

RESOLUTION NO. 2005-780

Adopted by the Sacramento City Council

October 25, 2005

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, APPROVING THE MITIGATION MONITORING PLAN, AND ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION FOR THE PROPOSED CROCKER ART MUSEUM EXPANSION PROJECT (CF56, CF61).

BACKGROUND

- A. Significant issues raised in the public review of the Environmental Impact Report (EIR) included the impact that the addition will have on the historical significance of the existing Museum and traffic impacts on the surrounding areas.
- B. Through early design modifications and radar exploration for buried, historical site remnants, the impacts to the historical integrity of the existing facility have been minimized, and recommendations from a traffic study have been incorporated into the off-site component of the project.
- C. The City Council has reviewed the EIR and considered the information contained therein prior to acting on the proposed project, and that the EIR reflects the independent judgment and analysis of the City.
- D. The Environmental Coordinator has prepared a Mitigation Monitoring Plan for ensuring compliance and implementation of the mitigation measures as prescribed in the Initial Study for the above identified project.
- E. Pursuant to CEQA Guidelines Section 15093, and in support of its approval of the Crocker Art Museum Expansion project, staff recommends that City Council adopt the attached Findings of Fact and a Mitigation Monitoring Program to require that all reasonably feasible mitigation measures be implemented as stated in Exhibit A.

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

- Section 1. The Environmental Impact Report is certified.
- Section 2. The Mitigation Monitoring Plan is approved.
- Section 3. The Findings of Fact and Statement of Overriding Consideration for the proposed Crocker Art Museum Expansion Project is adopted.

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- Exhibit A: CEQA Findings of Fact and Statement of Overriding Considerations – 24 pages

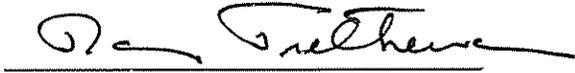
Adopted by the City of Sacramento City Council on October 25 2005 by the following vote.

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

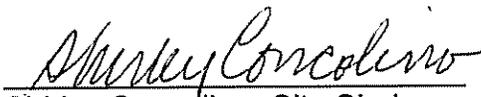
Noes: None

Abstain: None

Absent: Mayor Fargo


Vice-Mayor Ray Tretheway

Attest:


Shirley Concolino, City Clerk

**CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING
CONSIDERATIONS**

FOR

**THE CROCKER ART MUSEUM EXPANSION PROJECT
(PB03-014)
(State Clearinghouse Number 2003082048)**

Prepared By:

City of Sacramento
Development Services Department
Planning Division

October 2005

OCTOBER 2005

I. CEQA FINDINGS

1. The City Council finds that the Environmental Impact Report for the Crocker Art Museum Expansion project (herein EIR) which consists of the Draft EIR, and Final EIR (Response to Comments) and Appendices, has been completed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines.
2. The City Council certifies that the EIR was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, and the State CEQA Guidelines, and constitutes an adequate, accurate, objective and complete Final Environmental Impact Report in accordance with the requirements of CEQA, and the State CEQA Guidelines.
3. The City Council certifies that the EIR has been presented to it and has reviewed it and considered the information contained therein prior to acting on the proposed project and that the EIR reflects the independent judgment and analysis of the City.
4. Pursuant to CEQA Guidelines Section 15093, and in support of its approval of the Crocker Art Museum Expansion project, the City Council hereby adopts the attached Findings of Fact and a Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented.

