

RESOLUTION NO. 2012-013

Adopted by the Sacramento City Council

January 24, 2012

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE TOWNSHIP 9 DEVELOPMENT AGREEMENT AMENDMENT PROJECT (P06-047)

BACKGROUND

- A. On August 28, 2007, pursuant to 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 City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR) and, having reviewed and considered the information contained in the EIR, adopted findings of fact and findings of overriding consideration, adopted a mitigation monitoring program, and approved Township 9 (Project).
- B. The Township 9 Development Agreement Amendment Project (P06-047) proposes to amend the development agreement to provide that the developer will undertake development of two of the parks for the project in lieu of paying the Park Development Impact fee.

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

Section 1. The City Council finds as follows:

- A. On August 28, 2007 pursuant to 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 City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR) and, having reviewed and considered the information contained in the EIR, adopted findings of fact and findings of overriding consideration, adopted a mitigation monitoring program, and approved the Township 9 project (P06-047) (Project).
- B. The Township 9 Development Agreement Amendment Project proposes to modify the previously approved Project as follows to allow the developer to develop park sites in lieu of paying the Park Development Impact Fee.
- C. Staff has determined that the proposed changes to the original Project do not require the preparation of a subsequent EIR.

Section 2. The City Council has reviewed and considered the information contained in the previously certified EIR for the Project, the previously adopted findings of fact and findings of overriding consideration, and all oral and documentary evidence

received during the hearing on the Project Modification. The City Council finds that the previously certified EIR constitutes an adequate, accurate, objective, and complete review of the proposed Project Modification and finds that no additional environmental review is required based on the reasons set forth below:

- A. No substantial changes are proposed by the Project Modification that will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- B. No substantial changes have occurred with respect to the circumstances under which the Project Modification will be undertaken which will require major revisions to the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- C. No new information of substantial importance has been found that shows any of the following:
 - 1. The Project Modification will have one or more significant effects not discussed in the previously certified EIR;
 - 2. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
 - 3. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or
 - 4. Mitigation measures which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

Section 3. Based on its review of the previously certified EIR for the Project, the previously adopted findings of fact and findings of overriding consideration, and all oral and documentary evidence received during the hearing on the Project Modification, the City Council finds that the EIR reflects the City Council's independent judgment and analysis, certifies the EIR for the Project Modification, and readopts the findings of fact and findings of overriding considerations.

Section 4. The mitigation monitoring program for the Project as previously adopted remains in effect and applies to this approval. The mitigation monitoring program has been adopted and implemented as part of the Project. The mitigation monitoring program meets the requirements of CEQA Section 21081.6 and the CEQA Guidelines section 15091.

Section 5. Upon approval of the Project, the City's Environmental Planning Services 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.

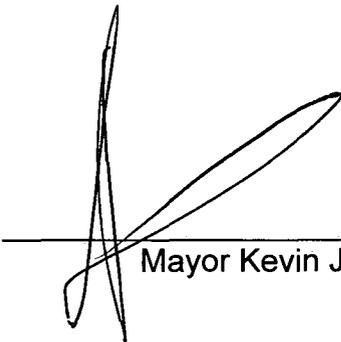
Adopted by the City of Sacramento City Council on January 24, 2012 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmember Robert King Fong.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk