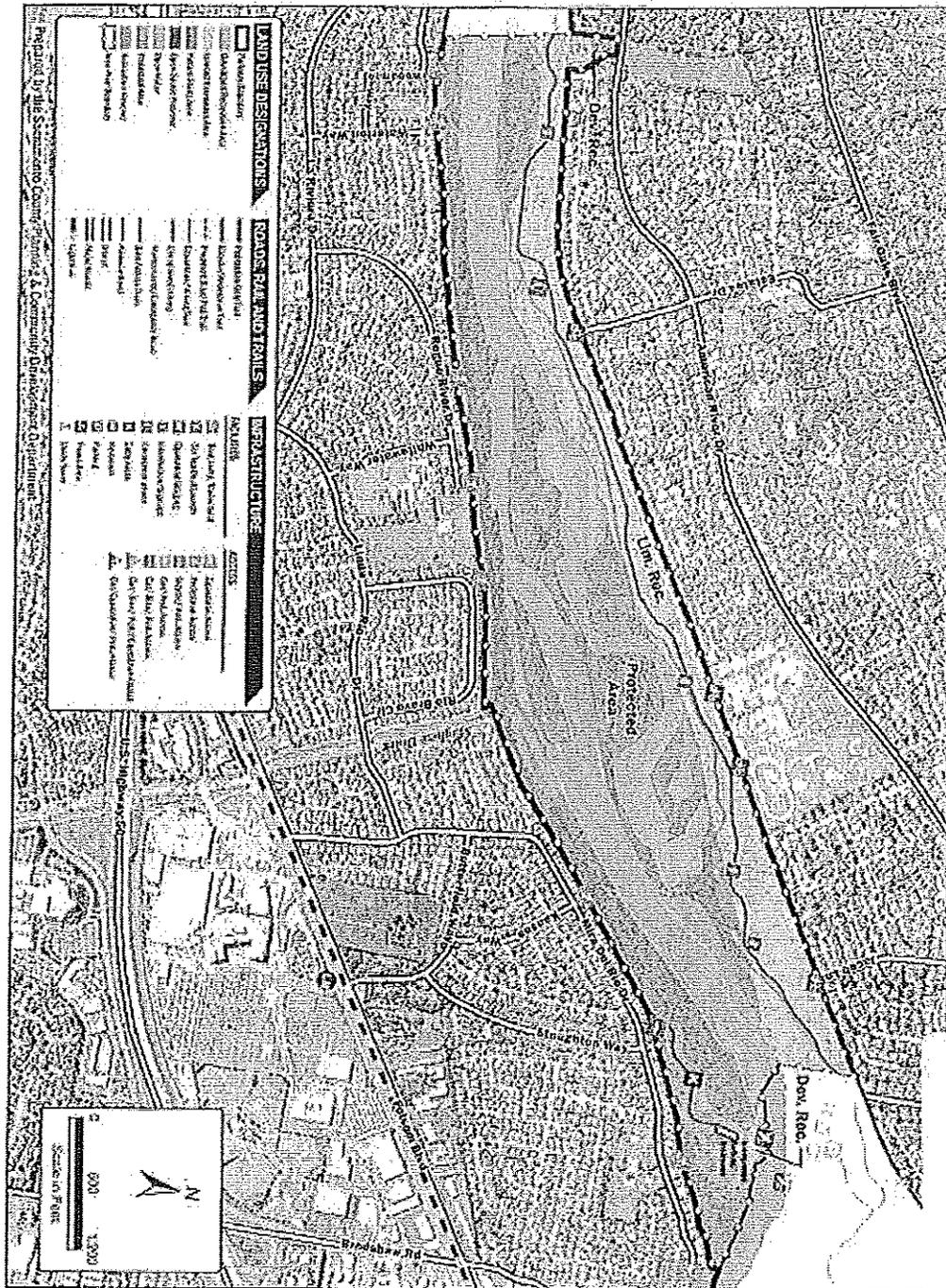
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Can Expo Area Plan Map
 Revised per Mitigation Measures
 LU-3 (Option 2)
 LU-6 (Option 2)
 BR-4