II. PROCEDURAL FINDINGS

1. The City of Sacramento caused an Environmental Impact Report ("EIR") on the Project to be prepared pursuant to the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. (CEQA), the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq.
2. A Notice of Preparation of the Draft EIR was filed with the Office of Planning and Research on August 13, 2003 and was circulated for public comment from August 13, 2003 to September 12, 2003.
3. A Notice of Completion (NOC) and copies of the Draft EIR were distributed to the State Clearinghouse on September 20, 2004, to those public agencies that have jurisdiction by law with respect to the Project, and to other interested parties and agencies. The comments of such persons and agencies were sought.
4. An official forty-five (45) day public review period for the Draft EIR was established by the State Clearinghouse. The public review period began on September 20, 2004 and ended on November 5, 2004.
5. A Notice of Availability (NOA) was distributed to all interested groups, organizations, and individuals on September 20, 2004, for the Draft EIR. The

Notice of Availability stated that the City of Sacramento had completed the Draft EIR and that copies were available at the City of Sacramento, 1231 I Street, Room 300, Sacramento, California 95814. The letter also indicated that the official forty-five day public review period for the Draft EIR would end on November 5, 2004.

6. A public notice was placed in the Daily Recorder on September 20, 2004, which stated that the Crocker Art Museum Expansion Draft EIR was available for public review and comment. A public notice was posted with the Sacramento County Clerk/Recorder's Office on September 20, 2004. A public notice was also posted at the Sacramento City Hall on September 20, 2004.

7. Following closure of the public comment period, the Draft EIR was supplemented to incorporate comments received and the City's responses to said comments. The comments did result in changes to the DEIR text, however, the changes do not constitute significant new information as defined in CEQA Guidelines, Section 15088.5. Therefore, in accordance with CEQA Guidelines, recirculation of the EIR is not required.

8. Following notice duly and regularly given as required by law, and all interested parties expressing a desire to comment thereon or object thereto having been heard, the EIR and comments and responses thereto having been considered, the City Council makes the following determinations:

- A. The EIR consists of the Draft EIR, and Final EIR (Responses to Comments) and appendices.
- B. The EIR was prepared and completed in compliance with CEQA.
- C. The EIR has been presented to the City Council, which reviewed and considered the information therein prior to acting on the Crocker Art Museum Expansion project, and they find that the EIR reflects the independent judgment and analysis of the City of Sacramento.

9. 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 as listed in the Crocker Art Museum Expansion Draft EIR.
- B. The Mitigation Monitoring Plan dated January 2005.
- C. Testimony, documentary evidence and all correspondence submitted or delivered to the City in connection with the City Council hearing on this project and associated EIR.
- D. All staff reports, memoranda, maps, letters, minutes of meetings and other documents relied upon or prepared by City staff relating to the project, including but not limited to, City of Sacramento General Plan and the Draft and Final EIR for the City of Sacramento General Plan Update.

III. FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACT REPORT

FOR THE CROCKER ART MUSEUM EXPANSION PROJECT

The Environmental Impact Report for the Crocker Art Museum Expansion project, prepared in compliance with the California Environmental Quality Act, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the project or alternatives to the project.

The subject property consists of 6 parcels totaling 8.5 acres in Downtown Sacramento. The project site is located at 216 O Street, between 2nd and 3rd Streets (APNs: 006-0182-022, 006-0183-012, 006-0185-001, 006-0185-002, 006-0185-003, 006-0185-004). The parcel is irregularly shaped and bounded by Interstate 5 to the west, 3rd Street to the east, P Street to the south and Capitol Mall to the north. The property currently consists of landscaped grounds, a segment of 2nd Street and North and South Parking Lot Y, which are operated by the City of Sacramento. The existing Crocker Art Museum Buildings are located on the same property.

The proposed project would construct a 100,000 square-foot addition to the Crocker Art Museum. The addition would contain approximately 20,000 square feet of public space, 27,000 square feet of gallery space, 8,000 square feet of office space, 15,000 square feet of storage space, and 30,000 feet for circulation and utilities.

In order to provide space to construct the expansion, the project would also include demolition of the existing connection between the Gallery Building and the Herold Gallery; realignment of 2nd Street between O and P Streets; reconfiguration of existing parking on 2nd Street between P and N Streets, relocation of a cast iron fence and several light poles west of the existing Gallery Building; and replacement of trees and landscaped lawn and parking areas west of the existing Gallery Building with the proposed new construction.

The project would also include 213 spaces of surface parking area. However, since the project would result in removal of some existing surface parking spaces, 38 net new parking spaces would result from the project.

