

RESOLUTION NO. 2014--

Adopted by the Sacramento City Council

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE MITIGATION MONITORING PROGRAM AND CEQA FINDINGS OF FACT FOR THE MCKINLEY VILLAGE PROJECT (P08-086)

BACKGROUND

- A. The City of Sacramento determined that an environmental impact report should be prepared for the McKinley Village project pursuant to the California Environmental Quality Act (CEQA), Public Resources Code sections 21000 *et seq.*
- B. The Notice of Preparation for the project was circulated for comment by responsible and trustee agencies and the public from May 24, 2013 through July 9, 2013.
- C. The Draft EIR for the McKinley Village project was distributed to the public and various public agencies for review and comment beginning on November 12, 2013 through January 10, 2014.
- D. Written and oral comments on the Draft EIR were received, and responses to those comments have been prepared and included in the Final EIR. On March 27, 2014, the City Planning and Design Commission conducted a public hearing, and forwarded to the City Council a unanimous recommendation to approve the McKinley Village project with conditions.
- E. On April 29, 2014, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17. 812.030 B.1, 2, and 3 (publication, posting, and mail (500 feet)) and the City Council received and considered evidence concerning the McKinley Village project.
- F. The EIR has been presented to the City Council, which has reviewed and considered the information in the EIR and the supporting evidence, and the City Council has determined that the EIR reflects the City's independent judgment.
- G. The City Council is required, pursuant to Public Resources Code section 21081, subdivision (a), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant

project-related environmental effects. As demonstrated by the Findings of Fact attached as Exhibit A to this Resolution, the project's significant environmental effects can be reduced to a less than significant level through the adoption of feasible mitigation measures.

- H. Because the adoption of all feasible mitigation measures has mitigated all significant effects on the environment associated with the project to a less than significant level, the City Council need not, as a legal matter, consider the feasibility of alternatives, as set forth in the EIR. The City Council nevertheless has determined, for reasons set forth in the Findings of Fact attached hereto, that the alternatives as described in the EIR are infeasible in any event.
- I. Because the project will not cause any significant unavoidable impacts, the City Council is not required to adopt a statement of overriding considerations pursuant to Public Resources Code section 21081, subdivision (b) and CEQA Guidelines section 15093.
- J. The City Council is required by Public Resources Code section 21081.6, subdivision (a), to adopt a Mitigation Monitoring Program to ensure that the mitigation measures adopted by the City Council are actually carried out, and the City has prepared for the project a Mitigation Monitoring Program, attached as Exhibit B to this Resolution.
- K. None of the comments made during the public review period, none of the oral or written testimony presented during the public hearing on the project, and none of the other information presented to the City on the project and the EIR have included significant new information requiring recirculation of some or all of the Draft EIR pursuant to CEQA Guidelines section 15088.5.

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

Section 1. The City Council finds that the Environmental Impact Report for the McKinley Village project which EIR consists of the Draft EIR and the Final EIR (Response to Comments) (collectively the "EIR") has been completed in accordance with the requirements of CEQA, the State CEQA Guidelines, and the Sacramento Local Environmental Procedures.

Section 2. The City Council certifies that the EIR is adequate and complete and was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines and the Sacramento Local Environmental Procedures, and that the EIR constitutes an adequate, accurate, objective and complete EIR in full compliance with the requirements of CEQA,

the State CEQA Guidelines, and the Sacramento Local Environmental Procedures.

Section 3. The City Council certifies that the EIR has been presented to the City Council, that the City Council has reviewed the EIR as well as staff reports pertaining to the project and all other pertinent documents relating to the preparation of the EIR, and has considered the information contained in the EIR and all other pertinent information prior to acting on the proposed Project, and that the EIR reflects the City Council's independent judgment and analysis.

Section 4. Pursuant to Public resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, and in support of its approval of the McKinley Village 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. Exhibit A (and its Table A) is part of this Resolution. A statement of overriding considerations is not required because all potentially significant impacts have been reduced to a less-than-significant level.

Section 5. The City Council, in anticipation of approving the project, hereby adopts and incorporates into the project all of the mitigation measures for the project that are within the responsibility and jurisdiction of the City that are identified in the Findings of Fact and Mitigation Monitoring Program.

Section 6. Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the McKinley Village project, 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 the attached Exhibit B. Exhibit B is part of this Resolution.

Section 7. The City Council directs that, upon approval of the McKinley Village project, the City Manager shall file a notice of determination with the County Clerk of Sacramento County and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Public Resources Code section 21152, and further directs that the City Manager shall cause the Notice of Determination to be posted in the County Clerk's Office within five days following adoption of this Resolution..

Section 8. 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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