Attachment "B"
 Exhibit 3

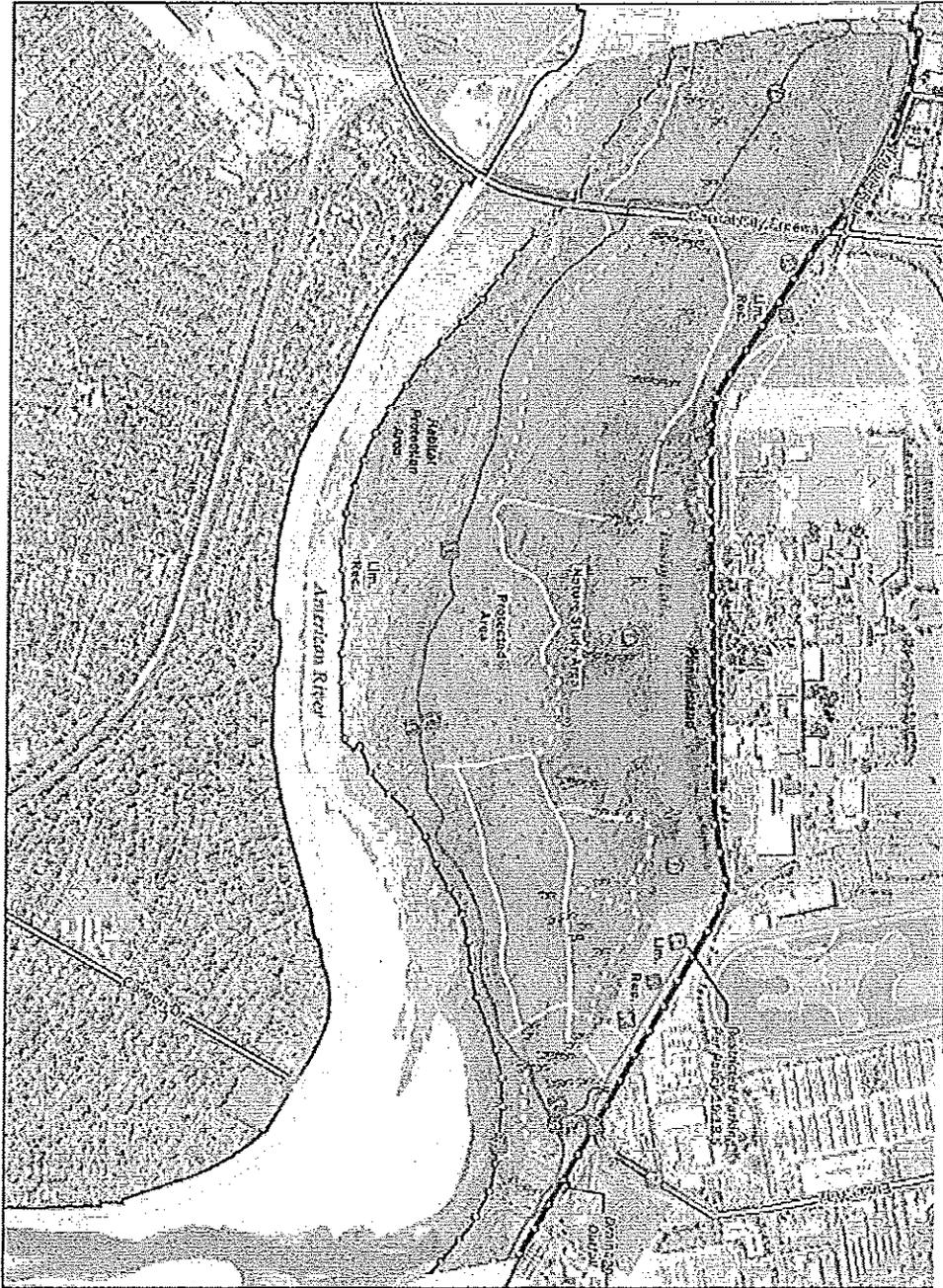
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SARA Park Area Plan Map
 Revised per Mitigation Measure
 BR-5