Because the EIR indicates that implementation of the project (or project alternatives) would result in certain adverse impacts, the City is required under CEQA and the State to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the project, as identified in the EIR. The following identifies the significant impacts that can be avoided due to implementation of mitigation measures and the significant impacts that cannot be avoided. These findings are supported by substantial evidence in the record of proceedings before the City as stated below.

1. LESS-THAN-SIGNIFICANT IMPACTS WITH RECOMMENDED MITIGATION

Although the construction noise generated by the project was identified as less-than-significant in the Crocker Art Museum Expansion Draft EIR, the EIR recommends that

additional mitigation measures be included to reduce impacts well below identified thresholds of significance. In this section of the Findings of Fact for the proposed Crocker Art Museum Expansion project, the City identifies feasible mitigation deemed necessary to further reduce one less-than-significant air quality impact.

A. Impact NOISE-1 Construction Noise

Less-Than-Significant Impact

Although construction noise would not be classified as a potentially significant impact by City regulations, the following mitigation measure will serve to reduce potential construction noise impacts to nearby residents.

Finding

The City finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

Although the impact would be less-than-significant, the mitigation measures listed below reduce construction noise levels to well below the City's construction noise threshold of significance, ensuring the impact is less-than-significant.

- NOISE-1 During construction, the following measures to reduce construction noise shall be implemented:
- ◆ Limit construction to daytime hours (7:00 a.m. to 6:00 p.m.) Monday through Friday. No construction activities within 500 feet of residences shall occur on Saturdays, Sundays, or holidays.
 - ◆ Use available noise suppression devices and properly maintain and muffle loud construction equipment.
 - ◆ Avoid staging of construction equipment within 200 feet of residences and/ or the Gallery Building and locate all stationary noise-generating construction equipment, such as air compressors and portable power generators, as far practical from existing noise-sensitive receptors. Construct temporary barriers to screen stationary noise-generating equipment when located in areas adjoining noise sensitive land uses.
 - ◆ Notify adjacent residents to the project site of the construction schedule in writing.
 - ◆ Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine

the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The museum shall be responsible for designating a noise disturbance coordinator and the contractor shall be responsible for posting the phone number and providing construction schedule notices.

2. SIGNIFICANT IMPACTS WHICH CAN BE AVOIDED IN THE EIR

In this section of the Findings of Fact for the proposed Crocker Art Museum Expansion project, the City, as authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Sections 15091, 15092, and 15093, identifies the significant impacts that can be reduced through mitigation measures to a less-than-significant level. These mitigation measures are hereby incorporated into the description of the project and their implementation will be tracked through the Crocker Art Museum Expansion Mitigation Monitoring Program.

A. Impact AIR-1 NOx emissions

Significant Impact: Unmitigated NOx emissions would exceed the SMAQMD's significance threshold of 85 pounds per day during each year of construction.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

AIR-1 Require the use of aqueous diesel fuel and oxidation catalysts in all diesel powered off-road construction vehicles used during construction. Aqueous diesel fuel can reduce NOx emissions by 14 percent from uncontrolled levels while oxidation catalysts can reduce NOx emissions by 20 percent from uncontrolled levels. The combination of these two control measures

will re-duce NOx emissions during construction to less than 85 pounds per day.

- B. Impact AIR-2 PM10 emissions (this MM may be removed in response to SMAQMD comment)

Significant Impact

Project construction would result in estimated concentrations of PM10 well in excess of 5 percent of the California 24-hour PM10 standard.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

AIR-2 The project applicant shall implement the following mitigation measures to control fugitive dust:

- Apply soil stabilizers to inactive areas.
- Replace ground cover in disturbed areas quickly.
- Water exposed surfaces three times daily.
- Cover all stock piles with tarps.
- Reduce speed on unpaved roads to less than 15 mph

- C. Impact CUL-1 Cultural Resources disturbance

Potentially Significant Impact

Based on the extensive historical use of the project area and the results of the excavations that have already been completed, there is strong potential that the grading and excavation required for the proposed project would disturb previously unknown archaeological deposits, resulting in a potentially significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

CUL-1a: The sloping horizontal brick feature found during exploratory sensitivity testing shall be further tested through hand excavation to determine its dimensions, function, possible age, and significance. The results of this testing shall be used to place the feature in an historic context for the block, determine whether or not it was a landscape feature for the Crocker property, and guide future actions for its ultimate treatment.

