

RESOLUTION NO. 90-100

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO

ON DATE OF October 16, 1990

RECOGNIZING THE ADEQUACY OF THE PRIOR ENVIRONMENTAL IMPACT REPORT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE DOCKS HOTEL PROJECT

WHEREAS, an Environmental Impact Report (the "EIR") on the Docks Area Development Project was prepared by the Redevelopment Agency of the City of Sacramento (the "Agency") pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq., hereinafter "CEQA") and the administrative guidelines thereunder, (14 Cal. Adm. Code Section 15000 et seq., hereinafter the "CEQA Guidelines") and local procedures adopted by the Agency pursuant to CEQA and the CEQA Guidelines; and

WHEREAS, the Agency certified that the Final EIR for the Docks Area Development Project was completed in compliance with CEQA, CEQA Guidelines and local procedures adopted by the Agency; and

WHEREAS, pursuant to Title 14, California Administrative Code, Section 15162, the Agency's Environmental Coordinator has determined that there are no substantial changes in the hotel portion of the Project (the "Project") or in the circumstances under which the Project is to be undertaken and that the Project involves no new significant impacts not considered in the previous EIR.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO:

Section 1: The above statements are true and correct.

Section 2: The Agency hereby determines that the prior EIR was completed in compliance with CEQA, CEQA Guidelines and local procedures adopted by the Agency, that the Agency has reviewed and considered the information contained in the Final EIR, and that no further environmental documents are required.

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Section 3: The Agency hereby makes the written findings set forth in Exhibit B, attached hereto and incorporated by reference herein, for each of the significant effects set forth in said Exhibit B, and further approves the statement of facts set forth in said Exhibit B. Based on such findings and statement of facts, the Agency hereby finds that significant environmental effects have been reduced to an acceptable level in that all significant environmental effects have been eliminated or substantially lessened to an insignificant level, except that the development of the Project as proposed would contribute to cumulative impacts, resulting in violations of the 8-hour carbon monoxide standards at the intersections of 3rd Street/Capitol Mall and 3rd Street/P Street during the evening peak hour and unsatisfactory operation of the 3rd Street/P Street intersection during evening peak hours. Based on the foregoing, the Agency finds and determines that the Project will have a significant effect upon the environment.

Section 4: As to the significant environmental effects identified in Section 3 of this resolution which are not eliminated or substantially lessened, the Agency hereby adopts the following statement of overriding considerations:

The Agency hereby finds that, based on the findings and statement of facts set forth in Exhibit B, and based on the Final EIR and other information contained in the record, its action to approve and carry out the Project is supported because the Project will, in furtherance of the adopted redevelopment plan for the area, (a) eliminate blighting influences and correct deficiencies in the Project Area, such as inadequate parking, improper or poor utilization of prime riverfront property, lack of public access and riverfront infrastructure, and social and economic blight; (b) provide expanded public facilities anticipated in the Redevelopment Plan; (c) generate permanent private sector jobs, including entry-level jobs for Project Area residents; (d) provide approximately \$55,800,000 of revenues to local government over a 30 year period; (e) strengthen the economic base of the Project Area and the community by installing needed site improvements which will stimulate new commercial and public facilities expansion, new employment and economic growth; (f) increase the visitor-serving facilities and other commercial use and availability in the downtown area; and (g) increase tourism to Old Sacramento and the Docks area by providing hotel accommodations within walking distance.

Section 5: In the event that it is determined that the significant effects identified in Section 3 are not mitigated or substantially lessened, the Agency hereby finds that, based on the Final EIR and/or other information contained in the record, its action to approve and carry out the Project is supported for the reasons specified in Section 4 of this Resolution.

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Section 6: Upon approval and adoption of the Project by the Agency, the Environmental Coordinator of the Agency is hereby directed to file a Notice of Determination with the County Clerk of Sacramento County pursuant to the provisions of Section 15094 of the State CEQA Guidelines.

Carene Kudin
CHAIR

ATTEST:

R. J. [Signature]
SECRETARY

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EXHIBIT B

SACRAMENTO CITY COUNCIL
AND
REDEVELOPMENT AGENCY
OF THE
CITY OF SACRAMENTO

RE: APPROVAL OF THE EMBASSY SUITES HOTEL PROJECT

FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS

I. GENERAL INFORMATION AND DESCRIPTION OF THE PROJECT

The Embassy Suites Hotel Project ("Project") is part of the Docks Master Plan Project approved on December 7, 1987. The proposed Docks Area Development would involve the construction of a mixed use development including commercial, marina, cultural and public facilities. The Prior Environmental Impact Report prepared for the Docks Project and certified on December 7, 1987 analyzed a 300-room, eleven story luxury waterfront hotel, located on the current Project site.

The Project is now a 245-room, eight story hotel, with two-levels of subterranean parking. It is located on the south side of Capitol Mall and the east bank of the Sacramento River, just west of Interstate 5.

Prior approvals for the Project included 1) the design of the Embassy Suites Hotel, in concept, subject to any modification to the design by the Design Review Board; 2) the Predevelopment Agreement for the Project, including the Schedule of Performance; 3) the financing plan for the construction of the public improvements including the hotel garage; and 4) the transfer of City-owned Docks project area property identified by specific assessor parcel numbers to the Agency for inclusion as a portion of the site of the hotel. The current action approves: 1) the new design of the Embassy Suites Hotel as modified by the Design Review Board and the City Council's Embassy Suites Hotel appointed design review committee; 2) the amendment of the Schedule of Performance; 3) the revised financing plan for the construction of the hotel garage; and 4) the transfer of City-owned property, now subsequently merged into a single parcel and new legal description, to the Agency for inclusion as a portion of the hotel site.