Attachment "B"
 Exhibit 4

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Attachment "B"
Exhibit 5

River Bend Park Area Plan Map
Revised per Board of Supervisors
8/27 Tentative Action

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Attachment 4

RESOLUTION CEQA FINDINGS

Responsible Agency-- Findings – City Council Resolution

RESOLUTION NO.

Adopted by the Sacramento City Council

**CONSIDERING THE ENVIRONMENTAL IMPACT REPORT, ADOPTING THE
MITIGATION MONITORING PLAN AND ADOPTING CEQA FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
AMERICAN RIVER PARKWAY PLAN 2006**

BACKGROUND

A. On August 27, 2008, the Sacramento County Board of Supervisors conducted a public hearing on and approved the American River Parkway Plan 2006. As part of its approval, the Board of Supervisors certified the environmental impact report prepared for the project by the County of Sacramento, made the findings required by CEQA Guidelines Sections 15091 and 15093, and adopted a Mitigation monitoring Plan for the project.

B. On November 6, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(a)(publication), and received and considered evidence concerning the American River Parkway Plan 2006 (Project).

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

Section 1. The City Council finds as follows:

A. The City of Sacramento City Council has considered and reviewed the American River Parkway Plan Environmental Impact Report, which was certified by the Sacramento County Board of Supervisors on August 27, 2008 as part of the approval of the plan by the Board of Supervisors.

B. The City of Sacramento has approval authority for the Project, is a Responsible Agency as defined in CEQA Guidelines Section 15381, and has the responsibilities of a Responsible Agency as set forth in CEQA Guidelines Section 15096.

Section 2. The City Council has reviewed and considered the information contained in the EIR prepared for the Project, the proposed findings of fact and findings of overriding consideration, and all oral and documentary evidence received during the City Council hearing on the project. The City Council finds

that the EIR constitutes an adequate, accurate, objective, and complete review of the proposed project.

Section 3. Based on its review and consideration of the EIR for the Project, the findings of fact and statement of overriding considerations, and all oral and documentary evidence received during the City Council hearing on the project, the City Council finds that the EIR reflects the City Council's independent judgment and analysis, approves the EIR, and adopts the findings of fact and findings of overriding consideration, attached as Exhibit A, pursuant to CEQA Guidelines Sections 15091 and 15093.

Section 4. The mitigation monitoring plan, as attached as Exhibit B, for the Project is adopted, and the mitigation measures shall be implemented and monitored as set forth in the program, based on the following findings of fact:

A. The mitigation monitoring plan has been adopted and implemented as part of the Project; and

B. The mitigation monitoring plan meets the requirements of CEQA Section 21081.6 and the CEQA Guidelines section 15091.

Section 5. Upon approval of the Project, the City's Department of Parks and Recreation shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

Section 6. 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.

Table of Contents:

Exhibit A: CEQA Findings of Fact and Statement of Overriding Considerations
Exhibit B: Mitigation monitoring plan