CUL-1b: The Cultural Resources Sensitivity Study shall be used in conjunction with detailed plans of the disturbance area for the project to develop a testing strategy and research design covering the disturbance area that has not yet been excavated. This testing strategy shall establish methods for the identification and evaluation of resources prior to construction.

Testing shall be implemented in three phases. The first phase shall consist of geophysical mapping of the near-surface (i.e., just below pavement to greatest depth of anticipated disturbance) in areas of impact to target buried features and/or deposits. Geophysical results, together with known historic maps, and planned impacts, shall serve as the basis for determining where testing occurs. The second phase of testing shall consist of ground-truthing through the excavation of a series of backhoe trenches in strategic places, identifying presence/absence of buried cultural deposits or features. The third phase of testing shall consist of evaluating discovered resources for eligibility to the California Register of Historic Resources (CRHR), either through rapid in-field assessments and documentation (profiling, photographs, etc.) or through formal, more detailed evaluations based on hand excavation.

Following testing, any resources found eligible for the CRHR shall be assessed to determine whether they will be subject to any substantial adverse affects. If substantial adverse impacts are likely to occur,

appropriate mitigation measures shall be developed and implemented.

CUL-1c: A qualified archaeological monitor shall be on-site at all times during potentially destructive construction work such as clearing, grading or trenching.

CUL-1d: In the event that any cultural resources (e.g., artifacts, features, etc.) are discovered during monitoring of project construction, potentially destructive construction work within 25 feet of the find shall cease until the find has been evaluated and a course of action decided upon. The archaeological monitor shall take action to see that a physical marker (e.g., exclusionary flagging) is erected to prohibit further potentially destructive activities. The monitor shall give notice to the archaeological project director who shall make a preliminary assessment of the discovered resource. The archaeologist shall notify the City of Sacramento and the Crocker Art Museum director to alert them to the situation. In coordination with the City and the Crocker Art Museum, the archaeologist shall evaluate the potential significance of the find, and determine what treatment measures (e.g., excavation), if any, are appropriate. If the resources are prehistoric, Native American monitoring may be recommended.

D. Impact HAZ-1 Disturbance of contaminated soil

Potentially Significant Impact

The proposed grading and excavation could disturb previously unknown soil contamination from historic uses on the site, exposing workers or the public to contamination, resulting in a potentially significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

HAZ-1: Soil quality in the area of museum expansion shall be evaluated as part of a Phase II Environmental Site Assessment. This assessment shall include collecting soil samples at approximately 8 locations, with soil samples collected from the surface and around 2 feet. Soils shall be analyzed for heavy metals, petroleum hydro-carbons (diesel and oil), and polynuclear aromatic hydrocarbons (PAHs). If significant concentrations of contaminants are detected, regulatory agency staff shall review the data and approve site remediation plans and/or and worker protection processes, as necessary, prior to the start of construction.

E. Impact HAZ-2 Disturbance of contaminated materials

Potentially Significant Impact

Buried structures, debris or impacted soil or groundwater may be encountered during site development activities; these materials may require special handling and disposal. Incorrect handling or disposal of contaminated materials would be a significant impact of the proposed project, resulting in a potentially significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

HAZ-2: Prior to beginning grading on the site, a Soil Management Plan (SMP) shall be developed to establish management practices for handling materials or structures if encountered. The SMP should include, at a minimum, protocol for contractors to follow in the event suspect conditions (i.e. discolored or odorous soils, buried debris, underground storage tanks, etc.) are encountered, contact information, protocol for evaluating suspect areas (i.e. sampling and laboratory analyses), and regulatory agency notification requirements. Regulatory agency notifications may include the SCFD, SCEMD, CVRWQCB, or the DTSC, depending on the conditions or contaminants present or suspected.

