

RESOLUTION NO. 2021-0078

Adopted by the Sacramento City Council

April 6, 2021

A Resolution (1) Certifying that the City of Sacramento has considered the Supplemental Environmental Impact Report Prepared for the UC Davis Sacramento Campus 2020 Long Range Development Plan Update and Aggie Square Project (SEIR) and the Addendum to the SEIR, (2) Determining that the Project has No Feasible Alternatives or Mitigation Measures within the City's Jurisdiction that Would Substantially Lessen or Avoid Any of the Significant Effects Identified in the SEIR, (3) Adopting a Statement of Overriding Policy Considerations, and (4) Approving the Addendum to the SEIR

BACKGROUND

- A. On November 19, 2020, in accordance with the California Environmental Quality Act (“**CEQA**”), and the CEQA Guidelines, the Board of Regents of the University of California (the “**UC Regents**”), on behalf of its Davis campus, certified a Supplemental Environmental Impact Report (the “**SEIR**”), adopted Findings of Fact and Statement of Overriding Policy Considerations, and approved the UC Davis Sacramento Campus 2020 Long Range Development Plan Update and Aggie Square project (the “**Original Project**”). The UC Regents filed the Notice of Determination for the Original Project on November 19, 2020.
- B. The City Council is taking four actions relative to the Original Project: it has (1) initiated the formation of the Aggie Square Enhanced Infrastructure Financing District (the “**Aggie Square EIFD**”) and is approving (2) the Infrastructure Financing Plan for Aggie Square (the “**Aggie Square IFP**”); (3) the Community Benefit Partnership Agreement (the “**CBPA**”); and (4) the Preliminary Term Sheet for Public-Financing Assistance of Aggie Square Phase 1 (the “**Term Sheet**”).
- C. The City prepared an Addendum to the SEIR addressing changes or additions to the SEIR related to the Aggie Square EIFD and the Aggie Square IFP (the “**Addendum**”).

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

Section 1. The statements in the Background are correct.

Section 2. **Responsible Agency.** The Aggie Square EIFD will fund portions of the Original Project infrastructure. The CBPA, among other things, commits the City, Wexford, and the UC Regents to the construction of infrastructure studied in the SEIR. The City of Sacramento is a Responsible Agency under CEQA Guidelines section 15096 because it will approve the Aggie Square IFP for the Aggie Square EIFD, the CBPA, and the Term Sheet.

As a responsible agency, the City Council certifies that it has considered the environmental effects of the Original Project as well as the alternatives and mitigation measures as described in the SEIR and the Addendum. The City Council finds there are no mitigation measures or alternatives within the City's jurisdiction. Accordingly, in accordance with CEQA Guidelines section 15096(g), the City Council finds that there are no mitigation measures or project alternatives that can substantially lessen or avoid the Original Project's significant environmental effects. (*RiverWatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202.)

Section 3. **Addendum.** Based on its review and evaluation of the Original Project, staff has determined that the Aggie Square IFP, CBPA, and Term Sheet do not require the preparation of a subsequent or supplemental EIR. The Addendum, attached as Exhibit A to this resolution, documents this determination.

The City Council has reviewed and considered the information in the previously certified SEIR for the Original Project, the Addendum, and all oral and documentary evidence received during the hearing on the Aggie Square IFP, the CBPA, and the Term Sheet. The City Council has determined that the previously certified SEIR and the Addendum constitute an adequate, accurate, objective, and complete review of the proposed Aggie Square IFP, the CBPA, and the Term Sheet 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 that will require major revisions of the previously certified SEIR 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 will be undertaken which will require major revisions to the previously certified SEIR 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 will have one or more significant effects not discussed in the previously certified SEIR.
 - (2) Significant effects previously examined will be substantially more severe than shown in the previously certified SEIR.
 - (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.
 - (4) Mitigation measures that are considerably different from those analyzed in the previously certified SEIR would substantially reduce one or more significant effects on the environment.

Based on its review of the previously certified SEIR, the previously adopted findings of fact and findings of overriding consideration, the addendum, and all oral and documentary evidence received during the hearing on the Original Project, the City Council finds that the Addendum reflects the City Council's independent judgment and analysis and hereby approves the Addendum for the Aggie Square IFP, the CBPA, and the Term Sheet.

Section 4. **Statement of Overriding Considerations.** CEQA Guidelines sections 15092 and 15093 do not require a statement of overriding considerations because the Original Project has no significant environmental effects within the City's jurisdiction and the Aggie Square IFP and the CBPA do not result in any additional significant impacts over and above those identified in the SEIR. Nonetheless, the City adopts the Statement of Overriding Policy Considerations set forth in Attachment A to this resolution.

Section 5. **Notice of Determination.** Upon approval of the Aggie Square IFP and the CBPA, the City Manager shall file or cause to be filed a Notice of Determination in compliance with the CEQA Guidelines and, if the Original Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, in accordance with CEQA (specifically Pub. Resources Code, § 21152, subd. (a)) and the CEQA Guidelines.

Section 6. In accordance with CEQA Guidelines sections 15091 and 15093, and in support of its approval of the Original Project, the City Council hereby adopts the attached Findings of Fact and Statement of Overriding Policy Considerations in support of approval of the project as set forth in the attached Attachment A to this resolution.

Upon approval of the Aggie Square IFP and the CBPA, the City Manager shall file or cause to be filed a Notice of Determination in compliance with CEQA Guidelines and, if the Original Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, in accordance with CEQA (specifically Pub.Resources Code, § 21152, subd. (a)) and the CEQA Guidelines.

In accordance with CEQA 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 previously-certified SEIR, are located in, and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California or by email at records@cityofsacramento.org

The SEIR certified by the UC Regents, with comments and responses and record of approval, is available at <https://environmentalplanning.ucdavis.edu/uc-davis-sacramento-campus-2020-lrdp-update>.

Adopted by the City of Sacramento City Council on April 6, 2021 by the following vote:

Ayes: Members Ashby, Guerra, Harris, Jennings, Loloee, Schenirer, and Mayor Steinberg

Noes: Members Valenzuela and Vang

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2021.04.20 20:18:05 -07'00'
Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.