EXHIBIT A
CITY OF SACRAMENTO
AMERICAN RIVER PARKWAY PLAN 2006
CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS

I. GENERAL INFORMATION AND DESCRIPTION OF THE PROJECT

The Final Environmental Impact Report ("FEIR") prepared for the American River Parkway Plan 2006 ("Parkway Plan") addresses the potential environmental impacts and mitigation measures for the Parkway Plan. The Parkway Plan is considered a "Project" under the California Environmental Quality Act. The American River Parkway extends approximately 29 miles from Folsom Dam in the northeast portion of City of Sacramento to the confluence of the American and Sacramento Rivers northwest of downtown Sacramento. The Parkway Plan is an update to the 1985 Parkway Plan to reflect current interests and technical information. The Parkway Plan consists of a policy-level decision about allowable uses and designations within the Parkway. No project-level, or construction-level project is proposed at this time. The update to the Parkway Plan includes amendments to 10 of 19 Area Plans, to designate planned facilities and uses. Policies from the 1985 Parkway Plan are proposed to be amended or deleted, and approximately 125 new policies are proposed to be added. The policy changes have been proposed in order to promote the objectives of the Parkway Plan. The FEIR also analyzes the environmental impacts associated with three (3) alternatives to the Parkway Plan, including the no-Plan alternative.

As the lead agency under the California Environmental Quality Act (CEQA) for the adoption of the Parkway Plan, the Parkway Plan was heard and approved by Sacramento County's Policy Planning Commission on April 22, 2008, and County of Sacramento's Recreation and Park Commission on April 24, 2008. On August 27, 2008, the Board of Supervisors certified the FEIR and adopted the Parkway Plan on September 10, 2008. The City of Sacramento as a responsible agency under CEQA for the Parkway Plan has reviewed the Parkway Plan and corresponding EIR through the following proceedings: The Parks and Recreation Commission reviewed the updated Plan on August 7, 2008 and forwarded support of the Parkway Plan to City Council for adoption; the Planning Commission reviewed the DEIR on October 9, 2008, and has forwarded the recommendations to adopt the Plan, forward a recommendation to the California State Legislature, repeal Resolution No. 86-225, and consider the FEIR to City Council on November 6, 2008.

OBJECTIVES

The purpose of the Parkway Plan is to provide a guide to land use decisions affecting the American River Parkway. The Parkway Plan is a land use and policy document, written to ensure preservation of the naturalistic environment while providing limited developments that facilitate human enjoyment of the Parkway. The Parkway Plan acts as the management plan for the federal and state Wild and Scenic Rivers Act and provides guidance to the Federal Wild and Scenic River managers. The goals of the Parkway Plan are (1) to provide, protect and enhance for public use a continuous open space greenbelt along the American River extending from the Sacramento River to Folsom Dam, (2) to provide appropriate access and facilities so that present and future generations can enjoy the amenities and resources of the Parkway, (3) to preserve, protect, interpret and improve the natural, archeological, historical and recreational resources of the Parkway, including an adequate flow of high quality water, anadromous and resident fishes, migratory and resident wildlife, and diverse natural vegetation, (4) to mitigate adverse effects of activities and facilities adjacent to the Parkway, and (5) to provide public safety and protection within and adjacent to the Parkway.

II. PROCEDURAL FINDINGS

Based on the initial study conducted for The American River Parkway Plan 2006, SCH # 2007032125, (herein after the "Project" for CEQA purposes), the County of Sacramento's Board of Supervisors determined, on substantial evidence, that the Project may have a significant effect on the environment and prepared an environmental impact report ("EIR") on the Project. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.* ("CEQA"), the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), and the County of Sacramento and City of Sacramento environmental guidelines, as follows:

a. A Notice of Preparation of the Draft EIR was filed by the County of Sacramento with the Office of Planning and Research and each responsible and trustee agency and was circulated for public comments from April 24, 2007 through May 23, 2007.

b. A Notice of Completion (NOC) and copies of the Draft EIR were distributed by the County of Sacramento to the Office of Planning and Research on March 7, 2008 to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.

c. An official 45-day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on March 7, 2008 and ended on April 25, 2008.

d. A Notice of Availability (NOA) of the Draft EIR was mailed by the County of Sacramento to all interested groups, organizations, and individuals who had previously requested notice in writing on March 7, 2008. The NOA stated that the County of Sacramento had completed the Draft EIR and that copies were available at the County of Sacramento, Department of Environmental Review and Assessment, and City of Sacramento, Department of Parks and Recreation, 915 I Street, 5th Floor, Sacramento, California 95814. The letter also indicated that the official 45-day public review period for the Draft EIR would end on April 25, 2008.

e. A public notice was placed in the Daily Recorder on March 7, 2008, which stated that the Draft EIR was available for public review and comment.

f. A public notice was posted in the office of the County of Sacramento Clerk on March 7, 2008.

g. Following closure of the public comment period, all comments received on the Draft EIR during the comment period, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR to produce the Final EIR.