F. Impact HAZ-3 Asbestos-containing materials

Potentially Significant Impact

Due to the age of the on-site buildings, asbestos-containing materials (ACMs) may be present and could be disturbed during demolition or renovation. Release of asbestos would be a potentially significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Crocker Art Museum Expansion EIR:

HAZ-3a: Before developing bid specifications for demolition of existing structures, the project applicant shall conduct an asbestos survey under National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. The bid specifications shall include asbestos abatement if necessary.

HAZ-3b: All potentially fragile or deteriorating ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the ACMs.

G. Impact HAZ-4 Lead-based paint

Potentially Significant Impact

Based on the age of the buildings, lead-based paint is likely present and could be disturbed by demolition, renovation or construction activities. Exposure of workers or the public to airborne particles of lead-based paint would be a potentially significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California

Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Crocker Art Museum Expansion EIR:

HAZ-4a: The requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations (CCR) 1532.1 shall be followed during demolition activities. These requirements include employee training, air monitoring, and dust control.

HAZ-4b: Any lead-based paint that is peeling, flaking or blistered shall be removed prior to demolition.

HAZ-4c: Any lead-based paint removed from buildings on the project site shall be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating shall be disposed at landfills that are permitted to accept the waste being disposed. Appropriate manifest procedures shall be followed to document the receipt of the waste at the disposal facility.

I. Impact HAZ-5 Disposal of fluorescent lamps

Potentially Significant Impact

The proposed project would include removal of fluorescent lamps, which may contain PCBs or mercury. The improper disposal of these lights would be a potentially significant impact to the disposal facility.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Crocker Art Museum Expansion EIR:

HAZ-5: Immediately upon removal of fluorescent lamps, the lamps shall be packaged and clearly labeled as universal wastes. The lamps shall be promptly shipped directly to an authorized recycling facility or to a universal waste consolidator for shipment to an authorized recycling facility, according to DTSC guidelines for handling universal wastes.

J. Impact HYDRO-1 Increase in Non-point source pollutants

Significant Impact

Development of the proposed project would result in an increase in non-point source (NPS) pollutants in receiving waters, which would result in a significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Crocker Art Museum Expansion EIR:

HYDRO-1: The final drainage plan for the project shall incorporate the following Best Management Practices (BMPs) to ensure that project development does not result in a substantial increase in NPS pollutants to the Sacramento River.

- ◆ Filter mechanisms shall be installed at all drop inlets receiving runoff from the project site. Filter mechanisms can reduce the amount of sediment and petroleum hydrocarbons in runoff prior to discharge to downstream drainage facilities. Fossil filters and oil/grease separators are two types of filter mechanisms commonly used at drop inlets. Both types of filter

mechanisms must be regularly maintained to ensure functionality. A maintenance schedule must be prepared and approved by City staff prior to installation to ensure proper functioning.

- ◆ Parking lots and other paved areas shall be swept regularly to eliminate the majority of litter and debris washing into storm drains and entering local waterways. The project applicant should enter into an agreement with the City of Sacramento or with a private street sweeping company to ensure this maintenance is completed.

K. Impact GEO-1 Groundwater levels

Potentially Significant Impact

It is possible that ground water levels within the excavations for the proposed project site could rise very quickly, flooding the excavations. Ground water underlying the site could have potentially significant impacts on the construction of the proposed project.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

GEO-1: After initial grading and excavation for the proposed project has been completed, the project applicant shall consult with a qualified dewatering contractor to determine the need for dewatering under the project site. If required, dewatering shall be designed to lower the ground water at least three feet below the bottom of excavations. The dewatering system shall be designed and constructed by a dewatering contractor with local experience in the immediate vicinity of the site and shall comply with the requirements of the City of Sacramento Department of Utilities.

