

CHAPTER 1 INTRODUCTION

INTRODUCTION

This Final Environmental Impact Report (EIR) contains the public and agency comments received during the public review period for the McKinley Village Draft EIR, and responses to each of those comments.

The EIR is an informational document intended to disclose to the City of Sacramento (City) and the public the environmental consequences of approving and implementing the McKinley Village Project (proposed project) or one of the alternatives to the project described in the Draft EIR. All written comments received during the public review period (November 12, 2013, through January 10, 2014) on the Draft EIR are addressed in this Final EIR.

The responses in the Final EIR clarify, correct, and/or amplify text in the Draft EIR, as appropriate. Also included are text changes made at the initiative of the Lead Agency (City of Sacramento). These changes (summarized in Chapter 2) do not alter the conclusions of the Draft EIR. This document has been prepared in accordance with the California Environmental Quality Act (CEQA; California Public Resources Code (PRC), Sections 21000–21177).

BACKGROUND

In accordance with CEQA, the City released a Notice of Preparation (NOP) on May 24, 2013. The purpose of the NOP was to provide notification that an EIR for the project was being prepared and to solicit guidance on the scope and content of the document. Prior to release of the NOP, the project applicant held several community meetings to hear concerns raised by adjacent landowners. The Draft EIR was circulated for public review and comment for a period of 61 days from November 12, 2013, through January 10, 2014.

The comments and responses that make up the Final EIR, in combination with the Draft EIR, as amended by the text changes, constitute the EIR that will be considered for certification by the decision makers of the City of Sacramento.

CEQA REQUIREMENTS

Under CEQA, the Lead Agency must prepare and certify a Final Environmental Impact Report (Final EIR) prior to approving a proposed project. The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.

- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

The Lead Agency must provide each agency that commented on the Draft EIR with a copy of the Lead Agency's response to such comments a minimum of 10-days before certifying the Final EIR.

USE OF THE FINAL EIR

The Final EIR allows the public and the City an opportunity to review revisions to the Draft EIR and the Responses to Comments. The Final EIR serves as the environmental document to inform the City Council's consideration of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

As required by Section 15090 (a) (1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. The Statement of Overriding Considerations shall be supported by substantial evidence in the Lead Agency's administrative record. Here, however, because the proposed project would not result in significant and unavoidable impacts (assuming the City Council finds all proposed mitigation measures to be feasible), the City Council would not be required to adopt a Statement of Overriding Considerations if it approves the proposed project (See also Public Resources Code Section 21081).

The Findings of Fact are included in a separate document that will be considered for adoption by the City's decision makers at the time of project approval.

SUMMARY OF TEXT CHANGES

Chapter 2 in this Final EIR, Text Changes to the Draft EIR, identifies all changes made to the document by section. These text changes provide additional clarity in response to comments received on the Draft EIR as well as provide revisions to the project made by the project applicant, but do not change the significance of the conclusions presented in the Draft EIR.

RESPONSES TO COMMENTS

A list of public agencies and individuals commenting on the Draft EIR is provided in Chapter 3 in this Final EIR. A total of 129 comment letters were received and each letter and response is included in Chapter 3. Each response is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the number of the comment letter appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letters are the responses, each with binomials that correspond to the bracketed comments. As the subject matter of one topic may overlap between letters, the reader must occasionally refer to one or more responses to review all the information on a given subject. To assist the reader, cross-references to other comments are provided. In addition, master responses have been prepared for the same issue or concern that was raised in multiple comments. The master responses precede the comment letters and, where applicable, the reader is referred back to the master response to address the issue raised in the comment.

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