III. THE RECORD

For the purposes of compliance with the California Environmental Quality Act (CEQA) and its requirements for Findings, the record of the proceedings for the proposed Project is comprised as follows:

1. All environmental documents prepared by the County of Sacramento and City of Sacramento including: the Initial Study, and Draft/Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations set forth in this document, and all documents prepared by County and City staff as technical resources for the environmental document;
2. All staff reports, memoranda, maps, letters, minutes of meetings, staff hearing notes, referrals, and other planning documents prepared by County and City staff relating to the proposed Project;
3. All testimony, documents, and other evidence relating to the proposed Project;
4. The proceedings before the County of Sacramento, City of Sacramento Parks and Recreation Commission, the Planning Commission and City Council relating to the proposed Project, including testimony and documentary evidence at public hearings;
5. Matters of common knowledge City of Sacramento City Council, which they consider, including but not limited to the following:

- a. The Zoning Code of City of Sacramento;
- b. The City of Sacramento General Plan and County of Sacramento General Plan;
- c. The City of Sacramento Municipal Code; and
- d. Other formally adopted policies and ordinances of the County of Sacramento and City of Sacramento.

County of Sacramento Items listed above are in the custody of the County of Sacramento Planning and Community Development Department and Department of Environmental Review and Assessment, located at 827 Seventh Street, Sacramento, California 95814. City of Sacramento items listed above are located in the custody of the Department of Parks and Recreation, 915 I Street, 5th Floor, Sacramento, California 95814.

Pursuant to CEQA 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 Department of Parks and Recreation at 915 I Street, 5th Floor, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

III. FINDINGS UNDER CEQA

The Parkway Plan consists of a policy-level decision about allowable uses and designations within the Parkway. No project-level, or construction-level project is proposed at this time. To the extent that a project is subject to CEQA, a public agency may not approve the project as proposed if feasible mitigation measures or feasible alternatives are available that would substantially lessen the project's significant environmental effects. (Pub. Resources Code, § 21002.) Based on section 21002, both the California Resources Agency and the State's courts have recognized that, in approving project with significant environmental effects, public agencies have an obligation to modify the project, to the extent feasible, to substantially lessen or avoid such effects. (CEQA Guidelines, § 15002, subd. (a)(3), 15021, subd. (a)(2); Sierra Club v. Gilroy City Council (1990) 22 Cal.App.3d 30, 41 [271 Cal.Rptr. 393].)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also Citizens of Goleta Valley v. Board of Supervisors ("Goleta II") (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr.410]). An agency may reject mitigation measures or environmentally superior alternatives as being infeasible if they frustrate an agency's ability to meet the objectives of a proposed project. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 416-417 [183 Cal.Rptr. 898]; Sequovah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182]).

The obligation to substantially lessen or avoid significant effects, where feasible, is implemented, in part, through the adoption of CEQA findings, as mandated by Public Resources Code §21081. The parallel section in the CEQA Guidelines is §15091, which provides that, before an agency can approve a project for which an EIR has identified significant environmental effects, the agency must first adopt “one or more findings for each [such]...significant effect.” For each effect, the agency’s findings must reach one or more of three permissible conclusions.

The first possible finding is that “changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that “(s)uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).)

The third permissible conclusion “(s)pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.” (Pub. Resources Code, § 21081, subd. (a)(3); see also CEQA Guidelines, § 15091, subd. (a)(3).)

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been avoided (i.e., reduced to a less than significant levels), or has simply been substantially lessened but remains significant.