L. Impact GEO-2 Groundwater disposal into CSS

Significant Impact If dewatering is required, the ground water removed during dewatering for underground utilities would have to be disposed into the City's

Combined Sewer Service System (CSS), which is already insufficient to accommodate flows from heavy storms. The addition of ground water disposal from the proposed project excavation would exacerbate this existing inadequacy, which would result in a significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

GEO-2: The excavation period of the construction of the proposed project shall be completed between April and November, when ground water levels would be lower than the anticipated depth of excavation.

M. Impact TRANS-1 19.0-second delay at P and 3rd Streets

Significant Impact

Under cumulative plus project conditions at the intersection of P and 3rd Streets, compared to cumulative (no project) conditions, the project would result in an increase of 19.0 seconds of delay during the PM peak hour, which would result in a significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-

significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

TRANS-1: Change the cycle length at the intersection of P Street and 3rd Street to 85 seconds and restripe the southbound approach to include an exclusive through lane, combined through/right-turn lane, and two exclusive right-turn lanes. Signage would be needed stating that no parking would be allowed from 4:00 to 6:00 p.m. along the right curb lane.

N. Impact UTIL-1 Addition of wastewater flows into CSS

Significant Impact

The addition of wastewater flows into the CSS from the proposed project would exacerbate the existing inadequacy of the CSS and could cause increased occurrences of overflow of untreated waste, which would result in a significant impact.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measures provided in the Crocker Art Museum Expansion EIR:

UTIL-1a: The project applicant shall be required to prepare a sewer mitigation plan, for review and approval by the City Department of Utilities, which clearly demonstrates components that will be included in the project to reduce the magnitude of wastewater flows.

UTIL-1b: The project applicant shall be required to enter into an agreement to pay a proportional mitigation fee to the City to fund costs of future upgrades to the combined sewer system, when these fees are approved by the City Council.

O. Impact UTIL-2 Deficiency of Sump 52 and tributary collection system

Significant Impact

The proposed project would exacerbate existing deficiencies in the capacity of Sump 52 and the collection system tributary to Sump 52.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental impacts listed above as identified in the EIR. The City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible.

Facts in Support of Finding

The potentially significant impact listed above would be reduced to a less-than-significant level with the following mitigation measure provided in the Crocker Art Museum Expansion EIR:

UTIL-2: The proposed project shall include onsite storage or detention to accommodate increased runoff. Onsite storage could be in the form of a below-ground cistern to capture runoff from impervious areas. Onsite detention could be in the form of an excavated pond in the middle of Crocker Park to capture runoff from impervious areas. The final detention method shall be developed in consultation with the City Department of Utilities.

3. SIGNIFICANT IMPACTS WHICH CANNOT BE AVOIDED

In this section of the Findings of Fact for the proposed Crocker Art Museum Expansion project, the City, as authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Sections 15091, 15092, and 15093, identifies the significant impacts that cannot be reduced to a less-than-significant level through mitigation measures. These impacts are considered significant and unavoidable.

A. Impact CUL-2 Reduced views of Gallery Building elevations

Significant Unavoidable Impact

The location of the expansion would dramatically reduce existing views of the combined north and west elevations of the Gallery Building. The loss of the opportunity to "read" these two façades together would impair an accurate and

comprehensive understanding of the classical Italianate architectural style for which the building is listed on the National Register.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, and the City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible. However, these changes would not mitigate or avoid the significant environmental impacts as identified in the EIR.

Facts in Support of Finding

The applicant shall implement the following mitigation measures to reduce impacts to the value of the existing Crocker Art Museum buildings as a historic resource:

CUL-2a: The existing façades and surroundings of Gallery Building shall be documented according to the Historic American Building Survey (HABS) standards, including archival photographs taken by a professional photographer and measured drawings by a licensed architect.