On October 9, 1990, the City and the Agency, meeting in joint

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session, considered the Project and after receipt of oral and documentary evidence, the Agency and the City determined that:

1. The Prior EIR was completed in compliance with the California Environmental Quality Act; and
2. The information in the Prior EIR was presented to, reviewed and considered by the City and the Agency prior to approving the Project.

II. FINDINGS AND STATEMENTS OF FACTS SUPPORTING THE FINDINGS

A. SIGNIFICANT EFFECTS WHICH CAN BE AVOIDED

FINDING: As authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Sections 15091, 15092, and 15093, the City and the Agency find that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects listed below, as identified in the Prior EIR.

This finding is supported by substantial evidence in the record of the proceedings before the City and the Agency as stated below.

1. Significant Effect:

Land Use: The Project would introduce a significantly different type of development than currently exists on the site, which is zoned for light industrial uses (M-1) .

Facts Supporting Mitigation: The present M-1 zoning is a zone that has a great deal of flexibility with respect to types of uses. A hotel is allowed in the M-1 zone without a special permit.

2. Significant Effect:

Noise: Construction activities would temporarily generate high noise levels intermittently over the period of construction.

Facts Supporting Mitigation: All construction equipment and operations with a high noise potential must be muffled or controlled as feasible.

3. Significant Effect:

Visual Quality: The visual character of project area would change. The hotel building would reinforce the promenade effect on Capitol Mall.

Facts Supporting Mitigation: This significant effect is positive and consistent with the general area's improvements. The Project meets the goals and policies of planning documents relating to visual issues for the area.

4. Significant Effect:

Traffic and Circulation: The Project would contribute to increased traffic volumes at all intersections analyzed.

Facts Supporting Mitigation: Ingress and egress off Capitol Mall will be designed to the satisfaction of the City's Transportation Division. The hotel will reduce vehicle trips generated by 35 percent through participation in the City's Transportation Management Program.

5. Significant Effect:

Hydrology and Water Quality: The Project would significantly increase the amount of impervious surface area, and thus increase stormwater run-off entering the City's combined stormwater/sewage system.

Facts Supporting Mitigation: The City is currently studying the separation of the existing combined system to mitigate overflow problems. Future financing of any improvements will be determined by the City Council.

6. Significant Effect:

Cultural Resources: The Project site may contain potentially significant historic cultural deposits dating from the 1840's to the 1920's, which could be disturbed during project construction.

Facts Supporting Mitigation: During activities which disturb the ground, the Project site will be monitored by a qualified archaeologist. In the event that subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during development or construction of the Project, work in the area shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues. Such measures will include (but not be limited to) researching and identifying the history of the resource(s), mapping the location(s), and recording the resource(s) photographically.

7. Significant Effect:

Air Quality: Construction activities would create a temporary increase in dust fall and therefore an increase in TSP near the construction site.

Facts Supporting Mitigation: Any construction contracts must require watering in late morning and at the end of the day with the frequency of watering increasing if wind speed exceeds 15 mph.

B. **SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED**

FINDING: The City and the Agency find that for the following significant effects specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the Prior EIR which could reduce the impact to less-than-significant levels.

This finding is supported by substantial evidence in the record of the proceedings before the City and the Agency.

1. Significant Effect:

Air Quality: Vehicles from the Project would contribute to continued apparent violations of the eight-hour state and federal carbon monoxide concentrations at the intersections of 3rd/Capitol Mall and 3rd/P Streets.

Supporting Facts: Violations of air quality standards are part of a regional air quality problem which is beyond the control of individual projects or local governing boards to fully mitigate. The Project owner will implement a Transportation Management Program.

III. **ALTERNATIVE**

The discretionary actions subject to CEQA under this Project are implementing actions of previous Project approvals. Failure to approve 1) the new Project design as approved by the City's Design Review Board; 2) the financing plan for the construction of the public improvements; and 3) the transfer of City-owned Docks project area property to the Agency, would not meet the redevelopment objectives of the Redevelopment Agency for the Project site and would be inconsistent with prior approvals for this site.

IV. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding the disclosure of the significant impacts and their mitigation described, supra, the City and the Agency have determined pursuant to Section 15093 of the State CEQA Guidelines that the benefits of the Project outweigh the adverse impacts, and the Project should be approved.

With reference to the above findings and in recognition of those facts which are included in the record, the City and the Agency have determined that the Project would contribute to land use, noise, visual, traffic, air quality, cultural and drainage impacts which are considered significant adverse impacts, as disclosed in the Prior Docks Area Development Environmental Impact Report prepared for this Project.

The City and the Agency specifically find and make this Statement of Overriding Considerations that, as part of the approval provisions, the Project has eliminated or substantially lessened all significant effects on the environment where feasible, and has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns as described below:

1. The Project will eliminate blighting influences and correct deficiencies in the Project Area, such as inadequate parking, improper or poor utilization of prime riverfront property, lack of public access and riverfront infrastructure, and social and economic blight.
2. The Project will provide expanded public facilities anticipated in the Merged Downtown Redevelopment Plan.
3. The Project will generate permanent private sector jobs, including entry-level jobs for Project Area residents.
4. The Project will provide approximately \$55.8 million of revenues to local government over a 30 year period.
5. The Project will strengthen the economic base of the Project Area and the community by installing needed site improvements which will stimulate new commercial and public facilities expansion, new employment and economic growth.
6. The Project will increase the visitor-serving facilities and other commercial use and availability in the downtown area.
7. The Project will increase tourism to Old Sacramento and the Docks area by providing hotel accommodations within walking distance.

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