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of both mitigation measures and environmental superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an “acceptable” level solely by the adoption of feasible mitigation measure, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact – even if the alternative would render the impact less severe than would the proposed project as mitigated. (Laurel Hills Homeowners Associated v. City Council (1978) 83 Cal.App.3d 515, 521 [147 Cal.Rptr. 842]; see also Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731 [270 Cal.Rptr. 650]; and Laurel Heights Improvement Association v. Regents of the University of California (“Laurel Heights I”) (1988) 47 Cal. 3d 376, 400-403 [253 Cal.Rptr. 426]).

In these findings, the City Council first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City Council address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Pub. Resources Code, §21081, subd. (b); see also CEQA Guidelines, § 15093, 15043, subd. (b).) In section VIII of these findings (below), the City Council identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the project will cause.

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, supra, 52 Cal. 3d at 576 [276 Cal.Rptr. 410].)

IV. LEGAL EFFECT OF FINDINGS

To the extent that these Findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds any responsible parties to implement those measures.

These Findings constitute a binding set of obligations that will come into effect when the City Council adopts the resolution(s) approving the Parkway Plan. (Pub. Resources Code, § 21081.6, subd. (b).) In addition, the adopted mitigation measures are conditions of approval.

V. SIGNIFICANT ADVERSE IMPACTS AND FINDINGS

In support of its approval of the Project, the City Council makes the following findings for each of the significant environmental effects and alternatives 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 for which Mitigation is Outside the City's Responsibility and/or Jurisdiction.

Mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the Parkway Plan, are within the responsibility and jurisdiction of another public agency and not the City. Pursuant to section 21081(a)(2) of the Public Resources Code and section 15091(a)(2) of the CEQA Guidelines, the City Council, based on the evidence in the record before it, specifically finds that implementation of these mitigation measures can and should be undertaken by the other public agency. The City will request, but cannot compel implementation of the identified mitigation measures described. The impact and mitigation measures and the facts supporting the determination that mitigation is within the responsibility and jurisdiction of another public agency and not the City, are set forth below. Notwithstanding the disclosure of these impacts, the City Council elects to approve the Project due to the overriding considerations set forth below in Section G, the statement of overriding considerations.

Land Use Impacts

The analysis identified several significant land-use-related physical impacts, as well as some internal inconsistencies in need of resolution. These are:

- There are two types of boat launches in the Parkway Plan, but these are not defined. The result has been that they are treated as operationally identical. To eliminate this inconsistency, mitigation requires that either there shall be just one boat launch type, or definitions for the two shall be introduced to the Parkway Plan. The latter choice will avoid biological resources impacts from two proposed boat launches. (LU-1)
- There are no access paths shown extending to many existing or proposed boat launches, even though the Parkway Plan specifies that trails recreation is only allowed on designated trails. Though this does not cause significant physical impacts, this is a land use inconsistency that should be resolved. (LU-5)
- LU-2 involves the mitigation of a significant impact resulting from the proposed pedestrian bridge on the eastern side of Discovery Park which would physically disrupt and divide the Riverdale Mobile Home Park. This significant impact can be offset by mitigation to remove Policy 10.8.4 of the Parkway Plan and the associated proposed pedestrian bridge crossing. *However, the Board of Supervisors agreed to reject this mitigation measure as infeasible and made a statement of overriding considerations to override the significant impact of the proposed pedestrian bridge. The Parkway Plan has existing policies that require acquisition of the mobile home park prior to the installation of the proposed bridge, and therefore resolves the issues of community displacement via adopted policy.*
- The westernmost proposed Limited Recreation area in the Cal Expo Area Plan conflicts with the Bushy Lake Preservation Act. This significant impact can be offset by mitigation. (LU-3)
- Policy 5.17 specifies that mountain bikes can be permitted on unpaved maintenance roads provided that there is stable funding to "support and monitor" the activity, to be certain it causes no harm. However, no definition for "support