CUL-2b: A portion of the Crocker Family Gallery shall be dedicated to presenting descriptions and illustrations of the historic views and setting of the Gallery Building to museum visitors.

CUL-2c: The height of the "water wall" feature shall be limited in consultation with the City's Design Review & Preservation Board and the Historic Preservation Director. The height of the "water wall" feature, and shall be no higher than the basement level break line in the western facade of the Gallery Building.

Implementation of the above recommended mitigation measures would reduce impacts to the value of the existing Crocker Art Museum buildings as a historic resource. However, the loss of the opportunity to "read" the north and west façades together would still occur and would result in a significant and unavoidable impact.

B. Impact CUL-3 Alteration of historic block configuration

Significant Unavoidable Impact

The alteration of the project site's block configuration would result in the loss of integrity of location, setting, feeling and association that currently contributes to

the value of the site as a historic resource.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, and the City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible. However, these changes would not mitigate or avoid the significant environmental impacts as identified in the EIR.

Facts in Support of Finding

This impact would be mitigated by Mitigation Measures CUL-2a and CUL-2b. However, the permanent loss of the existing views of the combined north and west elevations of the Gallery Building and the integrity of the existing site configuration would still occur, and would not be mitigated to a less-than-significant level. Therefore, this impact would be considered significant and unavoidable.

C. Impact CUL-4 Removal of historic landscape features

Significant Unavoidable Impact

The removal of historic landscape features, including plantings, trees, and the cast-iron fence and light standards, would reduce the historic integrity of the Crocker Art Museum.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, and the City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible. However, these changes would not mitigate or avoid the significant environmental impacts as identified in the EIR.

Facts in Support of Finding

The applicant shall implement the following mitigation measure to reduce impacts to the historic landscape features surrounding the existing Museum buildings:

CUL-4: The project applicant shall keep and reuse those features that are of period in any future schemes for the museum with any addition or

alterations being sensitive to the main character-defining features of the property as is defined within the Secretary of Interior Standards for the Treatment of Historic Properties.

Implementation of the above recommended mitigation measure would reduce impacts to historic landscape features surrounding the existing Museum buildings. However, the loss of many of these features would still occur and would result in a significant and unavoidable impact.

D. Impact TRANS-2 Insufficient parking

Significant Unavoidable Impact

The net additional 38 parking spaces proposed in the project would not accommodate the additional project-related vehicles that would visit the project site. This would exacerbate the measured lack of available parking in the vicinity of the project site.

Finding

As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project, and the City further finds that this change or alteration in the project is within the jurisdiction of the City to require, and that this measure is appropriate and feasible. However, these changes would not mitigate or avoid the significant environmental impacts as identified in the EIR.

Facts in Support of Finding

The applicant shall implement the following mitigation measure to reduce parking impacts resulting from the proposed project:

TRANS-2: The applicant shall institute a shuttle service from other parking facilities in the vicinity of the project site to the proposed project for special events.

Implementation of the above recommended mitigation measure would reduce impacts to parking. However, a deficiency of over 300 parking spaces would still occur and would result in a significant and unavoidable impact.

4. REJECTION OF ALTERNATIVES

CEQA mandates that every EIR evaluate a no-project alternative, plus a range of alternatives to the project or its location. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative

analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project. For the reasons documented in the EIR and summarized below, the City finds that approval and implementation of the project as approved is appropriate, and rejects each one and any combination of project alternatives. The evidence supporting these findings is presented in Chapter 5 of the Draft EIR.

A. Alternative A: No Project Alternative

Under the No Project Alternative, the City of Sacramento would not approve the development plans for the proposed Crocker Art Museum Expansion project. The property would remain in its current state.

Finding

Specific economic, social, or other considerations make infeasible the No Project Alternative identified in the EIR and described above.

