

RESOLUTION NO. 2014-0262

Adopted by the Sacramento City Council

July 29, 2014

RE-ADOPTING THE ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF SACRAMENTO COMBINED SEWER SYSTEM REHABILITATION AND IMPROVEMENT PLAN – DOWNTOWN COMBINED SEWER UPSIZING PROJECT INCLUDING THE 7TH STREET SEWER REPLACEMENT P TO K STREET PROJECT

BACKGROUND

- A. On July 29, 2014, the City Council conducted a public meeting for which notice was given and received and considered evidence concerning the 7th Street Sewer Replacement P to K Street 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. On March 11, 1997, 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 City of Sacramento Combined Sewer System Rehabilitation and Improvement Plan (Project).
- B. On June 11, 2013, pursuant to CEQA, the CEQA Guidelines, and the City of Sacramento environmental guidelines, the City Council adopted an Addendum to the EIR, specifically for the P Street Sewer Improvements 5th to 7th Street Project. The Addendum also included evaluation of the 7th Street from P to K and the L Street from 7th to 9th Street projects.

- C. The 7th Street Sewer Replacement P to K Street Project (Project Modification) proposes to modify the previously approved Project by replacing deteriorated portions of the Combined Sewer System (CSS), add in-line storage to reduce flooding in the surrounding and upstream portions of the CSS, and continue the Downtown Sewer Upsizing Program, a major component of the long-term CSS Improvement Program. This program is mandated by the City's National Pollution Discharge Elimination System permit, which regulates the City's operation of the CSS.
- D. Staff has determined that the proposed changes to the original Project do not require the preparation of a subsequent EIR. The Addendum to the previously certified EIR that has been prepared is adequate to evaluate the Project Modification.

Section 2. The City Council has reviewed and considered the information contained in the previously certified EIR and adopted Addendum 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 and the Addendum constitute 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 and adopted Addendum;

2. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR and adopted Addendum;
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 and adopted Addendum 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 and Addendum reflect the City Council's independent judgment and analysis, certifies the EIR and the Addendum for the Project Modification, and readopts the findings of fact and findings of overriding considerations.

Section 4. The mitigation monitoring plan for the adopted for the Project remains applicable for the Project Modification, 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;
- B. The Addendum to the EIR does not include any new mitigation measures, and has not eliminated or modified any of the mitigation measures included in the mitigation monitoring program;
- C. 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 Modification, the City Manager 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, including the EIR and Addendum, 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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Exhibit A: Resolution No. 2013-0186 including Resolution No. 97-123 and MMP

Adopted by the City of Sacramento City Council on July 29, 2014, by the following vote:

Ayes: Members Ashby, Cohn, Fong, Hansen, Schenirer, Warren, and Mayor Johnson

Noes: None

Abstain: None

Absent: Member McCarty

Vacant: District 8

Attest:

Shirley A. Concolino Digitally signed by Shirley A. Concolino
DN: cn=Shirley A. Concolino, o=City of Sacramento, ou=City
Clerk, email=sconcolino@cityofsacramento.org, c=US
Date: 2014.08.04 15:12:10 -07'00'

Shirley Concolino, City Clerk