Facts in Support of Finding

1. The No Project Alternative would meet two of the applicant's goals and objectives of the proposed project: to continue the historic use of the existing buildings as a museum open to the public, and to provide state of the art collection management.
2. Other key objectives, including expanding available gallery space, accommodating major exhibits, improving visitor amenities, consolidating the collection and maximizing visitor flow would not be met under this alternative.
3. The No Project Alternative would not meet the City's goals of supporting cultural and entertainment facilities in the downtown area and along the riverfront, as explicitly stated in the General Plan, Central City Community Plan, and Riverfront Master Plan. It would also be inconsistent with the Downtown Cultural & Entertainment Master Plan, which recommended continued expansion of the Crocker Art Museum.
4. Significant effects of the proposed project are acceptable when balanced against this Alternative and the facts set forth in the Crocker Art Museum Expansion Draft EIR.

B. Alternative B: Off-Site Alternative

The proposed expansion would be constructed immediately north across O Street from the proposed project site, in what is currently Crocker Park. The project would be developed as a separate structure rather than as an extension of the existing building. The expansion would be essentially the same size and general architectural style as the proposed project, and would include essentially the same amounts and types of interior program areas. The building would be located generally along a north-south axis, with a main entrance directly across O Street from the existing entrance, and a service entrance off 2nd Street

immediately south of the inter-section with N Street.

Finding

Specific economic and social considerations make the Off-Site Alternative, identified in the EIR and described above, a less desirable alternative for the project applicant and the City.

Facts in Support of Finding

1. Under the Off-Site Alternative, five of the project objectives would be met. The two objectives that would not be met under this alternative would be the objective of creating space to accommodate major exhibits, and to maximize the efficient flow of visitors in the public areas. With the exhibit space and visitor flow divided into two buildings across a public street from each other, the flexibility to combine spaces for larger exhibits and enhance visitor flow between exhibit areas would be greatly diminished.
2. Significant effects of the proposed project are acceptable when balanced against this Alternative and the facts set forth in the Crocker Art Museum Expansion Draft EIR.

5. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding disclosure of the significant impacts and the accompanying mitigation, the City Council has determined pursuant to Section 15093 of the CEQA Guidelines that the benefits of the project outweigh the adverse impacts, and the proposed project shall be approved.

With reference to the above findings and in recognition of those facts which are included in the record, the City Council has determined that the proposed project would contribute to the environmental impacts which are considered significant and adverse, as disclosed in the EIR prepared for the proposed project.

Under CEQA, the City Council must balance the benefits of the Project against its unavoidable environmental risks in determining whether to approve the Project. If the benefits of a Project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]). However, CEQA requires the City to support, in writing, the specific reasons for considering a Project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). Those reasons are provided below as the "Statement of Overriding Considerations."

The City finds that the economic, social, or other benefits of the Project outweigh the unavoidable environmental impacts and that the Alternatives are rejected based upon the following legal, environmental, social, technological and other considerations.

The City specifically finds, and therefore makes this Statement of Overriding Considerations, that as a part of the process of obtaining project approval, all significant effects on the environment with implementation of the Proposed Project have been eliminated or substantially lessened where feasible. Furthermore, the City has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations described below.

1. The adopted policies of the General Plan, Central City Community Plan, Downtown Cultural & Entertainment Master Plan, and particularly the Riverfront Master Plan all establish the need to support, enhance and expand cultural opportunities in Downtown Sacramento, as identified in the Land Use chapter of the EIR. The expansion of the Crocker Art Museum will comply with these policies and will help the City meet its stated goal of remaining the region's cultural center. As described in the October 2001 Crocker Art Museum Master Plan Study, if the Museum does not expand, it will be increasingly unable to meet public demand or exhibit and store its extensive collection effectively and safely. This would conflict with the adopted goals and policies cited above.
2. Alternative locations for the expansion that would avoid the cultural resources impacts resulting from its placement on the west side of the existing Museum would create other significant impacts, such as loss of an existing City park.
3. The proposed expansion would enhance the City's visitor's amenities by providing greater gallery space, space to accommodate special and traveling exhibits.
4. The proposed expansion would further the Museum's mission of offering educational programs to the community and to serve as the primary arts institution in the Sacramento area.

